



AGENDA

Lake Park Town Commission
Town of Lake Park, Florida
Commission Workshop
Thursday, May 30, 2013, 6:30 p.m.
Lake Park Town Hall
535 Park Avenue

James DuBois	—	Mayor
Kimberly Glas-Castro	—	Vice-Mayor
Erin T. Flaherty	—	Commissioner
Michael O'Rourke	—	Commissioner
Kathleen Rapoza	—	Commissioner
Dale S. Sugerman, Ph.D.	—	Town Manager
Thomas J. Baird, Esq.	—	Town Attorney
Vivian Mendez, CMC	—	Town Clerk

PLEASE TAKE NOTICE AND BE ADVISED, that if any interested person desires to appeal any decision of the Town Commission, with respect to any matter considered at this meeting, such interested person will need a record of the proceedings, and for such purpose, 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. *Persons with disabilities requiring accommodations in order to participate in the meeting should contact the Town Clerk's office by calling 881-3311 at least 48 hours in advance to request accommodations.*

- A. **CALL TO ORDER/ROLL CALL**
- B. **PLEDGE OF ALLEGIANCE**
- C. **DISCUSSION:**
 1. **Vision & Mission**
 - Review of Current Mission Statement
 2. **Review of Town Commission Approved Projects**
 - Review of List of Items to be Considered
 - Current Departmental Goals & Objectives
- D. **ADJOURNMENT**

TAB 1

VISION
&
MISSION

**TOWN OF LAKE PARK
MISSION STATEMENT**



To improve the quality of life for all Town stakeholders through the provision of effective and efficient service delivery while maintaining a small town atmosphere in an urban environment and embracing the sense of place and community that makes the Town of Lake Park special.

This mission statement continues to guide all Town employees in their significant role as public servants.

Commission Accepted Since February 5, 2003

Mission Statement vs. Vision Statement

Organizations summarize their goals and objectives in **Mission and Vision statements**. Both these things serve different purposes for the organization but are often confused with each other. While a mission statement describes what the organization wants **now**, the vision statement describes what the organization wants to be in the **future** (where it is going).

Comparison chart

	Mission Statement	Vision Statement
About:	A Mission statement talks about HOW you will get to where you want to be. Defines the purpose and primary objectives.	A Vision statement outlines where you want to be. Communicates both the purpose and values of your business
Answer:	It answers the question, "What do we do?"	It answers the question, "Why are we here?"
Time:	A mission statement talks about the present leading to its future.	A vision statement talks about your future.
Function:	It lists the broad goals for which the organization is formed. Its prime function is internal, to define the key measure or measures of the organization's success and its prime audience is the leadership team and stakeholders.	It lists where you see yourself some years from now. It inspires you to give your best. It shapes your understanding of why are you working here
Change:	Your mission statement may change, but it should still tie back to your core values and vision.	Your vision should remain intact, even if the market changes dramatically, because it speaks to what you represent, not just what you do.
Developing a statement:	What do we do today? For whom do we do it? What is the benefit?	What do we want to do going forward? When do we want to do it? How do we want to do it?

Mission Statement

Vision Statement

Features of an effective:

Purpose and values of the organization. Which business the organization wants to be in (products or services, market) or who are the organization's primary "clients" (stakeholders)?

Clarity and lack of ambiguity. Paints a vivid and clear picture, not ambiguous. Describing a bright future (hope). Memorable and engaging expression. Realistic aspirations, achievable. Alignment with organizational values and culture

Examples of Mission Statements

There isn't any difference between managing a company and managing a community or city. When a quality lifestyle is the goal, a locality mission statement provides the foundation.

Mobile Police Department

Description

The Mobile Police Department is an organization that seeks to uphold the peace and order, offering its protection and service to the citizens living in Mobile, Alabama.

Mission Statement

The mission of the Mobile Police Department is to protect and serve the citizens of the City of Mobile in an effective and efficient manner through the wise use and management of all resources.

Mobile Fire Department

Description

The Mobile Fire Department is an organization that is based in Mobile, Alabama. It serves the citizens who live there, and is called upon whenever there is a fire or other hazardous conditions.

Mission Statement

The Mission of the Mobile Fire-Rescue Department is to identify and respond to community needs in order to deliver an effective and efficient system of services which minimize risk to life, health, and property from fire, trauma, acute illness, and hazardous conditions.

Anchorage Police & Fire Retirement System

Description

The Anchorage Police & Fire Retirement System is based in Anchorage, Arkansas. It is an organization that caters to the people who have retired from the Anchorage Fire and Police Departments; for instance, through taking care of their health insurance plans.

Mission Statement

The Retirement Board will administer the Retirement System for the exclusive benefit of the members by prudently managing and investing the Plans' assets.

Neighborhood Services

Description

The Neighborhood Services Department of Phoenix, Arizona was established to cater to the neighborhoods in the area. They have different programs and support services that enable them to protect stable neighborhoods as well as aid underprivileged ones. Their Neighborhood Preservation Ordinance is a division that was created in order to address the problem of blight.

Mission Statement

To preserve and improve the physical, social and economic health of Phoenix neighborhoods, support neighborhood self-reliance and enhance the quality of life for the residents through community-based problem solving, neighborhood-oriented services and public/private cooperation.

Phoenix Police Department

Description

The Phoenix Police Department strives to protect and serve the citizens of Phoenix, Arizona. They are in charge of both crime suppression and neighborhood safety.

Mission Statement

To Ensure the Safety and Security for Each Person in our Community

Anaheim Police Department

Description

The Anaheim Police Department in California is a department that caters to the citizens in Anaheim to address the problem of crime and disorder. Their police services and departments include helping people against domestic violence, family crimes, gangs, sexual assault, etc.

Mission Statement

We, the members of the Anaheim Police Department, are devoted to our community by providing excellence in police services. We recognize our responsibility to maintain order and protect the residents and visitors to our city. We strive to build community partnerships to improve the quality of life in our residential and business neighborhoods.

Beverly Hills Fire Department

Description

The Beverly Hills Fire Department in California is a "Class 1" department that offers services in public safety, fire prevention, fire suppression, medical and ambulance transportation, and also conducts public education programs.

Mission Statement

The mission of the Beverly Hills Fire Department is to continue the tradition of excellence by protecting and enhancing the quality of life for our citizens through a strong commitment in providing progressive, highly trained, and properly equipped personnel.

Public Library

Description

The Public Library in Los Angeles provides the community of people in California access to books, magazines, publications, and other materials.

Mission Statement

The Los Angeles Public Library provides free and easy access to information, ideas, books and technology that enrich, educate and empower every individual in our city's diverse communities.

Inspector General

Description

The Inspector General at Los Angeles, California helps in the Los Angeles Police Department. They handle complaints in the LAPD, in addition to reviewing LAPD audits, major complaint investigations, and Use of Force Investigations.

Mission Statement

The mission of the Office of the Inspector General (OIG) is to provide strong, independent and effective oversight of the Los Angeles Police Department (LAPD) and to ensure that the LAPD, its officers, and employees act with honesty, integrity, dignity, and respect towards the public, as well as ensuring that both the OIG's as well as the LAPD's responsibilities under the Federal Consent Decree with the U.S. Department of Justice (Consent Decree) are being met. In addition, the OIG conducts community outreach to educate the community about the OIG, the Police Commission (Commission), and the LAPD on a periodic basis, but especially in the wake of high-profile use of force incidents and other newsworthy developments of particular interest to the community. The OIG carries out its mission through three discrete sections: the Complaint Section, the Audit Section, and the Use of Force section. The responsibilities and objectives of each section are described below

Senior Services

Description

Senior Services is a Department of Aging in Los Angeles that caters primarily to senior citizens. Their programs include the Emergency Alert Response System, the Senior Community Service Employment Program, Legal Services, and many more.

Mission Statement

To improve the quality of life, independence, health and dignity of the City's older population by managing community based senior programs that are comprehensive, coordinated and accessible, and to advocate for the needs of older citizens

LAPD

Description

The Los Angeles Police Department is in charge of the maintenance of peace and order in the Los Angeles area. They strive to prevent and resolve issues of crime, while ensuring public safety.

Mission Statement

It is the mission of the Los Angeles Police Department to safeguard the lives and property of the people we serve, to reduce the incidence and fear of crime, and to enhance public safety while working with the diverse communities to improve their quality of life. Our mandate is to do so with honor and integrity, while at all times conducting ourselves with the highest ethical standards to maintain public confidence.

Parks and Recreation

Description

The Oakland Office of Parks and Recreation is a division in charge of the parks. It offers Aquatics Programs, Boating Programs, a Children's Arts Camp, Citywide Dance Programs, Civic Orchestra Programs, Community Gardening, Earn Your Bike Programs, a Feather River Camp, a Fine Arts Summer School, Sports Programs, etc.

Mission Statement

The City of Oakland is committed to the delivery of effective, courteous, and responsive services. Citizens and employees are treated with fairness, dignity, and respect. Civic and employee pride are accomplished through constant pursuit of excellence and a work force that values and reflects the diversity of the Oakland community.

City Clerk

Description

The Oakland City Clerk performs functions related to government processing in the Alameda County. They have agenda management services, election compliance services, records management services, as well as handle passport applications, domestic partnership registration, etc.

Mission Statement

It is the Mission of the Office of the City Clerk to enable the public to fully participate in the governmental process, by providing accurate information and services in a professional manner, enabling the public to make informed decisions affecting the quality of their lives.

Neighborhood Services

Description

The Sacramento Neighborhood Services in California caters to the citizens living in Sacramento. They exist in order to preserve neighborhoods, strengthen community partnerships, increase educational opportunities, and improve organizations and economic life for the whole community.

Mission Statement

The Neighborhood Services Department connects Sacramento's diverse communities and City government to facilitate effective public participation and to enhance the quality of life.

Police Department

Description

The San Diego Police Department is geared towards the protection of San Diego citizens. They offer crime prevention & education programs such as Safety Sam, McGruff the Crime Dog, and others such as a Landlord Training Program, Neighborhood Nuisance Program, Alcoholic Beverage Control Licensee Training, National Night Out, etc.

Mission Statement

Our mission is to maintain peace and order by providing the highest quality police services in response to community needs by: Apprehending Criminals Developing Partnerships Respecting Individuals

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City Treasurer

The San Diego City Treasurer aids the people in the community at San Diego by handling and managing affairs related to taxes. The City Treasurer deals with Business Tax, Rental Tax, Transient Occupancy Tax (TOT), Delinquent Bills or Debts, Treasury Accounting, etc.

Mission Statement

To enrich our community by responsibly managing the public's money and creating an atmosphere of pride through mutual support and outstanding service.

Superior Court

Description

The San Francisco Superior Court is a court in California that takes care of all adjudication matters. Their court is divided into the following: the Civil Division, Criminal Division, Drug Court, Traffic Division, Unified Family Court, YGC Juvenile Delinquency, etc.

Mission Statement

The purpose of the San Francisco Superior Court is to assure equal access, fair treatment, and the just and efficient resolution of disputes for all people asserting their rights under the law.

Dept. of Building Inspectors

Description

The San Francisco Department of Building Inspectors is basically in charge of the buildings and other infrastructure in the San Francisco area to make sure that buildings and other properties are safeguarded. They provide inspection services as well as permit services.

Mission Statement

Under the direction and management of the seven-member citizen Building Inspection Commission, to oversee the effective, efficient, fair and safe enforcement of the City and County of San Francisco's Building, Housing, Plumbing, Electrical, and Mechanical Codes, along with the Disability Access Regulations.

Department of Human Services

Description

The San Francisco Department of Human Services is a division that was established in order to enhance the quality of life of people in the San Francisco area. They offer services that would help their citizens such as Cash Aid, and programs for Children and Families, Employment and Training, Elders and Disabled Adults, Health and Nutrition, Housing and Homeless, and also Foster & Adoption Services.

Mission Statement

The Department of Human Services serves almost 100,000 San Franciscans each year. The people we serve are those who suffer hardship or who have been unable to participate fully in the social and economic life of the community.

Police Department

Description

The Ventura Police Department in California exists for the purpose of protecting the citizens of Ventura against crime. They have law enforcement programs such as Patrol, K9s, SWAT, Training, Traffic, and they also have School and Youth programs.

Mission Statement

The Ventura Police Department is committed to the protection of life and property by providing the highest quality service through community involvement and problem solving.

Police Department

Description

The Boulder Police Department in Colorado strives to keep the citizens of Boulder safe from criminal activity. They also have community programs to involve the neighborhood such as the Accessible Parking Team, BCOP, Child Passenger Safety, Citizens' Police Academy, Crime Stoppers, High School Crime Stoppers, Liquor Code Enforcement, Neighborhood Watch, Operation I.D., Prevention and Security, Ride-Along, and Safety First.

Mission Statement

In the accomplishment of our mission we value and promote: Respect for the rights of all people; organizational and personal integrity; excellence in service Community partnerships; creative problem solving; and the diversity of our community.

Budget Office

Description

The Budget Department is a division under the City of Boulder Finance Department. As such, it handles the budget and its allocation for the city of Boulder.

Mission Statement

The mission of the Budget Office is to provide the City Council and City Manager with the financial information necessary for the allocation of resources to accomplish the goals and objective of the City.

Fire Department

Description

The Colorado Springs Fire Department handles emergencies in the Colorado Springs area, answering calls for help such as fire hazards, electrical hazards, and the atmospheric release of dangerous chemicals. It also conducts animal rescues as well as Emergency Medical System rescues.

Mission Statement

The mission of the Colorado Springs Fire Department is to mitigate the threat to life, And property from fire, medical and other emergencies through education, prevention, community preparedness, emergency response and recovery programs.

Family & Adult Division

Description

The Family and Adult Division in Denver, Colorado is a division that provides human services to the community in Denver. They have Adult Services Programs, Burial Assistance, Eviction Assistance, General Assistance for the Homeless, Grandparents & Kinship Program, TANF Family Counseling Program, and Temporary Assistance for Needy Families.

Mission Statement

Through collaborative partnerships with families, community, and agency resources, we provide a continuum of supportive human services based on a individualized comprehensive assessment of family strengths and needs. To provide and coordinate services with courtesy and respect for each other and for the well being and protection of the residents in our community. These services are provided through partnerships that help people move towards independence, maintain pride and dignity and realize their potential.

Parks & Recreation Department

Description

The Denver Parks and Recreation Department is a division that is geared towards the improvement of the parks in Denver, while at the same time organizing activities for these recreational areas. They have several youth development programs, as well as several park and playground projects.

Mission Statement

As stewards of Denver's legacy, the Department of Parks and Recreation is dedicated to customer satisfaction and enhancing lives by providing innovative programs and safe, beautiful, sustainable places.

Denver Urban Renewal Authority

Description

The Denver Urban Renewal Authority is an organization that is dedicated to renovation and rehabilitation projects in Denver, Colorado. Established in 1958, they also provide funding to these kinds of projects.

Mission Statement

The Denver Urban Renewal Authority is a full-service redevelopment agency engaged in neighborhood and downtown revitalization, economic development, home ownership and housing rehabilitation throughout the City and County of Denver. DURA functions as a catalyst, partner, advisor and/or participant in a variety of efforts to foster sound growth and development.

Fire Department

Description

The Hartford Fire Department is an organization that was established in order to protect the citizens of Hartford against fire. They provide medical services as well as classes to Hartford residents in order to educate them in terms of fire prevention and safety.

Mission Statement

The mission of the Hartford Fire Department is to prevent and minimize the loss of life and property through the delivery of the highest quality, effective and efficient emergency fire, rescue and emergency medical service, hazardous materials response, fire prevention and public educations to the residents of Hartford in order to protect properties and lives and minimize fires.

Licenses & Inspection Division

Description

The Licenses & Inspections Division is part of the Department of Development Services in Hartford. It is in charge of the structures and buildings in Hartford in terms of its safety, providing inspection as well as licensing services.

Mission Statement

Ensure the Health and Safety of the Public and the Soundness and Habitability of the City's Residential, Industrial and Commercial Structures

Emergency Services

Description

The Hartford CT Emergency Services and Telecommunications exist for the purpose of answering emergency calls in the Hartford area. They are the division that gathers all the needed information after a caller dials 911, determining if the situation calls for police, fire, or medical services, and then dispatching the appropriate people to the area.

Mission Statement

It is our duty to provide the citizens of Hartford with a vital link to the Emergency Services of Police, Fire, Ambulance or any other State or Federal agency. We will collect information that is needed to provide service and assistance in the most efficient and safe manner at times under stressful situations. We strive to improve our ability, provide accountability and grow as necessary to provide this service on an ever-increasing technological scale. It all starts with a phone call.

City Clerk

Description

The Fort Lauderdale City Clerk Division in Florida is composed of the city clerk, assistant city clerk, commission assistant coordinator, and commission assistants. Among their duties include keeping city records, signing bonds, ordinances, and resolutions issued by the city, as well as answering questions, complaints, inquiries, and requests for city records.

Mission Statement

The position of city clerk is recognized as an executive officer of the City, along with the mayor, commissioners, city manager, director of finance, and city attorney. The city clerk acts on behalf of the City. The city clerk's mission reads, "To provide high quality customer service in a timely manner to the City Commission, general public, City staff, and other governmental agencies

Mental Health and Welfare

Description

The Mental Health and Welfare in Florida is a Jacksonville Network for Strengthening Families. Its services include Mental Health Services, Public Service Grants, Emergency Assistance Programs, and a Criminal Justice Substance Abuse Program. Aside from this, they also oversee Medicaid inpatient hospital and nursing home matches, and Health Care Responsibility Act payments.

Mission Statement

To provide the necessary support for families to achieve their highest spiritual, financial, relational, educational and social potential by addressing the circumstances that create and perpetuate fragile families including poverty (financial, physical, emotional, or spiritual), ineffective and irresponsible parenting (domestic violence, drug abuse, alcoholism, lack of financial support) and other challenges that corrupt the full development of the family.

Department of Corrections

Description

The Jacksonville Sheriff Department of Corrections is in charge of the supervision and custody of inmates in the Florida prison.

Mission Statement

To operate facilities for secure, humane, corrective, and productive detention of those awaiting trial as well as those already sentenced.

Parks and Recreation

Description

To provide state of the art park facilities and offer leisure, educational, cultural and physical activities to the residents and visitors of our community while enhancing their quality of life and inspiring personal growth, self esteem, pride and respect for the urban environment.

Mission Statement

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Public Works

Description

The Public Works Department of Florida is in charge of the protection, maintenance and development of city infrastructure, such as roadway drainage, sidewalk facilities, streets, sidewalks, etc.

Mission Statement

To provide courteous and quality service, while maintaining the city's infrastructure (streets, sidewalks, stormwater systems, street lighting, parking facilities and traffic control devices).

Office of Communications

Description

The Atlanta Georgia Office of Communications is an organization that was established to inform people and other organizations with regard to the Atlanta City government's programs and services. In addition, they also furnish articles for the local and national newspapers, prepare talking points and speeches, etc.

Mission Statement

It is the mission of the Office of Communications to effectively deliver information and messages to its stakeholders regarding the programs and services of Atlanta City government in a comprehensive and understandable manner. The dissemination of information to the stakeholders will occur through the utilization of print and broadcast media, a variety of publications, a network of public information officers, City Channel 26, the Fire Channel and, the City of Atlanta Internet and Intranet sites. The mission of the Office of Communications also includes revenue enhancement for the city through the effective management of cable franchise and telecommunications right of way agreements.

Fire Department

Description

The Atlanta Fire Department is an organization that was designed to respond to disastrous situations such as fire hazards, electrical hazards, etc. They also provide Emergency Medical Services and Homeland Security

Responses/Planning. They have a special division, which is the Airport Fire Service, which takes charge of the Hartsfield Atlanta International Airport.

Mission Statement

To prevent or mitigate harm to life, property and the environment.

Parks and Recreation

Description

The Parks and Recreation Department in Macon GA/ Bibb County is a division in charge of the maintenance, upkeep and development of the parks in Macon City. In addition to the parks, they also handle the recreation centers, the Senior Citizens Center, the tennis centers, City Hall, the Booker T. Washington Community Center, etc. They have an urban forestry program that offers tree-related services, as well as a greenhouse.

Mission Statement

To deliver world class Parks and Recreation programs, facilities and service to the citizens of Macon and Bibb County Georgia.

Parking Services

Description

The Savannah GA Parking Services Division is a department that manages transportation and parking services in Savannah. They take charge of the parking meters, collect parking-related fees, in addition to managing taxicab businesses, sight-seeing services, bus services, and many more.

Mission Statement

Parking Services' mission is to provide readily available, cost effective, convenient on-street and off-street parking opportunities for downtown residents, workers, and visitors.

Water and Sewer Bureau

Description

Savannah Water and Sewer Bureau is the department that manages all the water and sewerage infrastructure in Savannah, Georgia. Their services include Water Supply and Treatment, Water Quality Control, and Utility Services. They also have a Conveyance and Distribution Department that distributes water, maintains the sanitary conditions of the sewer as well as lift stations.

Mission Statement

To manage and plan the activities of the Water and Sewer Bureau for area-wide growth and development; operate and maintain existing water and sewer infrastructure while ensuring environmental regulatory compliance.

Ocean Safety and Lifeguard Services Division

Description

The Honolulu Ocean Safety and Lifeguard Services Division is a department that offers lifeguard services to those people living in Honolulu. They take charge of the Northshore, Eastshore, Southshore, and Westshore areas, ensuring the safety of people who swim in these sections.

Mission Statement

The mission of the Ocean Safety and Lifeguard Services Division is to provide exemplary, world-class lifeguard services for residents of and visitors to the City and County of Honolulu.

Parking Control

Description

The Boise ID Parking Control is an organization that manages on-street parking, such as its parking meters, permit programs, parking violations, etc.

Mission Statement

To encourage parking turnover and space availability in the on-street parking spaces for the downtown and the mixed use, high impact residential areas of Boise City. Pro-actively plan and implement policies that use technology and human resources to provide quality service that is efficient, fair, and equitable.

Department of Buildings

Description

The Chicago Department of Buildings is a division that handles and manages properties in Illinois. They have a Landlord Training Program that makes it illegal for landowners to conduct illegal activity on their turf. Their other programs include the Exterior Wall Program, Scaffolding Training Classes, Voluntary Compliance Programs, etc.

Mission Statement

The Department of Buildings is dedicated to advancing public safety through vigorous enforcement, community partnership and use of creative technological solutions making Chicago a safe place to live, work, and play.

Child Services Division

Description

The Chicago Child Services Division is an organization that caters to the welfare of children living in Chicago. They have Youth Activities, Kidstart YouthNets, Kidstart Summer Jobs, Juvenile Support, and many more.

Mission Statement

To improve the quality of life for the citizens of Chicago by ensuring that no one does business in, with, or for the City of Chicago if they are delinquent in their child support payments. We strive to disseminate information to all citizens on how to collect court ordered child support and how to safeguard their children from dangerous products

Chicago Children's Museum

Description

Established in 1982, the Chicago Children's Museum is located in two hallways of the Chicago Public Library, showcasing various educational exhibits that would appeal to people. They also have trunk shows, public programs and other special events.

Mission Statement

Chicago Children's Museum's mission is to create a community where play and learning connect. The museum's primary audience is children up through the fifth grade including their families, along with the school and community groups that support and influence children's growth and development. The museum also offers a variety of volunteer opportunities and college internships. Fifteen permanent exhibits and programming spaces provide innovative learning experiences for children and their caregivers. The museum serves more than 500,000 visitors annually. CCM also reaches out beyond its walls by making a significant investment of resources in neighborhoods across Chicago, particularly to children who might not otherwise have access to the museum's rich array of resources.

Mayor's Office of Special Events

Description

The Chicago Mayor's Office of Special Events is a division that is in charge of celebration affairs in the Illinois area. They are the ones who promote free festivals and holiday celebrations, in addition to funding community organizations that hold parades and other events of a similar nature.

Mission Statement

The Mayor's Office of Special Events (MOSE) provides Chicagoans and visitors with twelve months-a-year of family style entertainment, by producing and promoting free festivals and city-wide holiday celebrations. Major downtown festivals such as Taste of Chicago, the Air and Water Show, Venetian Night and six music festivals draw millions of people each year to the lakefront, contributing significantly to tourism and economic development for Chicago. MOSE assists city-wide community development by providing grants and technical assistance to over 80 community-based organizations for neighborhood festivals, facilitation of over a dozen ethnic parades, and bringing the Jumping Jack to every work in Chicago. The Chicago Film Office promotes the city as a nationally sought-after film location and coordinates city services needed for production and post-production. The Office of Protocol facilitates official meetings and gift exchanges between the Mayor and visiting dignitaries from around the world, and the Sports Development Office produces healthful sporting programs for the public and promotes Chicago as a site for amateur, collegiate, and Olympic tournaments.

Angola Chamber of Commerce

Description

Angola IN Chamber of Commerce is a business organization that is geared towards promoting businesses in Angola, Indiana. They regulate the commerce industry and tackle certain issues which affect businesses in Angola and Steuben County.

Mission Statement

The Angola Area Chamber of Commerce is a business association striving to promote its members and the business community. There is no greater message in the world of commerce than the one that encourages consumers to spend locally. You can support local chamber members and enrich the local economy by putting your dollars back into the area in which you live, work, or play. The next time you buy, need a service, or wish to give to a non-profit, consider the chamber members listed here. Whether you are a visitor to the area or a local resident, you will see that these are the businesses and professionals that support partnerships for a robust community.

Police Department

Description

The Auburn Indiana police Department is an organization that strives to protect the citizens of Auburn against crime and other hazards. Their division is organized into bike patrol, dispatch, k-9, motor patrol, parking enforcement, and many more.

Mission Statement

To Protect Life Liberty and Property in a Pro-Active and Professional Manner.

Police Department

Description

The Battleground Police Department in Indiana is a force dedicated to ensuring the safety of its citizens, both preventing and solving crimes. They offer law enforcement services as well as several community-based services.

Mission Statement

The mission of the Battle Ground Police Department is to maintain the quality of life we enjoy and to ensure

our Town is a safe place to live, work and visit. This will be accomplished through safeguarding individual liberties, building community partnerships, preventing crime and resolving those crimes which do occur. We are committed to this mission and conduct our responsibilities toward a goal of excellence and with dedication to the community we serve. The values of the Battle Ground Police Department evolve around People, Leadership, Service and Performance.

Calumet Township Trustee's Office

Description

The Calumet Township Trustee in Gary, Indiana is a division that caters to giving financial assistance to those in need. They cater to people in "dire economic emergency", providing social services, job training and employment assistance.

Mission Statement

Calumet Township is committed to providing professional, compassionate service to help residents in time of dire economic emergency. The township will utilize social services, job training and employment assistance to help clients in the transition from societal dependence to economic independence.

Center Township Trustee's Office (Delaware County)

Description

The Center Township Trustee in Muncie, Indiana is an office that was established in order to cater to the poor and disadvantaged people in the Center Township. Their responsibilities include Fire Protection, Poor Relief, Cemetery Maintenance, Weed Control, Fence Disputes, Livestock Claims, and many more.

Mission Statement

It is our mission to model excellence in local government through accountability to the community. We strive daily to address the poor relief, recreational, and fire safety needs of our community in a compassionate and fiscally responsible manner. We are dedicated to continually improving and increasing our efficiency, while providing extraordinary service to the citizens of Center Township.

Center Township Trustee's Office (La Pointe County)

Description

The Center Township Trustee's Office in LaPorte, Indiana was established to cater to the poor people's welfare. They provide the following services: Medical Care, Food, Shelter, Transportation, Household Supplies, Essential Utility Service, Burials, etc.

Mission Statement

A conscientious administration, serving the needs of Center Township constituents as responsible caretakers of taxpayer dollars.

Parks and Recreation

Description

The Bettendorf Iowa Parks and Recreation Department is an office designed to maintain the city's parks and other facilities such as the Life Fitness Center. They also take charge of recreational activities such as Aquatics Golf, Baseball/Softball, Tennis Summer Camp, and other similar activities.

Mission Statement

The Mission of the Park and Recreation Department evolves around the responsibility of planning, providing, and maintaining the city's parks, facilities, and recreation activities.

Fire Department

Description

The Iowa City Fire Department is an organization that protects the people in Iowa against fire and other dangerous situations. Their services include Emergency Operations, Fire Prevention, and Training.

Mission Statement

We are dedicated to providing the community progressive, high quality emergency and preventive services.

Iowa City Chamber of Commerce

Description

The Iowa City Chamber of Commerce is a business association that protects and promotes businesses in the Iowa area.

Mission Statement

To support and promote a vibrant economy by providing opportunities, leadership and services to our membership and contributing to the quality of life in our area.

Cardome Centre

Description

Cardome Centre is a conference center in Georgetown Kentucky. They cater to events such as Weddings, Family Reunions, Company Picnics, Concerts, Business meetings, Seminars, etc. They also house Community Services such as the Scott County Community Education, Children's Montessori of Georgetown, Inc., Community Connection, Fish & Wildlife, Hospice of the Bluegrass, and many more.

Mission Statement

The Mission of Community Building, Inc., is to provide facilities for cultural, recreational, educational, social and community activities for the citizens of Scott County. The mission shall be accomplished primarily by providing facilities appropriate to the event, in conjunction with other organizations/entities whose basic mission is to conduct a broad range of activities.

City Constable - Baton Rouge LA

Description

The City Constable's Office is a division that is similar to a law enforcement agency. Their jurisdiction lies in Small Claims Court Enforcement, Garnishments, Constable Sales, Seizures, Evictions, Warrants, and Drug Lab. Their services include Elderly Services, Youth Programs, Honor Guard, K-9 Search and Rescue, Bike Team, O.C.O. Operation community Outreach, and the Reserve Deputy Program.

Mission Statement

The mission of the City Constable's Office is to execute all City Court Orders, such as civil mandates, judgements, seizures, evictions, civil and criminal subpoenas. To operate the City Jail and provide security for the City Court facility, judges, staff and citizens. To function as a full-time law enforcement agency with authority in traffic, misdemeanor and felony matters; per State Constitution.

City Solicitor

Description

The City Solicitor is part of the Legal Department in Bangor Maine. They not only provide legal services but also represent Bangor City in all court proceedings.

Mission Statement

The mission of the Legal Department is to protect the interests of the City of Bangor and its taxpayers by advising City Council and City department and division heads the legality of proposed actions; by prosecuting and defending suits and claims involving the City's interests in and federal courts and before administrative agencies boards; by drafting or reviewing legal documents to which City is a party; and by educating City department heads employees regarding the legal incidents and of their respective positions

Parking Division

Description

The Parking Division in Portland MN is a Parking Management and Enforcement organization. It collects proceeds from parking meters, assists with traffic control, and manages parking garages and lots. Its programs include the School Crossing Guide program and the Residential Parking program.

Mission Statement

We consistently enforce parking regulations, provide on and off street parking opportunities, and assist in public safety for the diverse citizenry of the City of Portland. We operate on the basis of mutual respect, innovation, and open communication with our customers and co-workers. We aim to be responsive to the needs of our customers and co-workers, and we strive to provide excellent service at all times

Fire Department

Description

The Annapolis Maryland Fire Department was created in order to ensure the safety of people in Annapolis with regard to fire and other dangerous hazards. They provide the following services: fire suppression, emergency medical services, technical rescue response, hazardous materials technical response, response to weapons of mass destruction, marine rescue/firefighting, and bomb squad services.

Mission Statement

The Annapolis Fire Department exists to provide a safe environment for the community by minimizing the impact of fire, disaster, hazardous conditions, illness and injury through information, public education, quality service and efficient utilization of resources.

Department of Transportation

Description

The Baltimore Maryland Department of Transportation is in charge of managing the transport vehicles and roadway infrastructure in the city of Baltimore. They do so by operating and maintaining the traffic control system, transportation hubs, conduit system, City lighting, and Road signs. They also renovate broken down bridges, alleys and roads.

Mission Statement

The Department of Transportation provides the City of Baltimore with a comprehensive and modern transportation system that integrates all modes of travel and provides mobility and accessibility in a convenient, safe and cost-effective manner.

Cumberland Police Department

Description

The Cumberland Maryland Police Department that was established to protect the welfare of the citizens of Cumberland. Aside from the regular police functions, the Police Department in Cumberland has divisions such as the K-9, Bike Patrols, Motorcycle Patrols, an Emergency Response Team as well as specialized units, one in which is called the Domestic Violence Resource Team to combat domestic violence.

Mission Statement

The fundamental mission of the Cumberland Police Department is to protect life and property, enforce the law in a fair and impartial manner, preserve the peace, order, and safety of the community we serve, safeguard the constitutional guarantees, and provide other police related services as required by the community in a manner consistent with the values of a free society.

Rockville MD Department of the Mayor

Description

The Rockville Maryland Department of the Mayor is an office that serves the people in Rockville by catering to the people's welfare. They provide various services with regard to health, safety, and advancement, and at the same time formulate and implement several policies and laws.

Mission Statement

The Department of the Mayor and Council preserves and enhances the City's identity and quality of life for those who live and work in Rockville by providing direction, leadership and specific initiatives to ensure the effective and efficient development and administration of City services, policies, and laws.

Arlington MA Town Manager

Description

The Town Manager in Arlington MA is in charge of certain government departments, commissions, boards and offices in the Massachusetts area, having the ability to appoint, transfer, and even remove officers and employees as deemed necessary. In addition, the Town Manager can also prosecute, defend and compromise legal proceedings, except those related to tax assessments and abatements.

Mission Statement

The Town Manager's Office implements policy and provides management of all operational and supportive departments, excluding Treasurer/Collector, Assessor's, Town Clerk, Board of Selectmen and Comptroller/Data Processing Departments.

Boston MA Elderly Commission

Description

The Boston Massachusetts Elderly Commission caters to the seniors living in the Massachusetts area. They offer programs and services such as the S.S.I., Medicare, Medicaid, Insurance, Fuel Assistance, Food Stamps, Veterans' Benefits, Oral/Dental Health Screening Program, and the Health and Fitness Programs.

Mission Statement

The mission of the Commission on Affairs of the Elderly is to enhance the quality of life for Boston's senior citizens through planning, coordinating, and monitoring the delivery of services to the elderly in an efficient and effective manner.

Public Library

Description

The Cambridge Massachusetts Public Library caters to the general public, providing access to books, documents, publications, etc. They have library programs such as Reading Groups, Literacy Projects, and the Summer Reading Club. They also have other services which include Internet Access, Museum Passes, an Interlibrary Loan, Art Exhibits, Shut-in Services, and many more.

Mission Statement

So that enlightenment and literacy may flourish in our community, the Cambridge Public Library dedicates itself to collecting and distributing an array of information and ideas that is diverse in material, varied in formats, and rich in viewpoint, reflecting the multicultural character of the community and world it serves.

The Library provides free, equal, and confidential access to its resources and services. Essential to this mission is the active promotion of library services, collections, and programs.

City Attorney

Description

Appointed by the City Commission, the City Attorney in Battlecreek MI offers legal counsel, not only to the Commission, but also to the City in court proceedings.

Mission Statement

The City Attorney is appointed by the City Commission. This office provides legal counsel to the Commission and represents the City in all court proceedings

Civilian Police Review Authority

Description

The Minneapolis Civilian Police Review Authority is a form of checks and balances organization that scrutinizes the Minneapolis Police Department. They undertake investigations and delve into complaints brought against police officers in the Minneapolis Police Department.

Mission Statement

The Minneapolis Civilian Police Review Authority Board are citizens of Minneapolis appointed by the Minneapolis City Council and Mayor to fairly, objectively and independently consider complaints of misconduct by members of the Minneapolis Police Department, and to issue determinations based on findings of fact and evidence to promote the adherence to the highest standard of police conduct and to foster mutual respect between the Minneapolis Police Department and all the populations of the city of Minneapolis.

Parks and Recreation

Description

The Saint Paul Parks and Recreation Department is a division that manages the maintenance and development of the parks, gardens, and recreational facilities in Minneapolis. They also provide leisure services and programs such as "Adopt" A Park, Athletics, Aquatics, Community Education, Construction Projects, Environmental Programs, etc.

Mission Statement

To enhance the lives of its citizens and visitors, Saint Paul Parks and Recreation will, within available resources, provide and facilitate safe, quality leisure services, programs and facilities while preserving and enhancing natural resources and stimulating the economic vitality of the community.

Police Department

Description

The Hazelwood Missouri Police Department is an organization composed of police officers and staff dedicated to promoting the safety and wellbeing of its citizens. It provides police services and programs such as Drug Abuse Resistance Education, Citizens Volunteer Unit, Gang Resistance Education and Training, Personal Safety Programs, Adult Abuse Prevention, Halloween Safety Program, Firearms/Home Safety, and many more.

Mission Statement

We, the members of the Hazelwood Police Department, are committed to being responsible to our community in the delivery of quality services. Recognizing our responsibility to maintain order, while affording dignity and respect to every individual, our objective is to improve the quality of life through a community partnership which promotes safe, secure neighborhoods.

Police Department

Description

The Police Department in Independence MO is a division that was created in order to protect the people in Independence, ensuring their safety and welfare against all criminal activity. In addition to the regular police services, they also have Community Programs that involve the whole community in their wellbeing and security.

Mission Statement

The Mission of the Independence Police Department is to protect life, individual liberty and the property of all people within the City of Independence; To develop and maintain a positive relationship with members of the community; and To foster a positive work environment for police employees.

City Planning & Development

Description

The City Planning & Development is an organization established to assist people in complying with ordinances associated with the development process in Kansas City such as the Building and Rehabilitation Code, Zoning Ordinance, Fences and Walls Ordinance, etc. Their divisions include the following: Business Services, Inspections, Investigations, Permits, Plans Review, and Land Development.

Mission Statement

The overall mission of Development Services is to improve the safety, quality of life, and environment for the present and future generations. We will accomplish this mission by assisting our customers in understanding and complying with the ordinances dealing with the built environment and the development process in Kansas City while following all eight of our established Canons of Ethics.

City of Springfield MO Mission Statement

Description

The City Council of the city of Springfield MO is a body that serves the city of Springfield, ensuring the people's wellbeing, safety, and advancement. They have different divisions to serve the various needs of people in the area. Their departments are: Airport, City Attorney, City Clerk, Health Department, Parks & Recreation, Planning and Development, Police Department, Public Works, Workforce Development, and many others.

Mission Statement

The people of our community are the only reason we are here. Therefore, We are committed to WORKING WITH THE COMMUNITY to provide ethical and responsible local government so that everyone can enjoy the benefits of living and working in Springfield.

Billings Public Works

Description

The Billings Public Works is a department that caters and handles all public works in the city of Billings, issuing permits for both construction and waste treatment. Their divisions include Environmental, Solid Waste, Engineering, Commercial & Meter, Street-Traffic, Water Treatment, Wastewater Treatment, etc.

Mission Statement

Dedicated employees providing quality public works services that support a thriving and inviting community while promoting stewardship of the environment.

Fire Department

Description

The Helena MT Fire Department is a division that aids and serves the people in Helena whenever there is a fire and other hazardous incidents.

Mission Statement

We, the members of the Helena Fire Department, proudly continue our tradition as Guardians of the Gulch, by professionally providing a quality, effective, skillful, safe and caring service to protect our community whenever and wherever needed.

Missoula MT Mission Statement

Description

The City Council of Missoula MT is an organization designed to cater to the needs of the people in Missoula. Their departments are divided into the following in order to address the needs of the citizens: Building Inspection, Cemetery, City Attorney, City Clerk, Communications, Finance Treasurer, Health Department, Human Resources, Missoula Redevelopment Agency, Office of Planning & Grants, Parking Commission, Parks & Recreation, Police Public Works, and Traffic Services.

Mission Statement

Our mission is to facilitate the health, safety and well being of the Missoula community.

Las Vegas Mission Statement

Slogan / Motto

Serving you online rather than in line

Description

The Government City of Las Vegas is a legal body that was established in order to serve the needs of the people in Las Vegas. They formulate and enforce laws, as well as offer municipal services to the Las Vegas community.

Mission Statement

To provide residents, visitors, and the business community with the highest quality municipal services in an efficient, courteous manner and to enhance the quality of life through planning and visionary leadership.

FAMOUS VISION STATEMENTS

Amazon

"Our vision is to be earth's most customer centric company; to build a place where people can come to find and discover anything they might want to buy online."

McDonald's

"McDonald's vision is to be the world's best quick service restaurant experience. Being the best means providing outstanding quality, service, cleanliness, and value, so that we make every customer in every restaurant smile."

Mattel

"To be the premier Toy Brands - today and tomorrow".

General Motors

"GM's vision is to be the world leader in transportation products and related services. We will earn our customers' enthusiasm through continuous improvement driven by the integrity, teamwork, and innovation of GM people."

Hertz

"We will be the first choice brand for vehicle and equipment rental / leasing and total mobility solutions."

Budweiser

"Through all of our products, services and relationships, we will add to life's enjoyment. Enrich and entertain a global audience. Deliver superior returns to our shareholders"

Avon Products

"To be the company that best understands and satisfies the product, service and self-fulfillment needs of women - globally."

Motorola

"Our history is rich. Our future is dynamic. We are Motorola and the spirit of invention is what drives us."

Caterpillar

"Be the global leader in customer value."

Ikea

"Affordable solutions for better living"

Board Applicant Parameters

DIVISION 1. - GENERALLY

Sec. 2-111. - Election of board and committee officers.

- (a) *Chair.* Each board and committee of the town shall elect from its membership a chair, who shall preside at all meetings of such board or committee, and a chair pro tem, who shall preside at all meetings of such board or committee in the absence or disability of the chair, at a regular meeting to be conducted in January of each year.
- (b) *Secretary.* Each board and committee of the town shall elect from its membership a secretary, who shall record the proceedings of each meeting of such board or committee, at a regular meeting to be conducted in January of each year, except that the town clerk shall serve as the recording secretary for the planning and zoning board and code enforcement board.

(Code 1978, § 2-56; Ord. No. 17-1991, § 1, 11-6-1991)

Sec. 2-112. - Membership on boards and committees terminated for missing meetings; filling of vacancies.

- (a) *Definitions.* For the purposes of this section, the following words, terms and phrases shall have the meanings herein ascribed to them:
Board means board or committee, as appropriate.

Valid excuse means one of the following:
 - (1) Illness of a member or other person for whom the member is a caregiver;
 - (2) Death of a member's relative; or
 - (3) Scheduled absence approved in advance by the town clerk.
- (b) *Recording of attendance.* The secretary of each board shall record the names of the board members who are present and absent at each board meeting, and shall include in the minutes of the meeting, the name of any member who has missed a meeting without a valid excuse, including regular and special meetings of said board.
- (c) *Termination of membership.* Membership on a town board shall be automatically terminated for any member who, without valid excuse, misses three board meetings both regular and special in any consecutive 365-day period (any one-year term of the member).
- (d) *Review of minutes.* The town clerk shall be responsible for reviewing the minutes of each board to determine when a vacancy has occurred, the town clerk shall confirm the unexcused absences of the member with the board secretary and once confirmed shall subsequently publish notice of the vacancy in a newspaper of general circulation of the town. The town commission shall fill the vacancy no sooner than two weeks after the publication of such notice. The term of a board member who is removed from office for lack of attendance shall end at the close of the third meeting in which the member failed to attend and which absence was not excused.
- (e) *Notice of vacancies.* The town clerk shall monitor the terms of office for board members. Not less than 60 days prior to the end of a board member's term, the clerk shall publish a notice of the impending vacancy.
- (f) *Publication of notice.* When publication of notice is required pursuant to this section, such publication shall be in the town newsletter and/or by other reasonable means of posting and publication. Copies of such notices shall be provided to the town commission at the next regular meeting following publication.
- (g)

Profile sheet. Each person seeking an initial appointment to a board shall be required to complete a profile sheet. The form for such profile sheet shall be approved by the commission. Any current regular member or alternate member seeking appointment or reappointment shall also be required to complete a profile sheet if one has not been completed within the previous three years. A profile sheet shall be due no later than 48 hours prior to the regular town commission meeting at which the appointment is scheduled to occur.

- (h) *Appointment of alternate members.* The town commission shall appoint two alternates for each board. Alternate members of a board shall be appointed as first alternate and second alternate and shall serve in that order when necessary. Alternate members shall be permitted to participate in all board discussions. When an alternate member serves, the alternate member shall have all the powers and duties of a regular member including the right to vote on any matter before the board.
- (i) *Ballot for action on vacancies.* The clerk shall prepare the ballot for commission action on a vacancy. The ballot shall include the name of each person seeking the appointment for which a profile sheet has been timely received. Each person seeking appointment shall be identified as a current member, current first alternate member, current second alternate member or new applicant, as appropriate. The clerk shall receive, tally and announce the results at the town commission meeting at which the balloting occurs. Thereafter, the clerk shall notify each applicant in writing of the town commission's action upon the applicant's request for appointment.
- (j) *Election of chairperson and vice-chairperson.* Each board shall elect a new chairperson and vice-chairperson on an annual basis.
- (k) *Residency requirement.* All members of town boards shall be residents of the town. However, unless otherwise prohibited by law, the town commission may appoint no more than two (including alternate members) town business owners to the boards of the town, excepting the planning and zoning board, and all appointments to said boards shall be made by the town commission.

(Ord. No. 33-1974, §§ I—III, 11-20-1974; Ord. No. 10-1979, § 1, 8-1-1979; Ord. No. 8-1982, § 1, 3-3-1982; Ord. No. 16-1990, § 1, 9-5-1990; Ord. No. 4-1991, § 1, 2-6-1991; Ord. No. 11-1994, § 1, 5-18-1994; Ord. No. 6-1995, § 1, 3-1-1995; Ord. No. 12-2001, § 1, 8-15-2001; Code 1978, § 2-57; Ord. No. 22-2004, § 2, 11-17-2004; Ord. No. 31-2004, § 2, 1-19-2005; Ord. No. 12-2006, § 2, 11-1-2006)

Sec. 2-113. - Scheduled board meetings; hours.

All meetings of the various town boards shall be conducted after 5:00 p.m.

(Ord. No. 8-1985, § 1, 5-1-1985; Code 1978, § 2-58)

Secs. 2-114—2-150. - Reserved.

Building Board of Adjustment & Appeals

Section 113. Building board of adjustment and appeals.

113.1 *Appointment.* There is hereby established a board to be called the Building Board of Adjustment and Appeals, which shall consist of seven members and two alternates. The Town Commission shall appoint the Board.

113.2 *Membership and Terms*

113.2.1 *Membership.* The Building Board of Adjustment and Appeals shall consist of seven members. Such board members shall be composed of individuals with knowledge and experience in the technical codes to include, to the greatest extent possible, an architect, engineer, general contractor, electrical contractor, HVAC contractor, plumbing contractor, and any other contractor licensed category. In addition to the regular members, there should be two alternate members, one member with the qualifications referenced above and one member at large from the public. A board member shall not act in a case in which he has a personal or financial interest, or otherwise in violation of Florida and Palm Beach County ethics codes.

113.2.2 *Terms.* The terms of office of the board members shall be staggered so no more than one-third of the board is appointed or replaced in any 12-month period. The two alternates, if appointed, shall serve one-year terms. Vacancies shall be filled for an unexpired term in the manner in which original appointments are required to be made. Three absences of any member from required meetings of the board shall in a 12 month period, at the discretion of the applicable governing body, render any such member subject to immediate removal from office.

113.2.3 *Quorum and voting.* A simple majority of the board shall constitute a quorum. In varying any provision of this code, the affirmative votes of the majority present, but not less than three affirmative votes, shall be required. In modifying a decision of the building official, not less than four affirmative votes, but not less than a majority of the board, shall be required. In the event that regular members are unable to attend a meeting, the alternate members, if appointed, shall vote.

113.2.4 *Secretary of board.* The Town clerk or his/her authorized representative shall act as secretary of the board and shall make a detailed record of all of its proceedings, which shall set forth the reasons for its decision, the vote of each member, the absence of a member, and any failure of a member to vote.

113.3 *Powers.* The Building Board of Adjustments and Appeals shall have the power, as further defined in 116.4, to hear appeals of decisions and interpretations of the building official and consider variances of the technical codes.

113.4 *Appeals.*

113.4.1 *Decision of the building official.* The owner of a building, structure or service system, or duly authorized agent, may appeal a decision of the building official to the Building Board of Adjustment and Appeals whenever any one of the following conditions are claimed to exist:

1. The building official rejected or refused to approve the mode or manner of construction proposed to be followed or materials to be used in the installation or alteration of a building, structure or service system.
2. The provisions of this code do not apply to this specific case.

3. That an equally good or more desirable form of installation can be employed in any specific case, which the building official has rejected or refused.
4. The true intent and meaning of this code or any of the regulations hereunder have been misconstrued or incorrectly interpreted.

113.4.2 *Variances.* The Building Board of Adjustments and Appeals, when upon written request, has been so appealed to and after a hearing, may vary the application of any provision of this code to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this or the technical codes or public interest, and also finds all of the following:

1. That special conditions and circumstances exist which are peculiar to the building, structure or service system involved and which are not applicable to others.
2. That the special conditions and circumstances do not result from the action or inaction of the applicant.
3. That granting the variance requested will not confer on the applicant any special privilege that is denied by this code to other buildings, structures or service system.
4. That the variance granted is the minimum variance that will make possible the reasonable use of the building, structure or service system.
5. That the grant of the variance will be in harmony with the general intent and purpose of this code and will not be detrimental to the public health, safety and general welfare.

113.4.2.1 *Conditions of the variance.* In granting the variance, the board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced or completed or both. In addition, the board may prescribe appropriate conditions and safeguards in conformity with this code. Violation of the conditions of a variance shall be deemed a violation of this code.

113.4.3 *Notice of appeal.* Notice of appeal shall be in writing and filed within 30 calendar days after the building official renders the decision. Appeals shall be in a form acceptable to the building official and the Town attorney.

113.5 *Procedures of the board.*

113.5.1 *Rules and regulations.* The board shall establish rules and regulations for its own procedure not inconsistent with the provisions of this code. The board shall meet on call of the chairman. The board shall meet within 30 calendar days after notice of appeal has been received.

113.5.1 *Rules of Evidence.* Formal rules of evidence shall not apply, but fundamental due process should be observed and govern the proceedings. Upon determination by the Chairperson, irrelevant, immaterial, or unduly repetitious evidence may be excluded, but all other evidence of a type commonly relied upon by reasonable, prudent persons in the conduct of their affairs shall be admissible, whether or not such evidence would be admissible in a trial in the courts of Florida. Any part of the evidence may be received in written form. The Board may request certain evidence be provided by an architect or engineer

registered in the State of Florida, in which case said evidence shall be signed, sealed, and dated.

113.5.1 *Testimony.* Any member of the Board or the attorney representing the Board may inquire of, or question, any witness before the Board. Any member of the Board, the petitioner or his/her attorney, and/or the building official shall be permitted to inquire of any witness before the Board. The Board may consider testimony presented by the building official, the petitioner, or any other witness.

113.5.2 *Decisions.* The Building Board of Adjustment and Appeals shall, in every case, reach a decision without unreasonable or unnecessary delay. Each decision of the board shall also include the reasons for the decision. If a decision of the board reverses or modifies a refusal, order, or disallowance of the building official or varies the application of any provision of this code, the building official shall immediately take action in accordance with such decision. Every decision shall be promptly filed in writing in the office of the building official and shall be open to public inspection. A certified copy of the decision shall be sent by mail or otherwise to the appellant and a copy shall be kept publicly posted in the office of the building official for two weeks after filing. Every decision of the board shall be final; subject however to such remedy as any aggrieved party might have at law or in equity.

113.6 *Local Construction Regulation Board.* The local government may also utilize this Board to convene as the Local Construction Regulation Board (LCRB), as provided in Section 489.113, F.S. The LCRB may deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if the board has found such contractor, through public hearing, to be guilty of fraud or a willful building code violation within the county or municipality that the board represents. The board may also, deny, suspend, revoke or limit the authority of a certified contractor to obtain a building permit or permit with specific conditions, if it has proof through the public hearing process, that a contractor has been found guilty in another county or municipality within the past 12 months, of fraud or a willful building code violation and after providing notice of an opportunity to be heard to the contractor, finds that such fraud or violation would have been fraud or a violation if committed in the county or municipality that the local construction board represents. Notification of and information concerning such permit denial shall be submitted to the department within 15 days after the local construction regulation board decides to deny the permit.

Section 114. Violations. Any person, firm, corporation or agent who shall fail to comply with a provision of this code, or, or with any of the requirements thereof, or who shall erect, construct, alter, install, demolish or move any structure, electrical, gas, mechanical or plumbing system, or has erected, constructed, altered, repaired, moved or demolished a building, structure, electrical, gas, mechanical or plumbing system, without full compliance with applicable codes, laws, ordinances, rules and regulations, shall be guilty of a violation. Each such person shall be considered guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of applicable codes, laws, ordinances, rules and regulations is committed or continued, and upon conviction of any such violation such person shall be punished within the limits and as provided by state laws. Nothing in this section shall prevent the Town from imposing fines, liens, or seek injunction relief, or exercising other enforcement powers as permitted by law. Code enforcement and penalties of Chapter 162 F.S. Part I shall be authorized if building work begins

without payment of all required fees, and for the purposes of enforcing this code, code officials licensed under Chapter 468, F.S., Part XII are deemed "Code Inspectors", as defined in Section 162.04, F.S.

Section 115. Stop work order.

- 115.1 *Stop work orders.* Upon notice from the building official, work on any building, structure, electrical, gas, mechanical or plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner, shall immediately cease.
- 115.2 *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume. Where an emergency exists, the building official shall not be required to give a written notice prior to stopping the work.
- 115.3 *Unlawful continuance.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Section 116. Unsafe structures and equipment.

- 116.1 *Unsafe buildings or systems.* All buildings, structures, electrical, gas, mechanical or plumbing systems which are unsafe, unsanitary, or do not provide adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use, constitute a hazard to safety or health, are considered unsafe buildings or service systems. All such unsafe buildings, structures or service systems are hereby declared illegal and shall be ordered by the building official to be abated by the owner, through repair and rehabilitation or by demolition in accordance with the this Code. The extent of repairs shall be determined by the building official.
- 116.1.1 *When the building official determines* a building, structure, electrical, gas, mechanical or plumbing system or portion thereof is unsafe, as set forth in this Code he/she shall provide the owner, agent or person in control of such building, structure, electrical, gas, mechanical or plumbing system a written notice of violation stating the defects thereof. This notice shall require the owner within a stated time either to complete specified repairs or improvements, or to demolish and remove the building, structure, electrical, gas, mechanical or plumbing system or portion thereof. At the option of the Town, the processes and procedures for code enforcement under Chapter 162 F.S. may be utilized to abate a violation under this section. If this statutory method of enforcement is invoked, the building official shall act in the role of code inspector to initiate enforcement proceedings, and notice shall be in accordance with the provisions of the Statute.
- 116.1.2 *If necessary, the notice shall also require* the building, structure, electrical, gas, mechanical, plumbing systems or portion thereof to be vacated and/or disconnected, and not reoccupied and/or reconnected until the specified repairs and improvements are completed, inspected and approved by the building official. The building official shall post at each entrance to the building a placard stating: THIS BUILDING IS UNSAFE AND ITS USE OR

OCCUPANCY HAS BEEN PROHIBITED BY THE BUILDING OFFICIAL. This placard shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or its officers, agents, or other servants, to remove the posting without written permission of the building official, or for any person to enter the building, or use the building or system(s) except for the purpose of making the required repairs or of demolishing same.

- 116.1.3 *In case the owner, agent, or person in control cannot be found* within the stated time limit, or, if such owner, agent, or person in control shall fail, neglect, or refuse to comply with notice to repair, rehabilitate, or to demolish, and remove said building, structure, electrical, gas, mechanical or plumbing system or portion thereof, the building official, acting as a code inspector, shall notify an enforcement board or special magistrate and request a hearing. In the case of the violation posing a serious threat, and after having ascertained the cost, the building official may take action to cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof, to be demolished, secured, repaired, or required to remain vacant or unused. Taking such action does not create a continuing obligation on the part of the building official or the Town to continue with maintaining such building, structure, or system; or create liability for any damage to the property.
- 116.1.4 *The decision of the building official shall be final* in cases of emergency, which, in the opinion of the building official, involve imminent danger to human life or health, or the property of others. He/she shall promptly cause such building, structure, electrical, gas, mechanical or plumbing system or portion thereof to be made safe or cause its removal. For this purpose he/she may at once enter such structure or land on which it stands, or abutting land or structures, with such assistance and at such cost as he may deem necessary. He/she may order the vacating of adjacent structures and may require the protection of the public by appropriate fence or such other means as may be necessary, and for this purpose may close a public or private way.
- 116.2 *Enforcement proceedings; hearings.* Violation proceedings and hearings for unsafe structures and equipment will be conducted before the code enforcement board or special magistrate in accordance with the provisions set forth in Chapter 162, F.S. The owner of property that is subject to an enforcement proceeding before an enforcement board, special magistrate, or court is required to make disclosures as outlined in Chapter 162, F.S. before a transfer of property, and failure to make the required disclosures creates a presumption of fraud.
- 116.3 *Administrative fines; costs to repair; liens.* All costs associated with taking a case before the enforcement board or special magistrate shall be recovered where the Town prevails. Whenever one of the orders of the enforcement board or the special magistrate has not been complied with by the time set for compliance, for each day thereafter during which each violation continues past the date set for compliance, the enforcement board or the special magistrate may impose a fine. All costs incurred as a result of actions taken per Section 116.1.3 are charged to the violator. A certified copy of an order imposing a fine, or a fine plus repair, and the costs of prosecuting the case, may be recorded in the public records and shall thereafter constitute a lien against the land where the violation exists and upon any other real or personal property owned by the violator.

116.4

Appeal. An aggrieved party, including the Town, may appeal a final administrative order of an enforcement board or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo but shall be limited to appellate review of the record created before the enforcement board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

Section 117. Tests. The building official may require tests or test reports as proof of compliance. Required tests are to be made at the expense of the owner, or agent, by an approved testing laboratory or other approved agency.

Section 118. Reserved.

Section 119. Severability. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

(Code 1978, § 7-18; Ord. No. 12-1991, § 2, 8-20-1991; Ord. No. 27-1993, § II, 12-15-1993; Ord. No. 3-1996, § II, 2-21-1996; Ord. No. 3-2005, § 3(7-18), 7-20-2005; Ord. No. 14-2007, § 3, 8-1-2007; Ord. No. 04-2012, § 1, 4-4-2012)

Sec. 54-8.1. - Establishment of wind speed lines.

As required by paragraph 1609.3 of the Florida Building Code, wind speed lines in the area of jurisdiction of the Town are hereby established as set forth on the basic wind speed map, which is hereby adopted and incorporated as if fully set forth in this section, of which copies have been and are now filed in the office of the building official of the Town. Pursuant to Figures 1609A, B and C of the Florida Building Code, design wind speeds are as follows:

Category I buildings: 160 mph

Category II buildings: 170 mph

Category III and IV buildings: 180 mph

(Ord. No. 04-2012, § 1, 4-4-2012)

Code Compliance Board

Lake Park, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> **Chapter 9 - CODE ENFORCEMENT** >> **ARTICLE II. - CODE COMPLIANCE BOARD** >>

ARTICLE II. - CODE COMPLIANCE BOARD ^[2]

Sec. 9-31. - Declaration of legislative intent.

It is the intent of this article to promote, protect and improve the health, safety and welfare of the citizens of the town by creating an administrative board and special magistrates with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective and inexpensive method of enforcing the codes and ordinances of the town.

(Ord. No. 18-1979, § 1, 9-19-1979; Ord. No. 16-1982, § 1, 8-4-1982; Ord. No. 15-1985, § 1, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 4-1996, § I, 3-20-1996; Ord. No. 9-1998, § I, 8-5-1998; Code 1978, § 2-78)

State law reference— Similar provisions, F.S. § 162.02.

Sec. 9-32. - Applicability.

The code compliance board and special magistrates shall have jurisdiction to enforce the codes and ordinances of the town, except as otherwise provided by statute, town Charter, this Code or other law. The code compliance board and special magistrates shall have the authority to hold hearings and assess fines against violators of the town Code.

(Ord. No. 18-1979, § 2, 9-19-1979; Ord. No. 16-1982, § 2, 8-4-1982; Ord. No. 3-1984, § 1, 2-1-1984; Ord. No. 15-1985, § 2, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 4-1996, § II, 3-20-1996; Ord. No. 3-1998, § I, 1-7-1998; Ord. No. 9-1998, § II, 8-5-1998; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-79)

State law reference— Similar provisions, F.S. § 162.03.

Sec. 9-33. - Definitions.

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

Code compliance officer means those authorized agents or employees of the town, whose duty it is to ensure code compliance.

Commission means the town commission of the Town of Lake Park, Florida.

Compliance board or board means the code compliance board and special magistrates appointed by the commission as provided herein. Both the compliance board and the special magistrate shall have the same duties and functions. References to the code compliance board or compliance board shall apply to any special magistrate as well.

Repeat violation means a violation of a provision of the Code or ordinance by a person who has been previously found through the code enforcement, special magistrate, or other quasijudicial or judicial process, to have violated or who has admitted violating the same provision within five years prior to the violation, notwithstanding the violations occur at different locations.

Town attorney means the legal counselor for the town.

(Ord. No. 18-1979, § 3, 9-19-1979; Ord. No. 16-1982, § 3, 8-4-1982; Ord. No. 15-1985, § 3, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 4-1996, § III, 3-20-1996; Ord. No. 9-1998, § III, 8-5-1998; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-80; Ord. No. 12-2004, § 2(2-80), 5-5-2004)

Cross reference— Definitions generally, § 1-2.

State law reference— Similar provisions, F.S. § 162.04.

Sec. 9-34. - Qualifications, terms of office of board.

The town commission may appoint a seven-member code compliance board and legal counsel for the compliance board. The commission may appoint up to two alternate members for the code compliance board to serve on the board in the absence of board members. The members of the code compliance board shall have the following qualifications and terms of office:

- (1) *Appointments; residence requirements.* Members of the code compliance board shall be residents of the town. Appointments shall be made by the commission on the basis of experience or interest in the fields of zoning and building control and shall be in the sole discretion of the town commission. The membership of the compliance board shall, whenever possible, be as follows:
 - a. An architect;
 - b. A businessman;
 - c. An engineer;
 - d. A general contractor;
 - e. A subcontractor;
 - f. A realtor;
 - g. A general member.
- (2) *Terms of office; initial appointments; reappointment; vacancies; suspension or removal.* In order that the terms of office of all members will not expire at the same time, the initial appointments to the enforcement board shall be as follows:
 - a. Two members shall be appointed for a term of one year; seats to be identified as A and C;
 - b. Three members shall be appointed for a term of two years; seats to be identified as B, D and E;
 - c. Two members shall be appointed for a term of three years; seats to be identified as F and G;

Thereafter, all appointments shall be made for a term of three years. Any member may be reappointed upon approval of the commission. An appointment to fill any vacancy on the compliance board shall be for the remainder of the unexpired term of office. Members of the compliance board shall serve in accordance with provisions of the town Code and may be suspended and/or removed for cause as provided in [section 2-112](#).

- (3) *Chairperson; quorum; compensation and expenses.* The compliance board shall elect a chairperson, who shall be a voting member, from among its members. The presence of four or more members shall constitute a quorum of the compliance board. Members of the compliance board shall serve without compensation, but may be reimbursed for such travel expenses, mileage expenses, and per diem expenses as may be authorized by the commission or as otherwise provided by law.
- (4)

Duties of town's attorney. The town's attorney shall serve as counsel to town staff and may represent the town by presenting cases before the board, but in no case shall the town's attorney serve as counsel to both town staff and compliance board.

(Ord. No. 18-1979, § 4, 9-19-1979; Ord. No. 16-1982, § 4, 8-4-1982; Ord. No. 6-1985, § 1, 4-17-1985; Ord. No. 15-1985, § 4, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 18-1995, § 1, 10-18-1995; Ord. No. 4-1996, § IV, 3-20-1996; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-81; Ord. No. 12-2004, § 2(2-81), 5-5-2004)

State law reference— Similar provisions, F.S. § 162.05.

Sec. 9-35. - Special magistrates.

- (a) **Designation of special magistrates.** The special magistrates shall be selected by the town commission from a list of candidates recommended by the town attorney. A special magistrate may be either a professional planner, architect, engineer, lawyer, or certified contractor. More than one special magistrate may be used. A special magistrate shall serve for a one-year term, at the pleasure of the town commission. The special magistrate may be reappointed by the commission at the end of said term.
- (b) **Duties, responsibilities and powers.** Special magistrates shall have all the duties, responsibilities and powers, and shall carry out the same functions and procedures as the code compliance board.
- (c) **Special magistrates ruling; recourse.** Violators' cases heard by a special magistrate and ruled upon by a special magistrate, in the case of a finding of guilt, shall be precluded from arguing the same case to the full code compliance board.

(Ord. No. 9-1998, § IV, 8-5-1998; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-81.01)

Sec. 9-36. - Compliance procedure.

- (a) **Initiation of proceedings.** It shall be the duty of the code compliance officer to initiate compliance proceedings of the various chapters and codes; however, no member of the board shall have the power to initiate such compliance proceedings.
- (b) **Notification of violation.** Except as provided in subsections (c) and (d) of this section, if a violation of the chapters and codes is found, the code compliance officer shall notify the violator and give the violator a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code compliance officer shall notify the compliance board and request a hearing. The compliance board, through its clerical staff, shall schedule a hearing and written notice of such hearing shall be hand delivered or mailed as provided in [section 9-42](#) to the violator. At the option of the code compliance board, notice may additionally be served by publication or posting as provided in [section 9-42](#). If the violation is corrected and then recurs or if the violation is not corrected by the time specified for correction by the code compliance officer, the case may be presented to the compliance board even if a violation has been corrected prior to the board hearing, and the notice shall so state.
- (c) **Repeat violation.** If a repeat violation is found, the code compliance officer shall notify the violator but is not required to give the violator a reasonable time to correct the violation. The code compliance officer, upon notifying the violator of a repeat violation, shall notify the compliance board and request a hearing. The code compliance board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to [section 9-42](#). The case may be presented to the compliance board even if the repeat violation has been corrected prior to the board hearing, and the notice shall so state. If the repeat violation has been corrected, the code compliance board retains the right to schedule a hearing to determine costs and impose the payment of reasonable compliance fees upon the repeat violator. The

repeat violator may choose to waive the right to this hearing and pay such costs as determined by the code compliance board.

- (d) *Notification of compliance board; hearing request.* If the code compliance officer has reason to believe a violation or the condition causing the violation presents a serious threat to the public health, safety and welfare or if the violation is irreparable or irreversible in nature, the code compliance officer shall make a reasonable effort to notify the violator and may immediately notify the compliance board and request a hearing pursuant to the procedure in [section 9-37](#)
- (e) *Transfer of property ownership.* If the owner of the property, which is subject to an enforcement proceeding, before the code compliance board, special magistrate or court, transfers ownership of such property between the time the initial pleading is served and the time of the hearing, such owner shall:
- (1) Disclose, in writing, the existence and the nature of the proceeding to the prospective transferee.
 - (2) Deliver to the prospective transferee a copy of the pleadings, notices, and other materials relating to the code enforcement proceeding received by the transferee.
 - (3) Disclose, in writing, to the prospective transferee that the new owner will be responsible for compliance with the applicable code and with orders issued in the code enforcement proceeding.
 - (4) File a notice with the code enforcement official of the transfer of the property with the identity and address of the new owner and copies of the disclosures made to the new owner, within five days after the date of the transfer.

A failure to make the disclosures in subsections (e)(1), (2) and (3) of this section before the transfer creates a rebuttable presumption of fraud. If the property is transferred before the hearing, the proceeding shall not be dismissed, but the new owner shall be provided a reasonable period of time to correct the violation before the hearing is held.

(Code 1978, § 2-82; Ord. No. 18-1979, § 5, 9-19-1979; Ord. No. 16-1982, § 5, 8-4-1982; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 18-1995, § II, 10-18-1995; Ord. No. 4-1996, § V, 3-20-1996; Ord. No. 12-1996, § I, 10-16-1996; Ord. No. 11-2001, § 1, 8-15-2001; Ord. No. 12-2004, § 2(2-82), 5-5-2004)

State law reference— Similar provisions, F.S. § 162.06.

Sec. 9-37. - Conduct of hearing.

- (a) *Minutes; clerical and administrative personnel.* Upon request of the code compliance officer, or at such other times as may be necessary, the chair of the compliance board may call a hearing of the compliance board; a hearing also may be called by written notice signed by at least three members of the compliance board. Minutes shall be kept of all hearings by the compliance board and all hearings and proceedings shall be open to the public. The commission shall provide clerical and administrative personnel as may be reasonable required by the compliance board for the proper performance of its duties.
- (b) *Presentation of cases.* Each case before the compliance board shall be presented by either the town attorney or by a member of the town's administrative staff or by another individual designated by the town manager.
- (c) *Collection of costs.* If the town commission prevails in prosecuting a case before the compliance board, it shall be entitled to recover all costs incurred in prosecuting the case before the board, including attorney's fees. If the property owner is found in violation under subsection (e) of this section and costs are assessed, but a fine is not imposed pursuant to [section 9-39](#), a code compliance lien may be recorded against the property for the amount of the costs. Such lien shall be superior to all other liens and shall bear interest per annum in

accordance with F.S. § 53.01(1), as determined by the Palm Beach County Chief Financial Officer. The interest to be charged shall be calculated from the date the order is entered by the board.

- (d) *Agenda; testimony; rules of evidence.* The compliance board shall proceed to hear the cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The compliance board shall take testimony from the code compliance officer and alleged violator. Formal rules of evidence shall not apply; however, fundamental due process shall be observed and govern the proceedings.
- (e) *Findings of fact; issuance of order affording relief.* At the conclusion of the hearing, the compliance board shall issue findings of fact, based on evidence of record and conclusions of law and shall issue an order affording the proper relief consistent with powers granted herein. The findings shall be by motion approved by a majority of those present and voting, except that at least four members of the compliance board must vote for the action to be official. The order may include a notice that it must be complied with by a specified date and that a fine may be imposed and, under the conditions specified in subsection [9-39\(b\)](#), the costs of repairs may be included with the fine if the order is not complied with by such date. A certified copy of such order may be recorded in the public records of the county and shall constitute notice to any subsequent purchasers, successors in interest, or assigns if the violation concerns real property, and the findings therein shall be binding upon the violator and, if the violation concerns real property, any subsequent purchasers, successors in interest or assigns. If an order is recorded in the public records pursuant to this subsection and the order is complied with by the date specified in the order, the compliance board shall issue an order acknowledging compliance that shall be recorded in the public records. A hearing is not required to issue such an order acknowledging compliance.

(Code 1978, § 2-83; Ord. No. 18-1979, § 6, 9-19-1979; Ord. No. 16-1982, § 6, 8-4-1982; Ord. No. 15-1985, § 5, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 18-1995, § III, 10-18-1995; Ord. No. 4-1996, § VI, 3-20-1996; Ord. No. 10-1997, § I, 9-3-1997; Ord. No. 3-1998, § II, 1-7-1998; Ord. No. 9-1998, § V, 8-5-1998; Ord. No. 11-2001, § 1, 8-15-2001; Ord. No. 02-2012, § 2, 1-18-2012)

State law reference— Similar provisions, F.S. § 162.07.

Sec. 9-38. - Powers of compliance board generally.

The compliance board shall have the power to:

- (1) Adopt rules for the conduct of its hearings;
- (2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the sheriff of the county, or the town's law enforcement personnel;
- (3) Subpoena evidence;
- (4) Take testimony under oath;
- (5) Issue orders having the force of law commanding whatever steps are necessary to bring a violation into compliance.

(Ord. No. 18-1979, § 7, 9-19-1979; Ord. No. 16-1982, § 7, 8-4-1982; Ord. No. 15-1985, § 6, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-84)

Editor's note—

The rules for conduct of code compliance board hearings, referred to in [§ 9-38\(1\)](#), are not printed herein, but are on file in the offices of the town.

State law reference— Similar provisions, F.S. § 162.08.

Sec. 9-39. - Fines, cost of repair and liens.

- (a) *Fines for violations.* The compliance board, upon notification by the code compliance officer that an order of the compliance board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in an amount specified in this section for each day the violation continues past the date set by the compliance board for compliance or, in the case of repeat violation, for each day the repeat violation continues beginning with the date the repeat violation is found to have occurred by the code compliance officer. In addition, if the violation is a violation described in subsection 9-36(d), the compliance board shall notify the town commission which may make all reasonable repairs which are required to bring the property into compliance and charge the violator with the reasonable cost of the repairs along with the fine imposed pursuant to this section. Making such repairs does not create a continuing obligation on the part of the town to make further repairs, or to maintain the property, and does not create any liability against the town for any damages to the property of such repairs where complied in good faith. If a finding of a violation or a repeat violation has been made as provided in this section, a hearing shall not be necessary for issuance of the order imposing the fine. If, after due notice and hearing, a code compliance board finds a violation to be irreparable or irreversible in nature, it may order the violator to pay a fine as specified in subsection (b) of this section.
- (b) *Maximum fine.* A fine imposed pursuant to this section shall not exceed \$250.00 per day for a first violation and shall not exceed \$500.00 per day for a repeat violation, and in addition, may include all costs of repairs pursuant to subsection (a) of this section. However, if a code compliance board finds the violation to be irreparable or irreversible in nature, it may impose a fine not to exceed \$5,000.00 per violation.
- (c) *Determining amount of fine.* In determining the amount of the fine, if any, the compliance board shall consider the following factors:
- (1) The gravity of the violations;
 - (2) Any actions taken by the violator to correct the violation; and
 - (3) Any previous violations committed by the violator.
- (d) *Fine reduction.* The compliance board and/or the special magistrate may reduce or abate a fine imposed pursuant to this section.
- (e) *Filing of lien; foreclosure.* A certified copy of an order imposing a fine, or a fine plus repair costs, may be recorded in the public records and thereafter shall constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Such lien shall be superior to all other liens and shall bear interest at the rate of ten percent per annum from the date the order is entered by the board. Upon petition to the circuit court, such order may be enforced in the same manner as a court judgment by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgment except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgment is rendered in a suit to foreclose on a lien filed pursuant to this article, whichever occurs first. A lien arising from a fine imposed pursuant to this section runs in favor of the town commission and the town commission may execute a satisfaction or release of lien entered pursuant to this section. After three months from the filing of any such lien which remains unpaid, the compliance board, or special magistrate, may authorize the town attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution (Fla. Const. art. X, § 4).

(Ord. No. 18-1979, § 8, 9-19-1979; Ord. No. 16-1982, § 8, 8-4-1982; Ord. No. 15-1985, § 7, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 18-1995, § IV, 10-18-1995; Ord. No. 4-1996, § VII, 3-20-1996; Ord. No. 9-1997, § I, 8-6-1997; Ord. No. 9-1998, § VI, 8-5-1998; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-85; Ord. No. 12-2004, § 2(2-85), 5-5-2004)

State law reference— Similar provisions, F.S. § 162.09.

Sec. 9-40. - Enforcement of lien; collection of costs.

No lien provided by the Local Government Code Enforcement Boards Act (F.S. §§ 162.01—162.13) shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction. In an action to foreclose on a lien, the prevailing party is entitled to recover all costs, including a reasonable attorney's fee, that it incurs in the foreclosure. The town shall be entitled to collect all costs, including attorney's fees, incurred in recording and satisfying a valid lien. The continuation of the lien effected by the commencement of the action shall not be good against creditors or subsequent purchasers for valuable consideration without notice, unless a notice of lis pendens is recorded.

(Ord. No. 16-1982, § 9, 8-4-1982; Ord. No. 15-1985, § 8, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 18-1995, § V, 10-18-1995; Ord. No. 4-1996, § VIII, 3-20-1996; Code 1978, § 2-86)

State law reference— Similar provisions, F.S. § 162.10.

Sec. 9-41. - Appeals.

An aggrieved party, including the town commission, may appeal a final administrative order of the compliance board, town attorney, or special magistrate to the circuit court. Such an appeal shall not be a hearing de novo, but shall be limited to appellate review of the record created before the compliance board. An appeal shall be filed within 30 days of the execution of the order to be appealed.

(Ord. No. 18-1979, § 9, 9-19-1979; Ord. No. 16-1982, § 10, 8-4-1982; Ord. No. 15-1985, § 9, 9-4-1985; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-87)

State law reference— Similar provisions, F.S. § 162.11.

Sec. 9-42. - Notices.

- (a) All notices required by this article shall be provided to the alleged violator by:
- (1) Certified mail, return receipt requested provided if such notice is sent under this paragraph to the owner of the property in question at the address listed in the tax collector's office for tax notices, or at any other address provided to the town by the property owner in writing for the purpose of receiving notices and if returned as unclaimed or refused, notice may be provided by posting as described in subsections (b)(1) and (2) of this section. For property owned by a corporation, notices may be provided by certified mail to the registered agent of the corporation;
 - (2) Hand delivery by a law enforcement officer, code compliance officer or other person designated by the town;
 - (3) Leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age, and informing such person of the contents of the notice; or
 - (4) In case of commercial premises, leaving the notice with the manager or other person in charge.

- (b) In addition to providing notice as set forth in subsection (a)(1) of this section, at the option of the special magistrate, notice may also be served by publication or posting as follows:
- (1) *Publication.* Such notice shall be published once during each week for four consecutive weeks (four publications being sufficient) in a newspaper of general circulation in the county. The newspaper shall meet such requirements as are prescribed under F.S. ch. 50 for legal and official advertisements. Proof of publication shall be made as in F.S. §§ 50.041 and 50.051.
 - (2) *Posting.* In lieu of publication as described in subsection (b)(1) of this section, such notice may be posted for at least ten days prior to the hearing or prior to the expiration of any deadline contained in the notice in at least two locations, one of which shall be the property upon which the violation is alleged to exist and the other of which shall be at the town hall. Proof of posting shall be by affidavit of the person posting the notice, which affidavit shall include a copy of the notice posted and the date and places of its posting.
- (c) Notice by publication or posting may run concurrently with, or may follow, an attempt or attempts to provide notice by hand delivery or by mail, as required under subsection (a) of this section.
- (d) Evidence that an attempt has been made to hand deliver or mail notice as provided under subsection (a) of this section, together with proof of publication or posting as provided in subsection (b) of this section, shall be sufficient to show that the notice requirements of this article have been met, without regard to whether or not the alleged violator actually received such notice.

(Ord. No. 18-1979, § 10, 9-19-1979; Ord. No. 13-1989, § 1, 8-2-1989; Ord. No. 18-1995, § VI, 10-18-1995; Ord. No. 4-1996, § IX, 3-20-1996; Ord. No. 11-2001, § 1, 8-15-2001; Code 1978, § 2-88; Ord. No. 12-2004, § 2(2-88), 5-5-2004; Ord. No. 01-2013, § 2, 2-6-2013)

State law reference— Similar provisions, F.S. § 162.12.

Secs. 9-43—9-70. - Reserved.

FOOTNOTE(S):

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Cross reference— Boards and commissions, § 2-111 et seq. [\(Back\)](#)

State Law reference— Local Government Code Enforcement Boards Act, F.S. § 162.01 et seq. [\(Back\)](#)

CRA Board

Lake Park, Florida, Code of Ordinances >> [Subpart A - GENERAL ORDINANCES](#) >> [Chapter 2 - ADMINISTRATION](#) >> [ARTICLE V. - FINANCES](#) >> [DIVISION 3. - REDEVELOPMENT TRUST FUND](#) >>

DIVISION 3. - REDEVELOPMENT TRUST FUND ^[8]

Sec. 2-281. - Creation.

There is hereby created a Redevelopment Trust Fund, hereinafter referred to as "trust fund."

(Ord. No. 2-1999, § 1, 2-3-1999, Code 1978, § 2-110.10(a))

Sec. 2-282. - Purpose.

Funds allocated to and deposited into the trust fund shall be used by the community redevelopment agency to finance or refinance any community redevelopment it undertakes pursuant to the community redevelopment plan approved by the town commission.

(Ord. No. 2-1999, § 1, 2-3-1999, Code 1978, § 2-110.10(b))

Sec. 2-283. - Funding formula.

The trust fund shall be funded annually in an amount not less than that increment in the income, proceeds, revenues and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under the Community Redevelopment Act of 1969 (F.S. § 163.330 et seq.). Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

- (1) The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and
- (2) The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance from which this division is derived.

(Ord. No. 2-1999, § 1, 2-3-1999, Code 1978, § 2-110.10(c))

Sec. 2-284. - Appropriation by taxing authority.

- (a) Except for the purpose of funding the trust fund pursuant to [section 2-287](#), upon the adoption of this division, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for as long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum which is no less than the increment as defined and determined in [section 2-283](#) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to F.S. § 163.361(1), each such taxing

authority shall make the annual appropriation for a period not to exceed 30 years after the date the town commission amends the plan.

- (b) Any taxing authority that does not pay the increment to the trust fund by January 1 shall pay to the trust fund an amount equal to five percent of the amount of the increment and shall pay interest on the amount of the increment equal to one percent for each month the increment is outstanding.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(d))

Sec. 2-285. - Exempt taxing authorities.

No taxing authority is exempt from the provisions of this division except the following public bodies or taxing authorities created prior to July 1, 1993:

- (1) A special district that levies ad valorem taxes on taxable real property in more than one county.
- (2) A special district the sole available source of revenue of which is ad valorem taxes at the time an ordinance is adopted under this division.
- (3) A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
- (4) A neighborhood improvement district created under the Safe Neighborhoods Act, F.S. §§ 163.501—163.526.
- (5) A metropolitan transportation authority.
- (6) A water management district created under F.S. § 373.069.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(e))

Sec. 2-286. - Application for exemption.

In addition to the special districts identified in [section 2-285](#), the town commission may exempt from this section a special district that levies ad valorem taxes within the community redevelopment area. The town commission may grant the exemption either in its sole discretion or in response to the request of the special district.

- (1) In deciding whether to deny or grant a special district's request for exemption from this section, the town commission must consider:
 - a. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.
 - b. The fiscal and operational impact on the community redevelopment agency.
 - c. The fiscal and operational impact on the special district.
 - d. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.
 - e. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.
 - f. The benefit of the activities of the special district to the approved community redevelopment plan.
 - g.

- The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.
- (2) The town commission must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation within the town. The notice must describe the time, date, place and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan and the special district that requested the exemption.
 - (3) If the town commission grants an exemption to a special district under this subsection, the town commission and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.
 - (4) If the town commission denies a request for exemption by a special district, the commission shall provide the special district with a written analysis specifying the rationale for such denial. This written analysis must include, but is not limited to, the following information:
 - a. A separate, detailed examination of each consideration listed in subsection (1) of this section.
 - b. Specific examples of how the approved community redevelopment plan will benefit, and has already benefited, the purpose for which the special district was created.
 - (5) The decision to either deny or grant an exemption must be made by the town commission within 120 days after the date the written request was submitted to the town commission.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(f))

Sec. 2-287. - Continuance of obligation to fund trust fund.

Notwithstanding the provisions of section 2-284, the obligation of the town commission to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of the community redevelopment agency incurred as a result of redevelopment in the community redevelopment area have been paid.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(g))

Sec. 2-288. - Payment of revenue bonds and notes; liens.

The revenue bonds and notes of every issue under Part III, Chapter 163, Florida Statutes (F.S. §§ 163.330—163.463) are payable solely out of revenues pledged to and received by the community redevelopment agency and deposited to the trust fund. The lien created by such bonds or notes shall not attach until the revenues referred to herein are deposited in the trust fund at the times, and to the extent that, such revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(h))

Sec. 2-289. - Issuance of revenue bonds; purpose.

Revenue bonds issued under the provisions of Part III, Chapter 163, Florida Statutes (F.S. §§ 163.330—163.463) shall not be deemed to constitute a debt, liability or obligation of the town commission or the state or any political subdivision thereof, or a pledge of the faith and credit of the town commission or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the town commission or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(i))

Sec. 2-290. - Expenditure of moneys.

Moneys in the trust fund may be expended from time to time for the following purposes, when directly related to financing or refinancing of redevelopment in the community redevelopment area pursuant to a community redevelopment plan approved by the town commission:

- (1) Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.
- (2) Expenses of redevelopment planning, surveys and financial analysis, including the reimbursement of the town commission or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.
- (3) The acquisition of real property in the redevelopment area.
- (4) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants as provided in F.S. § 163.370.
- (5) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.
- (6) All expenses incidental to or connected with the issuance, sale, redemption, retirement or purchase of agency bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes or other form of indebtedness.
- (7) The development of affordable housing within the area.
- (8) The development of community policing innovations.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(j))

Sec. 2-291. - Year end.

On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund uncommitted by an executed contract and after the payment of expenses pursuant to [section 2-290](#) for such year shall be:

- (1) Returned to each taxing authority which paid the increment in the proportion that the amount the payments of such taxing authority bear to the total amount paid into the trust fund by all taxing authorities within the redevelopment area for that year;
- (2) Used to reduce the amount of any indebtedness to which increment revenues are pledged;
- (3)

Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

- (4) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan which project will be completed within three years from the date of such appropriation.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(k))

Sec. 2-292. - Annual audit and report.

The community redevelopment agency shall provide for an independent financial audit of the trust fund each fiscal year and a report of such audit. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which is pledged increment revenues and the remaining amount of such indebtedness. The agency shall provide a copy of the report to each taxing authority.

(Ord. No. 2-1999, § 1, 2-3-1999; Code 1978, § 2-110.10(l))

State law reference— Similar provisions, F.S. § 163.387.

Secs. 2-293—2-310. - Reserved.

FOOTNOTE(S):

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State Law reference— Community Redevelopment Act, F.S. § 163.330 et seq. [\(Back\)](#)

Environmental Protection, the Department of Agriculture and Consumer Services, a water management district, or a recognized statewide land trust.

(9) Owners of land within rural land stewardship sending areas should be provided other incentives, in addition to the use or conveyance of stewardship credits, to enter into rural land stewardship agreements, pursuant to existing law and rules adopted thereto, with state agencies, water management districts, the Fish and Wildlife Conservation Commission, and local governments to achieve mutually agreed upon objectives. Such incentives may include, but are not limited to, the following:

(a) Opportunity to accumulate transferable wetland and species habitat mitigation credits for use or sale.

(b) Extended permit agreements.

(c) Opportunities for recreational leases and ecotourism.

(d) Compensation for the achievement of specified land management activities of public benefit, including, but not limited to, facility siting and corridors, recreational leases, water conservation and storage, water reuse, wastewater recycling, water supply and water resource development, nutrient reduction, environmental restoration and mitigation, public recreation, listed species protection and recovery, and wildlife corridor management and enhancement.

(e) Option agreements for sale to public entities or private land conservation entities, in either fee or easement, upon achievement of specified conservation objectives.

(10) This section constitutes an overlay of land use options that provide economic and regulatory incentives for landowners outside of established and planned urban service areas to conserve and manage vast areas of land for the benefit of the state's citizens and natural environment while maintaining and enhancing the asset value of their landholdings. It is the intent of the Legislature that this section be implemented pursuant to law, and rulemaking is not authorized.

(11) It is the intent of the Legislature that the rural land stewardship area located in Collier County, which was established pursuant to the requirements of a final order by the Governor and Cabinet, duly adopted as a growth management plan amendment by Collier County, and found in compliance with this chapter, be recognized as a statutory rural land stewardship area and be afforded the incentives in this section.

History.—s. 32, ch. 2011-139; s. 18, ch. 2012-5.

PART III COMMUNITY REDEVELOPMENT

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- 163.445 Assistance to community redevelopment by state agencies.
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- 163.463 Applicability of ch. 2002-294.

163.330 Short title.—This part shall be known and may be cited as the “Community Redevelopment Act of 1969.”

History.—s. 1, ch. 69-305.

163.335 Findings and declarations of necessity.—

(1) It is hereby found and declared that there exist in counties and municipalities of the state slum and blighted areas which constitute a serious and growing menace, injurious to the public health, safety, morals, and welfare of the residents of the state; that the existence of such areas contributes substantially and increasingly to the spread of disease and crime, constitutes an economic and social liability imposing onerous burdens which decrease the tax base and reduce tax revenues, substantially impairs or arrests sound growth, retards the provision of housing accommodations, aggravates traffic problems, and substantially hampers the elimination of traffic hazards and the improvement of traffic facilities; and that the prevention and elimination of slums and blight is a matter of state policy and state concern in order that the state and its counties and municipalities shall not continue to be endangered by areas which are focal centers of disease, promote juvenile delinquency, and consume an excessive proportion of its revenues because of the extra services required for police, fire, accident, hospitalization, and other forms of public protection, services, and facilities.

(2) It is further found and declared that certain slum or blighted areas, or portions thereof, may require acquisition, clearance, and disposition subject to use restrictions, as provided in this part, since the prevailing condition of decay may make impracticable the reclamation of the area by conservation or rehabilitation; that other areas or portions thereof may, through the means provided in this part, be susceptible of conservation or rehabilitation in such a manner that the conditions and evils enumerated may be eliminated, remedied, or prevented; and that salvageable slum and blighted areas can be

conserved and rehabilitated through appropriate public action as herein authorized and the cooperation and voluntary action of the owners and tenants of property in such areas.

(3) It is further found and declared that the powers conferred by this part are for public uses and purposes for which public money may be expended and police power exercised, and the necessity in the public interest for the provisions herein enacted is declared as a matter of legislative determination.

(4) It is further found that coastal resort and tourist areas or portions thereof which are deteriorating and economically distressed due to building density patterns, inadequate transportation and parking facilities, faulty lot layout, or inadequate street layout, could, through the means provided in this part, be revitalized and redeveloped in a manner that will vastly improve the economic and social conditions of the community.

(5) It is further found and declared that the preservation or enhancement of the tax base from which a taxing authority realizes tax revenues is essential to its existence and financial health; that the preservation and enhancement of such tax base is implicit in the purposes for which a taxing authority is established; that tax increment financing is an effective method of achieving such preservation and enhancement in areas in which such tax base is declining; that community redevelopment in such areas, when complete, will enhance such tax base and provide increased tax revenues to all affected taxing authorities, increasing their ability to accomplish their other respective purposes; and that the preservation and enhancement of the tax base in such areas through tax increment financing and the levying of taxes by such taxing authorities therefor and the appropriation of funds to a redevelopment trust fund bears a substantial relation to the purposes of such taxing authorities and is for their respective purposes and concerns. This subsection does not apply in any jurisdiction where the community redevelopment agency validated bonds as of April 30, 1984.

(6) It is further found and declared that there exists in counties and municipalities of the state a severe shortage of housing affordable to residents of low or moderate income, including the elderly; that the existence of such condition affects the health, safety, and welfare of the residents of such counties and municipalities and retards their growth and economic and social development; and that the elimination or improvement of such condition is a proper matter of state policy and state concern and is for a valid and desirable public purpose.

(7) It is further found and declared that the prevention or elimination of a slum area or blighted area as defined in this part and the preservation or enhancement of the tax base are not public uses or purposes for which private property may be taken by eminent domain and do not satisfy the public purpose requirement of s. 6(a), Art. X of the State Constitution.

History.—s. 2, ch. 69-305; ss. 1, 22, ch. 84-356; s. 1, ch. 98-201; s. 6, ch. 2006-11.

163.336 Coastal resort area redevelopment pilot project.—

(1) LEGISLATIVE INTENT.—

(a) The Legislature recognizes that some coastal resort and tourist areas are deteriorating and declining as recreation and tourist centers. It is appropriate to undertake a pilot project to determine the feasibility of encouraging redevelopment of economically distressed coastal properties to allow full utilization of existing urban infrastructure such as roads and utility lines. Such activities can have a beneficial impact on local and state economies and provide job opportunities and revitalization of urban areas.

(b) The Department of Environmental Protection shall administer a pilot project for redevelopment of economically distressed coastal resort and tourist areas. Such a pilot project shall be administered in

the coastal areas of Florida's Atlantic Coast between the St. Johns River entrance and Ponce de Leon Inlet.

(2) PILOT PROJECT ADMINISTRATION.—

(a) To be eligible to participate in this pilot project, all or a portion of the area must be within:

1. The coastal building zone as defined in s. 161.54; and

2. A community redevelopment area, enterprise zone, brownfield area, empowerment zone, or other such economically deprived areas as designated by the county or municipality with jurisdiction over the area.

(b) Local governments are encouraged to use the full range of economic and tax incentives available to facilitate and promote redevelopment and revitalization within the pilot project areas.

(c) The Office of the Governor, the Department of Environmental Protection, and the Department of Economic Opportunity are directed to provide technical assistance to expedite permitting for redevelopment projects and construction activities within the pilot project areas consistent with the principles, processes, and timeframes provided in s. 403.973.

(d) The Department of Environmental Protection shall exempt construction activities within the pilot project area in locations seaward of a coastal construction control line and landward of existing armoring from certain siting and design criteria pursuant to s. 161.053. However, such exemption shall not be deemed to exempt property within the pilot project area from applicable local land development regulations, including but not limited to, setback, side lot line, and lot coverage requirements. Such exemption shall apply to construction and redevelopment of structures involving the coverage, excavation, and impervious surface criteria of s. 161.053, and related adopted rules, as follows:

1. This review by the department of applications for permits for coastal construction within the pilot project area must apply to construction and redevelopment of structures subject to the coverage, excavation, and impervious surface criteria of s. 161.053, and related adopted rules. It is the intent of these provisions that the pilot project area be enabled to redevelop in a manner which meets the economic needs of the area while preserving public safety and existing resources, including natural resources.

2. The criteria for review under s. 161.053 are applicable within the pilot project area, except that the structures within the pilot project area shall not be subject to specific shore parallel coverage requirements and are allowed to exceed the 50 percent impervious surface requirement. In no case shall stormwater discharge be allowed onto, or seaward of, the frontal dune. Structures are also not bound by the restrictions on excavation unless the construction will adversely affect the integrity of the existing seawall or rigid coastal armoring structure or stability of the existing beach and dune system. It is specifically contemplated that underground structures, including garages, will be permitted. All beach-compatible material excavated under this subparagraph must be maintained on site seaward of the coastal construction control line. However, during the permit review process under s. 161.053, the department may favorably consider authorized sand placement on adjacent properties if the permittee has demonstrated every reasonable effort to effectively use all beach-quality material on site to enhance the beach and dune system and has prepared a comprehensive plan for beach and dune nourishment for the adjoining area.

3. The review criteria in subparagraph 2. will apply to all construction within the pilot project area lying seaward of the coastal construction control line and landward of an existing viable seawall or rigid coastal armoring structure, if such construction is fronted by a seawall or rigid coastal armoring structure extending at least 1,000 feet without any interruptions other than beach access points. For purposes of this section, a viable seawall or rigid coastal armoring structure is a structure that has not

deteriorated, dilapidated, or been damaged to such a degree that it no longer provides adequate protection to the upland property when considering the following criteria, including, but not limited to:

a. The top must be at or above the still water level, including setup, for the design storm of 30-year return storm plus the breaking wave calculated at its highest achievable level based on the maximum eroded beach profile and highest surge level combination, and must be high enough to preclude runup overtopping;

b. The armoring must be stable under the design storm of 30-year return storm including maximum localized scour, with adequate penetration; and

c. The armoring must have sufficient continuity or return walls to prevent flooding under the design storm of 30-year return storm from impacting the proposed construction.

4. Where there exists a continuous line of rigid coastal armoring structure on either side of unarmored property and the adjacent line of rigid coastal armoring structures are having an adverse effect on or threaten the unarmored property, and the gap does not exceed 100 feet, the department may grant the necessary permits under s. 161.085 to close the gap.

5. Structures approved pursuant to this section shall not cause flooding of or result in adverse impacts to existing upland structures or properties and shall comply with all other requirements of s. 161.053 and its implementing rules.

6. Where there exists a continuous line of viable rigid coastal armoring structure on either side of a nonviable rigid coastal armoring structure, the department shall grant the necessary permits under s. 161.085 to replace such nonviable rigid coastal armoring structure with a viable rigid coastal armoring structure as defined in this section. This shall not apply to rigid coastal armoring structures constructed after May 1, 1998, unless such structures have been permitted pursuant to s. 161.085(2).

(3) PILOT PROJECT EXPIRATION.—The authorization for the pilot project and the provisions of this section expire December 31, 2014. The department and affected local governments shall provide for an independent analysis of the economic value and environmental impact of the pilot project and provide a report to the Speaker of the House of Representatives and the President of the Senate on or before February 1, 2008.

History.—s. 4, ch. 98-201; s. 1, ch. 2002-294; s. 3, ch. 2006-68; s. 13, ch. 2012-96.

163.340 Definitions.—The following terms, wherever used or referred to in this part, have the following meanings:

(1) “Agency” or “community redevelopment agency” means a public agency created by, or designated pursuant to, s. 163.356 or s. 163.357.

(2) “Public body” means the state or any county, municipality, authority, special district as defined in ¹s. 165.031(5), or other public body of the state, except a school district.

(3) “Governing body” means the council, commission, or other legislative body charged with governing the county or municipality.

(4) “Mayor” means the mayor of a municipality or, for a county, the chair of the board of county commissioners or such other officer as may be constituted by law to act as the executive head of such municipality or county.

(5) “Clerk” means the clerk or other official of the county or municipality who is the custodian of the official records of such county or municipality.

(6) “Federal Government” includes the United States or any agency or instrumentality, corporate or otherwise, of the United States.

(7) "Slum area" means an area having physical or economic conditions conducive to disease, infant mortality, juvenile delinquency, poverty, or crime because there is a predominance of buildings or improvements, whether residential or nonresidential, which are impaired by reason of dilapidation, deterioration, age, or obsolescence, and exhibiting one or more of the following factors:

- (a) Inadequate provision for ventilation, light, air, sanitation, or open spaces;
- (b) High density of population, compared to the population density of adjacent areas within the county or municipality; and overcrowding, as indicated by government-maintained statistics or other studies and the requirements of the Florida Building Code; or
- (c) The existence of conditions that endanger life or property by fire or other causes.

(8) "Blighted area" means an area in which there are a substantial number of deteriorated, or deteriorating structures, in which conditions, as indicated by government-maintained statistics or other studies, are leading to economic distress or endanger life or property, and in which two or more of the following factors are present:

- (a) Predominance of defective or inadequate street layout, parking facilities, roadways, bridges, or public transportation facilities;
- (b) Aggregate assessed values of real property in the area for ad valorem tax purposes have failed to show any appreciable increase over the 5 years prior to the finding of such conditions;
- (c) Faulty lot layout in relation to size, adequacy, accessibility, or usefulness;
- (d) Unsanitary or unsafe conditions;
- (e) Deterioration of site or other improvements;
- (f) Inadequate and outdated building density patterns;
- (g) Falling lease rates per square foot of office, commercial, or industrial space compared to the remainder of the county or municipality;
- (h) Tax or special assessment delinquency exceeding the fair value of the land;
- (i) Residential and commercial vacancy rates higher in the area than in the remainder of the county or municipality;
- (j) Incidence of crime in the area higher than in the remainder of the county or municipality;
- (k) Fire and emergency medical service calls to the area proportionately higher than in the remainder of the county or municipality;
- (l) A greater number of violations of the Florida Building Code in the area than the number of violations recorded in the remainder of the county or municipality;
- (m) Diversity of ownership or defective or unusual conditions of title which prevent the free alienability of land within the deteriorated or hazardous area; or
- (n) Governmentally owned property with adverse environmental conditions caused by a public or private entity.

However, the term "blighted area" also means any area in which at least one of the factors identified in paragraphs (a) through (n) are present and all taxing authorities subject to s. 163.387(2)(a) agree, either by interlocal agreement or agreements with the agency or by resolution, that the area is blighted. Such agreement or resolution shall only determine that the area is blighted. For purposes of qualifying for the tax credits authorized in chapter 220, "blighted area" means an area as defined in this subsection.

(9) "Community redevelopment" or "redevelopment" means undertakings, activities, or projects of a county, municipality, or community redevelopment agency in a community redevelopment area for the elimination and prevention of the development or spread of slums and blight, or for the reduction or prevention of crime, or for the provision of affordable housing, whether for rent or for sale, to residents

of low or moderate income, including the elderly, and may include slum clearance and redevelopment in a community redevelopment area or rehabilitation and revitalization of coastal resort and tourist areas that are deteriorating and economically distressed, or rehabilitation or conservation in a community redevelopment area, or any combination or part thereof, in accordance with a community redevelopment plan and may include the preparation of such a plan.

(10) "Community redevelopment area" means a slum area, a blighted area, or an area in which there is a shortage of housing that is affordable to residents of low or moderate income, including the elderly, or a coastal and tourist area that is deteriorating and economically distressed due to outdated building density patterns, inadequate transportation and parking facilities, faulty lot layout or inadequate street layout, or a combination thereof which the governing body designates as appropriate for community redevelopment. For community redevelopment agencies created after July 1, 2006, a community redevelopment area may not consist of more than 80 percent of a municipality.

(11) "Community redevelopment plan" means a plan, as it exists from time to time, for a community redevelopment area.

(12) "Related activities" means:

(a) Planning work for the preparation of a general neighborhood redevelopment plan or for the preparation or completion of a communitywide plan or program pursuant to s. 163.365.

(b) The functions related to the acquisition and disposal of real property pursuant to s. 163.370(4).

(c) The development of affordable housing for residents of the area.

(d) The development of community policing innovations.

(13) "Real property" means all lands, including improvements and fixtures thereon, and property of any nature appurtenant thereto or used in connection therewith and every estate, interest, right, and use, legal or equitable, therein, including but not limited to terms for years and liens by way of judgment, mortgage, or otherwise.

(14) "Bonds" means any bonds (including refunding bonds), notes, interim certificates, certificates of indebtedness, debentures, or other obligations.

(15) "Obligee" means and includes any bondholder, agents or trustees for any bondholders, or lessor demising to the county or municipality property used in connection with community redevelopment, or any assignee or assignees of such lessor's interest or any part thereof, and the Federal Government when it is a party to any contract with the county or municipality.

(16) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes any trustee, receiver, assignee, or other person acting in a similar representative capacity.

(17) "Area of operation" means, for a county, the area within the boundaries of the county, and for a municipality, the area within the corporate limits of the municipality.

(18) "Housing authority" means a housing authority created by and established pursuant to chapter 421.

(19) "Board" or "commission" means a board, commission, department, division, office, body or other unit of the county or municipality.

(20) "Public officer" means any officer who is in charge of any department or branch of the government of the county or municipality relating to health, fire, building regulations, or other activities concerning dwellings in the county or municipality.

(21) "Debt service millage" means any millage levied pursuant to s. 12, Art. VII of the State Constitution.

(22) "Increment revenue" means the amount calculated pursuant to s. 163.387(1).

(23) “Community policing innovation” means a policing technique or strategy designed to reduce crime by reducing opportunities for, and increasing the perceived risks of engaging in, criminal activity through visible presence of police in the community, including, but not limited to, community mobilization, neighborhood block watch, citizen patrol, citizen contact patrol, foot patrol, neighborhood storefront police stations, field interrogation, or intensified motorized patrol.

(24) “Taxing authority” means a public body that levies or is authorized to levy an ad valorem tax on real property located in a community redevelopment area.

History.—s. 3, ch. 69-305; s. 1, ch. 77-391; s. 1, ch. 81-44; s. 3, ch. 83-231; ss. 2, 22, ch. 84-356; s. 83, ch. 85-180; s. 72, ch. 87-243; s. 33, ch. 91-45; s. 1, ch. 93-286; s. 1, ch. 94-236; s. 1447, ch. 95-147; s. 2, ch. 98-201; s. 1, ch. 98-314; s. 2, ch. 2002-294; s. 7, ch. 2006-11; s. 1, ch. 2006-307.

¹**Note.**—Redesignated as s. 165.031(7) by s. 1, ch. 2012-121.

163.345 Encouragement of private enterprise.—

(1) Any county or municipality, to the greatest extent it determines to be feasible in carrying out the provisions of this part, shall afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprise. Any county or municipality shall give consideration to this objective in exercising its powers under this part, including the formulation of a workable program; the approval of community redevelopment plans, communitywide plans or programs for community redevelopment, and general neighborhood redevelopment plans (consistent with the general plan of the county or municipality); the development and implementation of community policing innovations; the exercise of its zoning powers; the enforcement of other laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements; the development of affordable housing; the disposition of any property acquired, subject to the limitations of s. 73.013; and the provision of necessary public improvements.

(2) In giving consideration to the objectives outlined in subsection (1), the county or municipality shall consider making available the incentives provided under the Florida Enterprise Zone Act and chapter 420.

History.—s. 4, ch. 69-305; s. 4, ch. 83-231; s. 2, ch. 94-236; s. 2, ch. 98-314; s. 26, ch. 2001-60; s. 12, ch. 2005-287; s. 8, ch. 2006-11.

163.346 Notice to taxing authorities.—Before the governing body adopts any resolution or enacts any ordinance required under s. 163.355, s. 163.356, s. 163.357, or s. 163.387; creates a community redevelopment agency; approves, adopts, or amends a community redevelopment plan; or issues redevelopment revenue bonds under s. 163.385, the governing body must provide public notice of such proposed action pursuant to s. 125.66(2) or s. 166.041(3)(a) and, at least 15 days before such proposed action, mail by registered mail a notice to each taxing authority which levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area.

History.—s. 8, ch. 84-356; s. 2, ch. 93-286; s. 13, ch. 95-310.

163.350 Workable program.—Any county or municipality for the purposes of this part may formulate for the county or municipality a workable program for utilizing appropriate private and public resources to eliminate and prevent the development or spread of slums and urban blight, to encourage needed community rehabilitation, to provide for the redevelopment of slum and blighted areas, to provide housing affordable to residents of low or moderate income, including the elderly, or to undertake such of the aforesaid activities or other feasible county or municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may

include provision for the prevention of the spread of blight into areas of the county or municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of slum and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements, encouraging voluntary rehabilitation, and compelling the repair and rehabilitation of deteriorated or deteriorating structures; the development of affordable housing; the implementation of community policing innovations; and the clearance and redevelopment of slum and blighted areas or portions thereof.

History.—s. 5, ch. 69-305; s. 3, ch. 84-356; s. 3, ch. 94-236; s. 3, ch. 98-314.

163.353 Power of taxing authority to tax or appropriate funds to a redevelopment trust fund in order to preserve and enhance the tax base of the authority.—Notwithstanding any other provision of general or special law, the purposes for which a taxing authority may levy taxes or appropriate funds to a redevelopment trust fund include the preservation and enhancement of the tax base of such taxing authority and the furthering of the purposes of such taxing authority as provided by law.

History.—s. 21, ch. 84-356.

163.355 Finding of necessity by county or municipality.—No county or municipality shall exercise the community redevelopment authority conferred by this part until after the governing body has adopted a resolution, supported by data and analysis, which makes a legislative finding that the conditions in the area meet the criteria described in s. 163.340(7) or (8). The resolution must state that:

- (1) One or more slum or blighted areas, or one or more areas in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, exist in such county or municipality; and
- (2) The rehabilitation, conservation, or redevelopment, or a combination thereof, of such area or areas, including, if appropriate, the development of housing which residents of low or moderate income, including the elderly, can afford, is necessary in the interest of the public health, safety, morals, or welfare of the residents of such county or municipality.

History.—s. 6, ch. 69-305; s. 4, ch. 84-356; s. 4, ch. 94-236; s. 3, ch. 2002-294.

163.356 Creation of community redevelopment agency.—

(1) Upon a finding of necessity as set forth in s. 163.355, and upon a further finding that there is a need for a community redevelopment agency to function in the county or municipality to carry out the community redevelopment purposes of this part, any county or municipality may create a public body corporate and politic to be known as a “community redevelopment agency.” A charter county having a population less than or equal to 1.6 million may create, by a vote of at least a majority plus one of the entire governing body of the charter county, more than one community redevelopment agency. Each such agency shall be constituted as a public instrumentality, and the exercise by a community redevelopment agency of the powers conferred by this part shall be deemed and held to be the performance of an essential public function. Community redevelopment agencies of a county have the power to function within the corporate limits of a municipality only as, if, and when the governing body of the municipality has by resolution concurred in the community redevelopment plan or plans proposed by the governing body of the county.

(2) When the governing body adopts a resolution declaring the need for a community redevelopment agency, that body shall, by ordinance, appoint a board of commissioners of the community redevelopment agency, which shall consist of not fewer than five or more than nine commissioners. The

terms of office of the commissioners shall be for 4 years, except that three of the members first appointed shall be designated to serve terms of 1, 2, and 3 years, respectively, from the date of their appointments, and all other members shall be designated to serve for terms of 4 years from the date of their appointments. A vacancy occurring during a term shall be filled for the unexpired term. As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(3)(a) A commissioner shall receive no compensation for services, but is entitled to the necessary expenses, including travel expenses, incurred in the discharge of duties. Each commissioner shall hold office until his or her successor has been appointed and has qualified. A certificate of the appointment or reappointment of any commissioner shall be filed with the clerk of the county or municipality, and such certificate is conclusive evidence of the due and proper appointment of such commissioner.

(b) The powers of a community redevelopment agency shall be exercised by the commissioners thereof. A majority of the commissioners constitutes a quorum for the purpose of conducting business and exercising the powers of the agency and for all other purposes. Action may be taken by the agency upon a vote of a majority of the commissioners present, unless in any case the bylaws require a larger number. Any person may be appointed as commissioner if he or she resides or is engaged in business, which means owning a business, practicing a profession, or performing a service for compensation, or serving as an officer or director of a corporation or other business entity so engaged, within the area of operation of the agency, which shall be coterminous with the area of operation of the county or municipality, and is otherwise eligible for such appointment under this part.

(c) The governing body of the county or municipality shall designate a chair and vice chair from among the commissioners. An agency may employ an executive director, technical experts, and such other agents and employees, permanent and temporary, as it requires, and determine their qualifications, duties, and compensation. For such legal service as it requires, an agency may employ or retain its own counsel and legal staff. An agency authorized to transact business and exercise powers under this part shall file with the governing body, on or before March 31 of each year, a report of its activities for the preceding fiscal year, which report shall include a complete financial statement setting forth its assets, liabilities, income, and operating expenses as of the end of such fiscal year. At the time of filing the report, the agency shall publish in a newspaper of general circulation in the community a notice to the effect that such report has been filed with the county or municipality and that the report is available for inspection during business hours in the office of the clerk of the city or county commission and in the office of the agency.

(d) At any time after the creation of a community redevelopment agency, the governing body of the county or municipality may appropriate to the agency such amounts as the governing body deems necessary for the administrative expenses and overhead of the agency, including the development and implementation of community policing innovations.

(4) The governing body may remove a commissioner for inefficiency, neglect of duty, or misconduct in office only after a hearing and only if he or she has been given a copy of the charges at least 10 days prior to such hearing and has had an opportunity to be heard in person or by counsel.

History.—s. 2, ch. 77-391; s. 1, ch. 83-231; s. 6, ch. 84-356; s. 903, ch. 95-147; s. 4, ch. 98-314; s. 41, ch. 2001-266; s. 4, ch. 2002-294; s. 2, ch. 2006-307.

163.357 Governing body as the community redevelopment agency.—

(1)(a) As an alternative to the appointment of not fewer than five or more than seven members of the agency, the governing body may, at the time of the adoption of a resolution under s. 163.355, or at any time thereafter by adoption of a resolution, declare itself to be an agency, in which case all the rights, powers, duties, privileges, and immunities vested by this part in an agency will be vested in the governing body of the county or municipality, subject to all responsibilities and liabilities imposed or incurred.

(b) The members of the governing body shall be the members of the agency, but such members constitute the head of a legal entity, separate, distinct, and independent from the governing body of the county or municipality. If the governing body declares itself to be an agency which already exists, the new agency is subject to all of the responsibilities and liabilities imposed or incurred by the existing agency.

(c) A governing body which consists of five members may appoint two additional persons to act as members of the community redevelopment agency. The terms of office of the additional members shall be for 4 years, except that the first person appointed shall initially serve a term of 2 years. Persons appointed under this section are subject to all provisions of this part relating to appointed members of a community redevelopment agency.

(d) As provided in an interlocal agreement between the governing body that created the agency and one or more taxing authorities, one or more members of the board of commissioners of the agency may be representatives of a taxing authority, including members of that taxing authority's governing body, whose membership on the board of commissioners of the agency would be considered an additional duty of office as a member of the taxing authority governing body.

(2) Nothing in this part prevents the governing body from conferring the rights, powers, privileges, duties, and immunities of a community redevelopment agency upon any entity in existence on July 1, 1977, which has been authorized by law to function as a downtown development board or authority or as any other body the purpose of which is to prevent and eliminate slums and blight through community redevelopment plans. Any entity in existence on July 1, 1977, which has been vested with the rights, powers, privileges, duties, and immunities of a community redevelopment agency is subject to all provisions and responsibilities imposed by this part, notwithstanding any provisions to the contrary in any law or amendment thereto which established the entity. Nothing in this act shall be construed to impair or diminish any powers of any redevelopment agency or other entity as referred to herein in existence on the effective date of this act or to repeal, modify, or amend any law establishing such entity, except as specifically set forth herein.

History.—s. 2, ch. 77-391; s. 75, ch. 79-400; s. 2, ch. 83-231; s. 5, ch. 84-356; s. 3, ch. 2006-307.

163.358 Exercise of powers in carrying out community redevelopment and related activities.—

Each county and municipality has all powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including those powers granted under s. 163.370. A county or municipality may delegate such powers to a community redevelopment agency created under s. 163.356, except the following, which continue to vest in the governing body of the county or municipality:

(1) The power to determine an area to be a slum or blighted area, or combination thereof; to designate such area as appropriate for community redevelopment; and to hold any public hearings required with respect thereto.

(2) The power to grant final approval to community redevelopment plans and modifications thereof.

(3) The power to authorize the issuance of revenue bonds as set forth in s. 163.385.

(4) The power to approve the acquisition, demolition, removal, or disposal of property as provided in s. 163.370(4) and the power to assume the responsibility to bear loss as provided in s. 163.370(4).

(5) The power to approve the development of community policing innovations.

(6) The power of eminent domain.

History.—s. 2, ch. 77-391; s. 70, ch. 81-259; s. 7, ch. 84-356; s. 34, ch. 91-45; s. 5, ch. 98-314; s. 9, ch. 2006-11.

163.360 Community redevelopment plans.—

(1) Community redevelopment in a community redevelopment area shall not be planned or initiated unless the governing body has, by resolution, determined such area to be a slum area, a blighted area, or an area in which there is a shortage of housing affordable to residents of low or moderate income, including the elderly, or a combination thereof, and designated such area as appropriate for community redevelopment.

(2) The community redevelopment plan shall:

(a) Conform to the comprehensive plan for the county or municipality as prepared by the local planning agency under the Community Planning Act.

(b) Be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the community redevelopment area; zoning and planning changes, if any; land uses; maximum densities; and building requirements.

(c) Provide for the development of affordable housing in the area, or state the reasons for not addressing in the plan the development of affordable housing in the area. The county, municipality, or community redevelopment agency shall coordinate with each housing authority or other affordable housing entities functioning within the geographic boundaries of the redevelopment area, concerning the development of affordable housing in the area.

(3) The community redevelopment plan may provide for the development and implementation of community policing innovations.

(4) The county, municipality, or community redevelopment agency may itself prepare or cause to be prepared a community redevelopment plan, or any person or agency, public or private, may submit such a plan to a community redevelopment agency. Prior to its consideration of a community redevelopment plan, the community redevelopment agency shall submit such plan to the local planning agency of the county or municipality for review and recommendations as to its conformity with the comprehensive plan for the development of the county or municipality as a whole. The local planning agency shall submit its written recommendations with respect to the conformity of the proposed community redevelopment plan to the community redevelopment agency within 60 days after receipt of the plan for review. Upon receipt of the recommendations of the local planning agency, or, if no recommendations are received within such 60 days, then without such recommendations, the community redevelopment agency may proceed with its consideration of the proposed community redevelopment plan.

(5) The community redevelopment agency shall submit any community redevelopment plan it recommends for approval, together with its written recommendations, to the governing body and to each taxing authority that levies ad valorem taxes on taxable real property contained within the geographic boundaries of the redevelopment area. The governing body shall then proceed with the hearing on the proposed community redevelopment plan as prescribed by subsection (6).

(6)(a) The governing body shall hold a public hearing on a community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation

of the county or municipality. The notice shall describe the time, date, place, and purpose of the hearing, identify generally the community redevelopment area covered by the plan, and outline the general scope of the community redevelopment plan under consideration.

(b) For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the following additional procedures are required prior to adoption by the governing body of a community redevelopment plan under subsection (7):

1. Within 30 days after receipt of any community redevelopment plan recommended by a community redevelopment agency under subsection (5), the county may provide written notice by registered mail to the governing body of the municipality and to the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall participate in the joint meeting as a nonvoting member. Any such hearing must be held within 90 days after receipt by the county of the recommended community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative redevelopment plan that meets the requirements of this section to address the conditions identified in the resolution making a finding of necessity required by s. 163.355. If such an alternative redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and to the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of the plan under subsection (7) until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

(7) Following such hearing, the governing body may approve the community redevelopment and the plan therefor if it finds that:

(a) A feasible method exists for the location of families who will be displaced from the community redevelopment area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families;

(b) The community redevelopment plan conforms to the general plan of the county or municipality as a whole;

(c) The community redevelopment plan gives due consideration to the utilization of community policing innovations, and to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of children residing in the general vicinity of the site covered by the plans;

(d) The community redevelopment plan will afford maximum opportunity, consistent with the sound needs of the county or municipality as a whole, for the rehabilitation or redevelopment of the community redevelopment area by private enterprise; and

(e) The community redevelopment plan and resulting revitalization and redevelopment for a coastal tourist area that is deteriorating and economically distressed will reduce or maintain evacuation time, as appropriate, and ensure protection for property against exposure to natural disasters.

(8) If the community redevelopment area consists of an area of open land to be acquired by the county or the municipality, such area may not be so acquired unless:

(a) In the event the area is to be developed in whole or in part for residential uses, the governing body determines:

1. That a shortage of housing of sound standards and design which is decent, safe, affordable to residents of low or moderate income, including the elderly, and sanitary exists in the county or municipality;

2. That the need for housing accommodations has increased in the area;

3. That the conditions of blight in the area or the shortage of decent, safe, affordable, and sanitary housing cause or contribute to an increase in and spread of disease and crime or constitute a menace to the public health, safety, morals, or welfare; and

4. That the acquisition of the area for residential uses is an integral part of and is essential to the program of the county or municipality.

(b) In the event the area is to be developed in whole or in part for nonresidential uses, the governing body determines that:

1. Such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives.

2. Acquisition may require the exercise of governmental action, as provided in this part, because of:

a. Defective, or unusual conditions of, title or diversity of ownership which prevents the free alienability of such land;

b. Tax delinquency;

c. Improper subdivisions;

d. Outmoded street patterns;

e. Deterioration of site;

f. Economic disuse;

g. Unsuitable topography or faulty lot layouts;

h. Lack of correlation of the area with other areas of a county or municipality by streets and modern traffic requirements; or

i. Any combination of such factors or other conditions which retard development of the area.

3. Conditions of blight in the area contribute to an increase in and spread of disease and crime or constitute a menace to public health, safety, morals, or welfare.

(9) Upon the approval by the governing body of a community redevelopment plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective community redevelopment area, and the county or municipality may then cause the community redevelopment agency to carry out such plan or modification in accordance with its terms.

(10) Notwithstanding any other provisions of this part, when the governing body certifies that an area is in need of redevelopment or rehabilitation as a result of an emergency under s. 252.34(3), with respect to which the Governor has certified the need for emergency assistance under federal law, that area may be certified as a "blighted area," and the governing body may approve a community redevelopment plan and community redevelopment with respect to such area without regard to the provisions of this section requiring a general plan for the county or municipality and a public hearing on the community redevelopment.

History.—s. 7, ch. 69-305; s. 3, ch. 77-391; s. 5, ch. 83-231; s. 6, ch. 83-334; s. 9, ch. 84-356; s. 26, ch. 85-55; s. 3, ch. 93-286; s. 5, ch. 94-236; s. 3, ch. 98-201; s. 6, ch. 98-314; s. 63, ch. 99-2; s. 4, ch. 2006-307; s. 33, ch. 2011-139.

163.361 Modification of community redevelopment plans.—

(1) If at any time after the approval of a community redevelopment plan by the governing body it becomes necessary or desirable to amend or modify such plan, the governing body may amend such plan upon the recommendation of the agency. The agency recommendation to amend or modify a redevelopment plan may include a change in the boundaries of the redevelopment area to add land to or exclude land from the redevelopment area, or may include the development and implementation of community policing innovations.

(2) The governing body shall hold a public hearing on a proposed modification of any community redevelopment plan after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the agency.

(3)(a) In addition to the requirements of s. 163.346, and prior to the adoption of any modification to a community redevelopment plan that expands the boundaries of the community redevelopment area or extends the time certain set forth in the redevelopment plan as required by s. 163.362(10), the agency shall report such proposed modification to each taxing authority in writing or by an oral presentation, or both, regarding such proposed modification.

(b) For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan in a manner that expands the boundaries of the redevelopment area after October 1, 2006, the following additional procedures are required prior to adoption by the governing body of a modified community redevelopment plan:

1. Within 30 days after receipt of any report of a proposed modification that expands the boundaries of the redevelopment area, the county may provide notice by registered mail to the governing body of the municipality and the community redevelopment agency that the county has competing policy goals and plans for the public funds the county would be required to deposit to the community redevelopment trust fund under the proposed modification to the community redevelopment plan.

2. If the notice required in subparagraph 1. is timely provided, the governing body of the county and the governing body of the municipality that created the community redevelopment agency shall schedule and hold a joint hearing co-chaired by the chair of the governing body of the county and the mayor of the municipality, with the agenda to be set by the chair of the governing body of the county, at which the competing policy goals for the public funds shall be discussed. For those community redevelopment agencies for which the board of commissioners of the community redevelopment agency are comprised as specified in s. 163.356(2), a designee of the community redevelopment agency shall

participate in the joint meeting as a nonvoting member. Any such hearing shall be held within 90 days after receipt by the county of the recommended modification of the adopted community redevelopment plan. Prior to the joint public hearing, the county may propose an alternative modified community redevelopment plan that meets the requirements of s. 163.360 to address the conditions identified in the resolution making a finding of necessity required under s. 163.355. If such an alternative modified redevelopment plan is proposed by the county, such plan shall be delivered to the governing body of the municipality that created the community redevelopment agency and the executive director or other officer of the community redevelopment agency by registered mail at least 30 days prior to holding the joint meeting.

3. If the notice required in subparagraph 1. is timely provided, the municipality may not proceed with the adoption of a modified plan until 30 days after the joint hearing unless the governing body of the county has failed to schedule or a majority of the members of the governing body of the county have failed to attend the joint hearing within the required 90-day period.

4. Notwithstanding the time requirements established in subparagraphs 2. and 3., the county and the municipality may at any time voluntarily use the dispute resolution process established in chapter 164 to attempt to resolve any competing policy goals between the county and municipality related to the community redevelopment agency. Nothing in this subparagraph grants the county or the municipality the authority to require the other local government to participate in the dispute resolution process.

(4) A modification to a community redevelopment plan that includes a change in the boundaries of the redevelopment area to add land must be supported by a resolution as provided in s. 163.355.

(5) If a community redevelopment plan is modified by the county or municipality after the lease or sale of real property in the community redevelopment area, such modification may be conditioned upon such approval of the owner, lessee, or successor in interest as the county or municipality may deem advisable and, in any event, shall be subject to such rights at law or in equity as a lessee or purchaser, or his or her successor or successors in interest, may be entitled to assert.

History.—s. 4, ch. 77-391; s. 6, ch. 83-231; s. 904, ch. 95-147; s. 7, ch. 98-314; s. 5, ch. 2002-294; s. 5, ch. 2006-307.

163.362 Contents of community redevelopment plan.—Every community redevelopment plan shall:

(1) Contain a legal description of the boundaries of the community redevelopment area and the reasons for establishing such boundaries shown in the plan.

(2) Show by diagram and in general terms:

(a) The approximate amount of open space to be provided and the street layout.

(b) Limitations on the type, size, height, number, and proposed use of buildings.

(c) The approximate number of dwelling units.

(d) Such property as is intended for use as public parks, recreation areas, streets, public utilities, and public improvements of any nature.

(3) If the redevelopment area contains low or moderate income housing, contain a neighborhood impact element which describes in detail the impact of the redevelopment upon the residents of the redevelopment area and the surrounding areas in terms of relocation, traffic circulation, environmental quality, availability of community facilities and services, effect on school population, and other matters affecting the physical and social quality of the neighborhood.

(4) Identify specifically any publicly funded capital projects to be undertaken within the community redevelopment area.

(5) Contain adequate safeguards that the work of redevelopment will be carried out pursuant to the plan.

(6) Provide for the retention of controls and the establishment of any restrictions or covenants running with land sold or leased for private use for such periods of time and under such conditions as the governing body deems necessary to effectuate the purposes of this part.

(7) Provide assurances that there will be replacement housing for the relocation of persons temporarily or permanently displaced from housing facilities within the community redevelopment area.

(8) Provide an element of residential use in the redevelopment area if such use exists in the area prior to the adoption of the plan or if the plan is intended to remedy a shortage of housing affordable to residents of low or moderate income, including the elderly, or if the plan is not intended to remedy such shortage, the reasons therefor.

(9) Contain a detailed statement of the projected costs of the redevelopment, including the amount to be expended on publicly funded capital projects in the community redevelopment area and any indebtedness of the community redevelopment agency, the county, or the municipality proposed to be incurred for such redevelopment if such indebtedness is to be repaid with increment revenues.

(10) Provide a time certain for completing all redevelopment financed by increment revenues. Such time certain shall occur no later than 30 years after the fiscal year in which the plan is approved, adopted, or amended pursuant to s. 163.361(1). However, for any agency created after July 1, 2002, the time certain for completing all redevelopment financed by increment revenues must occur within 40 years after the fiscal year in which the plan is approved or adopted.

(11) Subsections (1), (3), (4), and (8), as amended by s. 10, chapter 84-356, Laws of Florida, and subsections (9) and (10) do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body has approved and adopted a community redevelopment plan pursuant to s. 163.360 before chapter 84-356 became a law; nor do they apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

*History.—*s. 5, ch. 77-391; s. 7, ch. 83-231; ss. 10, 22, ch. 84-356; s. 5, ch. 93-286; s. 6, ch. 94-236; s. 6, ch. 2002-294.

163.365 Neighborhood and communitywide plans.—

(1) Any municipality or county or any public body authorized to perform planning work may prepare a general neighborhood redevelopment plan for a community redevelopment area or areas, together with any adjoining areas having specially related problems, which may be of such scope that redevelopment activities may have to be carried out in stages. Such plans may include, but not be limited to, a preliminary plan which:

- (a) Outlines the community redevelopment activities proposed for the area involved;
- (b) Provides a framework for the preparation of community redevelopment plans; and
- (c) Indicates generally the land uses, population density, building coverage, prospective

requirements for rehabilitation and improvement of property and portions of the area contemplated for clearance and redevelopment.

A general neighborhood redevelopment plan shall, in the determination of the governing body, conform to the general plan of the locality as a whole and the workable program of the county or municipality.

(2) Any county or municipality or any public body authorized to perform planning work may prepare or complete a communitywide plan or program for community redevelopment which shall conform to

the general plan for the development of the county or municipality as a whole and may include, but not be limited to, identification of slum or blighted areas, measurement of blight, determination of resources needed and available to renew such areas, identification of potential project areas and types of action contemplated, including the development of affordable housing if needed and appropriate for the area, and scheduling of community redevelopment activities.

(3) Authority is hereby vested in every county and municipality to prepare, adopt, and revise from time to time a general plan for the physical development of the county or municipality as a whole (giving due regard to the environs and metropolitan surroundings), to establish and maintain a planning commission for such purpose and related county or municipal planning activities, and to make available and to appropriate necessary funds therefor.

History.—s. 8, ch. 69-305; s. 7, ch. 94-236.

163.367 Public officials, commissioners, and employees subject to code of ethics.—

(1) The officers, commissioners, and employees of a community redevelopment agency created by, or designated pursuant to, s. 163.356 or s. 163.357 shall be subject to the provisions and requirements of part III of chapter 112.

(2) If any such official, commissioner, or employee presently owns or controls, or owned or controlled within the preceding 2 years, any interest, direct or indirect, in any property which he or she knows is included or planned to be included in a community redevelopment area, he or she shall immediately disclose this fact in the manner provided in part III of chapter 112. Any disclosure required to be made by this section shall be made prior to taking any official action pursuant to this section.

(3) No commissioner or other officer of any community redevelopment agency, board, or commission exercising powers pursuant to this part shall hold any other public office under the county or municipality other than his or her commissionership or office with respect to such community redevelopment agency, board, or commission.

History.—s. 6, ch. 77-391; s. 76, ch. 79-400; s. 8, ch. 83-231; s. 905, ch. 95-147.

163.370 Powers; counties and municipalities; community redevelopment agencies.—

(1) Counties and municipalities may not exercise the power of eminent domain for the purpose of preventing or eliminating a slum area or blighted area as defined in this part; however, counties and municipalities may acquire property by eminent domain within a community redevelopment area, subject to the limitations set forth in ss. 73.013 and 73.014 or other general law.

(2) Every county and municipality shall have all the powers necessary or convenient to carry out and effectuate the purposes and provisions of this part, including the following powers in addition to others herein granted:

(a) To make and execute contracts and other instruments necessary or convenient to the exercise of its powers under this part.

(b) To disseminate slum clearance and community redevelopment information.

(c) To undertake and carry out community redevelopment and related activities within the community redevelopment area, which may include:

1. Acquisition of property within a slum area or a blighted area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition.

2. Demolition and removal of buildings and improvements.

3. Installation, construction, or reconstruction of streets, utilities, parks, playgrounds, public areas of major hotels that are constructed in support of convention centers, including meeting rooms, banquet facilities, parking garages, lobbies, and passageways, and other improvements necessary for carrying out

in the community redevelopment area the community redevelopment objectives of this part in accordance with the community redevelopment plan.

4. Disposition of any property acquired in the community redevelopment area at its fair value as provided in s. 163.380 for uses in accordance with the community redevelopment plan.

5. Carrying out plans for a program of voluntary or compulsory repair and rehabilitation of buildings or other improvements in accordance with the community redevelopment plan.

6. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of real property in the community redevelopment area which, under the community redevelopment plan, is to be repaired or rehabilitated for dwelling use or related facilities, repair or rehabilitation of the structures for guidance purposes, and resale of the property.

7. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of any other real property in the community redevelopment area when necessary to eliminate unhealthful, unsanitary, or unsafe conditions; lessen density; eliminate obsolete or other uses detrimental to the public welfare; or otherwise to remove or prevent the spread of blight or deterioration or to provide land for needed public facilities.

8. Acquisition, without regard to any requirement that the area be a slum or blighted area, of air rights in an area consisting principally of land in highways, railway or subway tracks, bridge or tunnel entrances, or other similar facilities which have a blighting influence on the surrounding area and over which air rights sites are to be developed for the elimination of such blighting influences and for the provision of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

9. Acquisition by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition of property in unincorporated enclaves surrounded by the boundaries of a community redevelopment area when it is determined necessary by the agency to accomplish the community redevelopment plan.

10. Construction of foundations and platforms necessary for the provision of air rights sites of housing (and related facilities and uses) designed specifically for, and limited to, families and individuals of low or moderate income.

(d) To provide, or to arrange or contract for, the furnishing or repair by any person or agency, public or private, of services, privileges, works, streets, roads, public utilities, or other facilities for or in connection with a community redevelopment; to install, construct, and reconstruct streets, utilities, parks, playgrounds, and other public improvements; and to agree to any conditions that it deems reasonable and appropriate which are attached to federal financial assistance and imposed pursuant to federal law relating to the determination of prevailing salaries or wages or compliance with labor standards, in the undertaking or carrying out of a community redevelopment and related activities, and to include in any contract let in connection with such redevelopment and related activities provisions to fulfill such of the conditions as it deems reasonable and appropriate.

(e) Within the community redevelopment area:

1. To enter into any building or property in any community redevelopment area in order to make inspections, surveys, appraisals, soundings, or test borings and to obtain an order for this purpose from a court of competent jurisdiction in the event entry is denied or resisted.

2. To acquire by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition any personal or real property, together with any improvements thereon.

3. To hold, improve, clear, or prepare for redevelopment any such property.

4. To mortgage, pledge, hypothecate, or otherwise encumber or dispose of any real property.

5. To insure or provide for the insurance of any real or personal property or operations of the county or municipality against any risks or hazards, including the power to pay premiums on any such insurance.

6. To enter into any contracts necessary to effectuate the purposes of this part.

7. To solicit requests for proposals for redevelopment of parcels of real property contemplated by a community redevelopment plan to be acquired for redevelopment purposes by a community redevelopment agency and, as a result of such requests for proposals, to advertise for the disposition of such real property to private persons pursuant to s. 163.380 prior to acquisition of such real property by the community redevelopment agency.

(f) To invest any community redevelopment funds held in reserves or sinking funds or any such funds not required for immediate disbursement in property or securities in which savings banks may legally invest funds subject to their control and to redeem such bonds as have been issued pursuant to s. 163.385 at the redemption price established therein or to purchase such bonds at less than redemption price, all such bonds so redeemed or purchased to be canceled.

(g) To borrow money and to apply for and accept advances, loans, grants, contributions, and any other form of financial assistance from the Federal Government or the state, county, or other public body or from any sources, public or private, for the purposes of this part and to give such security as may be required and to enter into and carry out contracts or agreements in connection therewith; and to include in any contract for financial assistance with the Federal Government for or with respect to community redevelopment and related activities such conditions imposed pursuant to federal laws as the county or municipality deems reasonable and appropriate which are not inconsistent with the purposes of this part.

(h) To make or have made all surveys and plans necessary to the carrying out of the purposes of this part; to contract with any person, public or private, in making and carrying out such plans; and to adopt or approve, modify, and amend such plans, which plans may include, but are not limited to:

1. Plans for carrying out a program of voluntary or compulsory repair and rehabilitation of buildings and improvements.

2. Plans for the enforcement of state and local laws, codes, and regulations relating to the use of land and the use and occupancy of buildings and improvements and to the compulsory repair, rehabilitation, demolition, or removal of buildings and improvements.

3. Appraisals, title searches, surveys, studies, and other plans and work necessary to prepare for the undertaking of community redevelopment and related activities.

(i) To develop, test, and report methods and techniques, and carry out demonstrations and other activities, for the prevention and the elimination of slums and urban blight and developing and demonstrating new or improved means of providing housing for families and persons of low income.

(j) To apply for, accept, and utilize grants of funds from the Federal Government for such purposes.

(k) To prepare plans for and assist in the relocation of persons (including individuals, families, business concerns, nonprofit organizations, and others) displaced from a community redevelopment area and to make relocation payments to or with respect to such persons for moving expenses and losses of property for which reimbursement or compensation is not otherwise made, including the making of such payments financed by the Federal Government.

(l) To appropriate such funds and make such expenditures as are necessary to carry out the purposes of this part; to zone or rezone any part of the county or municipality or make exceptions from building regulations; and to enter into agreements with a housing authority, which agreements may extend over

any period, notwithstanding any provision or rule of law to the contrary, respecting action to be taken by such county or municipality pursuant to any of the powers granted by this part.

(m) To close, vacate, plan, or replan streets, roads, sidewalks, ways, or other places and to plan or replan any part of the county or municipality.

(n) To organize, coordinate, and direct the administration of the provisions of this part, as they may apply to such county or municipality, in order that the objective of remedying slum and blighted areas and preventing the causes thereof within such county or municipality may be most effectively promoted and achieved and to establish such new office or offices of the county or municipality or to reorganize existing offices in order to carry out such purpose most effectively.

(o) To develop and implement community policing innovations.

(3) The following projects may not be paid for or financed by increment revenues:

(a) Construction or expansion of administrative buildings for public bodies or police and fire buildings, unless each taxing authority agrees to such method of financing for the construction or expansion, or unless the construction or expansion is contemplated as part of a community policing innovation.

(b) Installation, construction, reconstruction, repair, or alteration of any publicly owned capital improvements or projects if such projects or improvements were scheduled to be installed, constructed, reconstructed, repaired, or altered within 3 years of the approval of the community redevelopment plan by the governing body pursuant to a previously approved public capital improvement or project schedule or plan of the governing body which approved the community redevelopment plan unless and until such projects or improvements have been removed from such schedule or plan of the governing body and 3 years have elapsed since such removal or such projects or improvements were identified in such schedule or plan to be funded, in whole or in part, with funds on deposit within the community redevelopment trust fund.

(c) General government operating expenses unrelated to the planning and carrying out of a community redevelopment plan.

(4) With the approval of the governing body, a community redevelopment agency may:

(a) Prior to approval of a community redevelopment plan or approval of any modifications of the plan, acquire real property in a community redevelopment area by purchase, lease, option, gift, grant, bequest, devise, or other voluntary method of acquisition; demolish and remove any structures on the property; and pay all costs related to the acquisition, demolition, or removal, including any administrative or relocation expenses.

(b) Assume the responsibility to bear any loss that may arise as the result of the exercise of authority under this subsection, in the event that the real property is not made part of the community redevelopment area.

History.—s. 9, ch. 69-305; s. 7, ch. 77-391; s. 11, ch. 84-356; s. 7, ch. 93-286; s. 8, ch. 94-236; s. 8, ch. 98-314; s. 10, ch. 2006-11; s. 6, ch. 2006-307; s. 9, ch. 2007-5.

163.380 Disposal of property in community redevelopment area.—The disposal of property in a community redevelopment area which is acquired by eminent domain is subject to the limitations set forth in s. 73.013.

(1) Any county, municipality, or community redevelopment agency may sell, lease, dispose of, or otherwise transfer real property or any interest therein acquired by it for community redevelopment in a community redevelopment area to any private person, or may retain such property for public use, and may enter into contracts with respect thereto for residential, recreational, commercial, industrial, educational, or other uses, in accordance with the community redevelopment plan, subject to such

covenants, conditions, and restrictions, including covenants running with the land, as it deems necessary or desirable to assist in preventing the development or spread of future slums or blighted areas or to otherwise carry out the purposes of this part. However, such sale, lease, other transfer, or retention, and any agreement relating thereto, may be made only after the approval of the community redevelopment plan by the governing body. The purchasers or lessees and their successors and assigns shall be obligated to devote such real property only to the uses specified in the community redevelopment plan and may be obligated to comply with such other requirements as the county, municipality, or community redevelopment agency may determine to be in the public interest, including the obligation to begin any improvements on such real property required by the community redevelopment plan within a reasonable time.

(2) Such real property or interest shall be sold, leased, otherwise transferred, or retained at a value determined to be in the public interest for uses in accordance with the community redevelopment plan and in accordance with such reasonable disposal procedures as any county, municipality, or community redevelopment agency may prescribe. In determining the value of real property as being in the public interest for uses in accordance with the community redevelopment plan, the county, municipality, or community redevelopment agency shall take into account and give consideration to the long-term benefits to be achieved by the county, municipality, or community redevelopment agency resulting from incurring short-term losses or costs in the disposal of such real property; the uses provided in such plan; the restrictions upon, and the covenants, conditions, and obligations assumed by, the purchaser or lessee or by the county, municipality, or community redevelopment agency retaining the property; and the objectives of such plan for the prevention of the recurrence of slum or blighted areas. In the event the value of such real property being disposed of is for less than the fair value, such disposition shall require the approval of the governing body, which approval may only be given following a duly noticed public hearing. The county, municipality, or community redevelopment agency may provide in any instrument of conveyance to a private purchaser or lessee that such purchaser or lessee is without power to sell, lease, or otherwise transfer the real property without the prior written consent of the county, municipality, or community redevelopment agency until the purchaser or lessee has completed the construction of any or all improvements which he or she has obligated himself or herself to construct thereon. Real property acquired by the county, municipality, or community redevelopment agency which, in accordance with the provisions of the community redevelopment plan, is to be transferred shall be transferred as rapidly as feasible in the public interest, consistent with the carrying out of the provisions of the community redevelopment plan. Any contract for such transfer and the community redevelopment plan, or such part or parts of such contract or plan as the county, municipality, or community redevelopment agency may determine, may be recorded in the land records of the clerk of the circuit court in such manner as to afford actual or constructive notice thereof.

(3)(a) Prior to disposition of any real property or interest therein in a community redevelopment area, any county, municipality, or community redevelopment agency shall give public notice of such disposition by publication in a newspaper having a general circulation in the community, at least 30 days prior to the execution of any contract to sell, lease, or otherwise transfer real property and, prior to the delivery of any instrument of conveyance with respect thereto under the provisions of this section, invite proposals from, and make all pertinent information available to, private redevelopers or any persons interested in undertaking to redevelop or rehabilitate a community redevelopment area or any part thereof. Such notice shall identify the area or portion thereof and shall state that proposals must be made by those interested within 30 days after the date of publication of the notice and that such further information as is available may be obtained at such office as is designated in the notice. The

county, municipality, or community redevelopment agency shall consider all such redevelopment or rehabilitation proposals and the financial and legal ability of the persons making such proposals to carry them out; and the county, municipality, or community redevelopment agency may negotiate with any persons for proposals for the purchase, lease, or other transfer of any real property acquired by it in the community redevelopment area. The county, municipality, or community redevelopment agency may accept such proposal as it deems to be in the public interest and in furtherance of the purposes of this part. Except in the case of a governing body acting as the agency, as provided in s. 163.357, a notification of intention to accept such proposal must be filed with the governing body not less than 30 days prior to any such acceptance. Thereafter, the county, municipality, or community redevelopment agency may execute such contract in accordance with the provisions of subsection (1) and deliver deeds, leases, and other instruments and take all steps necessary to effectuate such contract.

(b) Any county, municipality, or community redevelopment agency that, pursuant to the provisions of this section, has disposed of a real property project with a land area in excess of 20 acres may acquire an expanded area that is immediately adjacent to the original project and less than 35 percent of the land area of the original project, by purchase as provided in this chapter, and negotiate a disposition of such expanded area directly with the person who acquired the original project without complying with the disposition procedures established in paragraph (a), provided the county, municipality, or community redevelopment agency adopts a resolution making the following findings:

1. It is in the public interest to expand such real property project to an immediately adjacent area.
2. The expanded area is less than 35 percent of the land area of the original project.
3. The expanded area is entirely within the boundary of the community redevelopment area.

(4) Any county, municipality, or community redevelopment agency may temporarily operate and maintain real property acquired by it in a community redevelopment area for or in connection with a community redevelopment plan pending the disposition of the property as authorized in this part, without regard to the provisions of subsection (1), for such uses and purposes as may be deemed desirable, even though not in conformity with the community redevelopment plan.

(5) If any conflict exists between the provisions of this section and s. 159.61, the provisions of this section govern and supersede those of s. 159.61.

(6) Notwithstanding any provision of this section, if a community redevelopment area is established by the governing body for the redevelopment of property located on a closed military base within the governing body's boundaries, the procedures for disposition of real property within that community redevelopment area shall be prescribed by the governing body, and compliance with the other provisions of this section shall not be required prior to the disposal of real property.

History.—s. 11, ch. 69-305; s. 9, ch. 77-391; s. 13, ch. 84-356; s. 1, ch. 92-162; s. 906, ch. 95-147; s. 1, ch. 96-254; s. 9, ch. 98-314; s. 12, ch. 2006-11.

163.385 Issuance of revenue bonds.—

(1)(a) When authorized or approved by resolution or ordinance of the governing body, a county, municipality, or community redevelopment agency has power in its corporate capacity, in its discretion, to issue redevelopment revenue bonds from time to time to finance the undertaking of any community redevelopment under this part, including, without limiting the generality thereof, the payment of principal and interest upon any advances for surveys and plans or preliminary loans, and has power to issue refunding bonds for the payment or retirement of bonds or other obligations previously issued. For any agency created before July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 60 years after the end of the fiscal year in which the initial community redevelopment plan was approved or

adopted. For any agency created on or after July 1, 2002, any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part shall mature within 40 years after the end of the fiscal year in which the initial community redevelopment plan is approved or adopted. However, in no event shall any redevelopment revenue bonds or other obligations issued to finance the undertaking of any community redevelopment under this part mature later than the expiration of the plan in effect at the time such bonds or obligations were issued. The security for such bonds may be based upon the anticipated assessed valuation of the completed community redevelopment and such other revenues as are legally available. Any bond, note, or other form of indebtedness pledging increment revenues to the repayment thereof shall mature no later than the end of the 30th fiscal year after the fiscal year in which increment revenues are first deposited into the redevelopment trust fund or the fiscal year in which the plan is subsequently amended. However, for any agency created on or after July 1, 2002, any form of indebtedness pledging increment revenues to the repayment thereof shall mature by the 40th year after the fiscal year in which the initial community redevelopment plan is approved or adopted. However, any refunding bonds issued pursuant to this paragraph may not mature later than the final maturity date of any bonds or other obligations issued pursuant to this paragraph being paid or retired with the proceeds of such refunding bonds.

(b) In anticipation of the sale of revenue bonds pursuant to paragraph (a), the county, municipality, or community redevelopment agency may issue bond anticipation notes and may renew such notes from time to time, but the maximum maturity of any such note, including renewals thereof, may not exceed 5 years from the date of issue of the original note. Such notes shall be paid from any revenues of the county, municipality, or community redevelopment agency available therefor and not otherwise pledged or from the proceeds of sale of the revenue bonds in anticipation of which they were issued.

(2) Bonds issued under this section do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction, and are not subject to the provisions of any other law or charter relating to the authorization, issuance, or sale of bonds. Bonds issued under the provisions of this part are declared to be issued for an essential public and governmental purpose and, together with interest thereon and income therefrom, are exempted from all taxes, except those taxes imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

(3) Bonds issued under this section shall be authorized by resolution or ordinance of the governing body; may be issued in one or more series; and shall bear such date or dates, be payable upon demand or mature at such time or times, bear interest at such rate or rates, be in such denomination or denominations, be in such form either with or without coupon or registered, carry such conversion or registration privileges, have such rank or priority, be executed in such manner, be payable in such medium of payment at such place or places, be subject to such terms of redemption (with or without premium), be secured in such manner, and have such other characteristics as may be provided by such resolution or ordinance or by a trust indenture or mortgage issued pursuant thereto. Bonds issued under this section may be sold in such manner, either at public or private sale, and for such price as the governing body may determine will effectuate the purpose of this part.

(4) In case any of the public officials of the county, municipality, or community redevelopment agency whose signatures appear on any bonds or coupons issued under this part cease to be such officials before the delivery of such bonds, such signatures are, nevertheless, valid and sufficient for all purposes, the same as if such officials had remained in office until such delivery.

(5) In any suit, action, or proceeding involving the validity or enforceability of any bond issued under this part, or the security therefor, any such bond reciting in substance that it has been issued by the county, municipality, or community redevelopment agency in connection with community

redevelopment, as herein defined, shall be conclusively deemed to have been issued for such purpose, and such project shall be conclusively deemed to have been planned, located, and carried out in accordance with the provisions of this part.

(6) Subsections (1), (4), and (5), as amended by s. 14, chapter 84-356, Laws of Florida, do not apply to any governing body of a county or municipality or to a community redevelopment agency if such governing body or agency has adopted an ordinance or resolution authorizing the issuance of any bonds, notes, or other forms of indebtedness to which is pledged increment revenues pursuant only to a community redevelopment plan as approved and adopted before chapter 84-356 became a law.

History.—s. 12, ch. 69-305; s. 12, ch. 73-302; s. 2, ch. 76-147; s. 10, ch. 77-391; s. 77, ch. 79-400; ss. 14, 22, ch. 84-356; s. 6, ch. 93-286; s. 9, ch. 94-236; s. 15, ch. 95-310; s. 7, ch. 2002-294.

163.387 Redevelopment trust fund.—

(1)(a) After approval of a community redevelopment plan, there may be established for each community redevelopment agency created under s. 163.356 a redevelopment trust fund. Funds allocated to and deposited into this fund shall be used by the agency to finance or refinance any community redevelopment it undertakes pursuant to the approved community redevelopment plan. No community redevelopment agency may receive or spend any increment revenues pursuant to this section unless and until the governing body has, by ordinance, created the trust fund and provided for the funding of the redevelopment trust fund until the time certain set forth in the community redevelopment plan as required by s. 163.362(10). Such ordinance may be adopted only after the governing body has approved a community redevelopment plan. The annual funding of the redevelopment trust fund shall be in an amount not less than that increment in the income, proceeds, revenues, and funds of each taxing authority derived from or held in connection with the undertaking and carrying out of community redevelopment under this part. Such increment shall be determined annually and shall be that amount equal to 95 percent of the difference between:

1. The amount of ad valorem taxes levied each year by each taxing authority, exclusive of any amount from any debt service millage, on taxable real property contained within the geographic boundaries of a community redevelopment area; and
2. The amount of ad valorem taxes which would have been produced by the rate upon which the tax is levied each year by or for each taxing authority, exclusive of any debt service millage, upon the total of the assessed value of the taxable real property in the community redevelopment area as shown upon the most recent assessment roll used in connection with the taxation of such property by each taxing authority prior to the effective date of the ordinance providing for the funding of the trust fund.

However, the governing body of any county as defined in s. 125.011(1) may, in the ordinance providing for the funding of a trust fund established with respect to any community redevelopment area created on or after July 1, 1994, determine that the amount to be funded by each taxing authority annually shall be less than 95 percent of the difference between subparagraphs 1. and 2., but in no event shall such amount be less than 50 percent of such difference.

(b)1. For any governing body that has not authorized by June 5, 2006, a study to consider whether a finding of necessity resolution pursuant to s. 163.355 should be adopted, has not adopted a finding of necessity resolution pursuant to s. 163.355 by March 31, 2007, has not adopted a community redevelopment plan by June 7, 2007, and was not authorized to exercise community redevelopment powers pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter, the amount of tax increment to be contributed by any taxing authority shall be limited as follows:

a. If a taxing authority imposes a millage rate that exceeds the millage rate imposed by the governing body that created the trust fund, the amount of tax increment to be contributed by the taxing authority imposing the higher millage rate shall be calculated using the millage rate imposed by the governing body that created the trust fund. Nothing shall prohibit any taxing authority from voluntarily contributing a tax increment at a higher rate for a period of time as specified by interlocal agreement between the taxing authority and the community redevelopment agency.

b. At any time more than 24 years after the fiscal year in which a taxing authority made its first contribution to a redevelopment trust fund, by resolution effective no sooner than the next fiscal year and adopted by majority vote of the taxing authority's governing body at a public hearing held not less than 30 or more than 45 days after written notice by registered mail to the community redevelopment agency and published in a newspaper of general circulation in the redevelopment area, the taxing authority may limit the amount of increment contributed by the taxing authority to the redevelopment trust fund to the amount of increment the taxing authority was obligated to contribute to the redevelopment trust fund in the fiscal year immediately preceding the adoption of such resolution, plus any increase in the increment after the adoption of the resolution computed using the taxable values of any area which is subject to an area reinvestment agreement. As used in this subparagraph, the term "area reinvestment agreement" means an agreement between the community redevelopment agency and a private party, with or without additional parties, which provides that the increment computed for a specific area shall be reinvested in services or public or private projects, or both, including debt service, supporting one or more projects consistent with the community redevelopment plan that is identified in the agreement to be constructed within that area. Any such reinvestment agreement must specify the estimated total amount of public investment necessary to provide the projects or services, or both, including any applicable debt service. The contribution to the redevelopment trust fund of the increase in the increment of any area that is subject to an area reinvestment agreement following the passage of a resolution as provided in this sub-subparagraph shall cease when the amount specified in the area reinvestment agreement as necessary to provide the projects or services, or both, including any applicable debt service, has been invested.

2. For any community redevelopment agency that was not created pursuant to a delegation of authority under s. 163.410 by a county that has adopted a home rule charter and that modifies its adopted community redevelopment plan after October 1, 2006, in a manner that expands the boundaries of the redevelopment area, the amount of increment to be contributed by any taxing authority with respect to the expanded area shall be limited as set forth in sub-subparagraphs 1.a. and b.

(2)(a) Except for the purpose of funding the trust fund pursuant to subsection (3), upon the adoption of an ordinance providing for funding of the redevelopment trust fund as provided in this section, each taxing authority shall, by January 1 of each year, appropriate to the trust fund for so long as any indebtedness pledging increment revenues to the payment thereof is outstanding (but not to exceed 30 years) a sum that is no less than the increment as defined and determined in subsection (1) or paragraph (3)(b) accruing to such taxing authority. If the community redevelopment plan is amended or modified pursuant to s. 163.361(1), each such taxing authority shall make the annual appropriation for a period not to exceed 30 years after the date the governing body amends the plan but no later than 60 years after the fiscal year in which the plan was initially approved or adopted. However, for any agency created on or after July 1, 2002, each taxing authority shall make the annual appropriation for a period not to exceed 40 years after the fiscal year in which the initial community redevelopment plan is approved or adopted.

(b) Any taxing authority that does not pay the increment revenues to the trust fund by January 1 shall pay to the trust fund an amount equal to 5 percent of the amount of the increment revenues and shall pay interest on the amount of the unpaid increment revenues equal to 1 percent for each month the increment is outstanding, provided the agency may waive such penalty payments in whole or in part.

(c) The following public bodies or taxing authorities are exempt from paragraph (a):

1. A special district that levies ad valorem taxes on taxable real property in more than one county.
2. A special district for which the sole available source of revenue the district has the authority to levy is ad valorem taxes at the time an ordinance is adopted under this section. However, revenues or aid that may be dispensed or appropriated to a district as defined in s. 388.011 at the discretion of an entity other than such district shall not be deemed available.
3. A library district, except a library district in a jurisdiction where the community redevelopment agency had validated bonds as of April 30, 1984.
4. A neighborhood improvement district created under the Safe Neighborhoods Act.
5. A metropolitan transportation authority.
6. A water management district created under s. 373.069.

(d)1. A local governing body that creates a community redevelopment agency under s. 163.356 may exempt from paragraph (a) a special district that levies ad valorem taxes within that community redevelopment area. The local governing body may grant the exemption either in its sole discretion or in response to the request of the special district. The local governing body must establish procedures by which a special district may submit a written request to be exempted from paragraph (a).

2. In deciding whether to deny or grant a special district's request for exemption from paragraph (a), the local governing body must consider:

- a. Any additional revenue sources of the community redevelopment agency which could be used in lieu of the special district's tax increment.
- b. The fiscal and operational impact on the community redevelopment agency.
- c. The fiscal and operational impact on the special district.
- d. The benefit to the specific purpose for which the special district was created. The benefit to the special district must be based on specific projects contained in the approved community redevelopment plan for the designated community redevelopment area.
- e. The impact of the exemption on incurred debt and whether such exemption will impair any outstanding bonds that have pledged tax increment revenues to the repayment of the bonds.
- f. The benefit of the activities of the special district to the approved community redevelopment plan.
- g. The benefit of the activities of the special district to the area of operation of the local governing body that created the community redevelopment agency.

3. The local governing body must hold a public hearing on a special district's request for exemption after public notice of the hearing is published in a newspaper having a general circulation in the county or municipality that created the community redevelopment area. The notice must describe the time, date, place, and purpose of the hearing and must identify generally the community redevelopment area covered by the plan and the impact of the plan on the special district that requested the exemption.

4. If a local governing body grants an exemption to a special district under this paragraph, the local governing body and the special district must enter into an interlocal agreement that establishes the conditions of the exemption, including, but not limited to, the period of time for which the exemption is granted.

5. If a local governing body denies a request for exemption by a special district, the local governing body shall provide the special district with a written analysis specifying the rationale for such denial. This written analysis must include, but is not limited to, the following information:

- a. A separate, detailed examination of each consideration listed in subparagraph 2.
- b. Specific examples of how the approved community redevelopment plan will benefit, and has already benefited, the purpose for which the special district was created.

6. The decision to either deny or grant an exemption must be made by the local governing body within 120 days after the date the written request was submitted to the local governing body pursuant to the procedures established by such local governing body.

(3)(a) Notwithstanding the provisions of subsection (2), the obligation of the governing body which established the community redevelopment agency to fund the redevelopment trust fund annually shall continue until all loans, advances, and indebtedness, if any, and interest thereon, of a community redevelopment agency incurred as a result of redevelopment in a community redevelopment area have been paid.

(b) Alternate provisions contained in an interlocal agreement between a taxing authority and the governing body that created the community redevelopment agency may supersede the provisions of this section with respect to that taxing authority. The community redevelopment agency may be an additional party to any such agreement.

(4) The revenue bonds and notes of every issue under this part are payable solely out of revenues pledged to and received by a community redevelopment agency and deposited to its redevelopment trust fund. The lien created by such bonds or notes shall not attach until the increment revenues referred to herein are deposited in the redevelopment trust fund at the times, and to the extent that, such increment revenues accrue. The holders of such bonds or notes have no right to require the imposition of any tax or the establishment of any rate of taxation in order to obtain the amounts necessary to pay and retire such bonds or notes.

(5) Revenue bonds issued under the provisions of this part shall not be deemed to constitute a debt, liability, or obligation of the public body or the state or any political subdivision thereof, or a pledge of the faith and credit of the public body or the state or any political subdivision thereof, but shall be payable solely from the revenues provided therefor. All such revenue bonds shall contain on the face thereof a statement to the effect that the agency shall not be obligated to pay the same or the interest thereon except from the revenues of the community redevelopment agency held for that purpose and that neither the faith and credit nor the taxing power of the governing body or of the state or of any political subdivision thereof is pledged to the payment of the principal of, or the interest on, such bonds.

(6) Moneys in the redevelopment trust fund may be expended from time to time for undertakings of a community redevelopment agency as described in the community redevelopment plan for the following purposes, including, but not limited to:

- (a) Administrative and overhead expenses necessary or incidental to the implementation of a community redevelopment plan adopted by the agency.
- (b) Expenses of redevelopment planning, surveys, and financial analysis, including the reimbursement of the governing body or the community redevelopment agency for such expenses incurred before the redevelopment plan was approved and adopted.
- (c) The acquisition of real property in the redevelopment area.
- (d) The clearance and preparation of any redevelopment area for redevelopment and relocation of site occupants within or outside the community redevelopment area as provided in s. 163.370.

(e) The repayment of principal and interest or any redemption premium for loans, advances, bonds, bond anticipation notes, and any other form of indebtedness.

(f) All expenses incidental to or connected with the issuance, sale, redemption, retirement, or purchase of bonds, bond anticipation notes, or other form of indebtedness, including funding of any reserve, redemption, or other fund or account provided for in the ordinance or resolution authorizing such bonds, notes, or other form of indebtedness.

(g) The development of affordable housing within the community redevelopment area.

(h) The development of community policing innovations.

(7) On the last day of the fiscal year of the community redevelopment agency, any money which remains in the trust fund after the payment of expenses pursuant to subsection (6) for such year shall be:

(a) Returned to each taxing authority which paid the increment in the proportion that the amount of the payment of such taxing authority bears to the total amount paid into the trust fund by all taxing authorities for that year;

(b) Used to reduce the amount of any indebtedness to which increment revenues are pledged;

(c) Deposited into an escrow account for the purpose of later reducing any indebtedness to which increment revenues are pledged; or

(d) Appropriated to a specific redevelopment project pursuant to an approved community redevelopment plan which project will be completed within 3 years from the date of such appropriation.

(8) Each community redevelopment agency shall provide for an audit of the trust fund each fiscal year and a report of such audit to be prepared by an independent certified public accountant or firm. Such report shall describe the amount and source of deposits into, and the amount and purpose of withdrawals from, the trust fund during such fiscal year and the amount of principal and interest paid during such year on any indebtedness to which increment revenues are pledged and the remaining amount of such indebtedness. The agency shall provide by registered mail a copy of the report to each taxing authority.

History.—s. 11, ch. 77-391; s. 78, ch. 79-400; s. 9, ch. 83-231; s. 15, ch. 84-356; s. 27, ch. 87-224; s. 35, ch. 91-45; s. 4, ch. 93-286; s. 10, ch. 94-236; s. 1, ch. 94-344; s. 10, ch. 98-314; s. 8, ch. 2002-18; s. 8, ch. 2002-294; s. 7, ch. 2006-307.

163.390 Bonds as legal investments.—All banks, trust companies, bankers, savings banks and institutions, building and loan associations, savings and loan associations, investment companies, and other persons carrying on a banking or investment business; all insurance companies, insurance associations, and other persons carrying on an insurance business; and all executors, administrators, curators, trustees, and other fiduciaries may legally invest any sinking funds, moneys, or other funds belonging to them or within their control in any bonds or other obligations issued by a county or municipality pursuant to this part or by any community redevelopment agency vested with community redevelopment powers. Such bonds and other obligations shall be authorized security for all public deposits. It is the purpose of this section to authorize all persons, political subdivisions, and officers, public or private, to use any funds owned or controlled by them for the purchase of any such bonds or other obligations. Nothing contained in this section with regard to legal investments shall be construed as relieving any person of any duty of exercising reasonable care in selecting securities.

History.—s. 13, ch. 69-305; s. 12, ch. 77-391; s. 16, ch. 84-356.

163.395 Property exempt from taxes and from levy and sale by virtue of an execution.—

(1) All property of any county, municipality, or community redevelopment agency, including funds, owned or held by it for the purposes of this part are exempt from levy and sale by virtue of an execution; and no execution or other judicial process may issue against the same, nor shall judgment against the county, municipality, or community redevelopment agency be a charge or lien upon such property. However, the provisions of this section do not apply to or limit the right of obligees to pursue any remedies for the enforcement of any pledge or lien given pursuant to this part by the county or municipality on its rents, fees, grants, or revenues from community redevelopment.

(2) The property of the county, municipality, or community redevelopment agency acquired or held for the purposes of this part is declared to be public property used for essential public and governmental purposes, and such property is exempt from all taxes of the municipality, the county, or the state or any political subdivision thereof. However, such tax exemption will terminate when the county, municipality, or community redevelopment agency sells, leases, or otherwise disposes of such property in a community redevelopment area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

History.—s. 14, ch. 69-305; s. 13, ch. 77-391; s. 17, ch. 84-356.

163.400 Cooperation by public bodies.—

(1) For the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities authorized by this part, any public body may, upon such terms, with or without consideration, as it may determine:

(a) Dedicate, sell, convey, or lease any of its interest in any property or grant easements, licenses, or other rights or privileges therein to a county or municipality.

(b) Incur the entire expense of any public improvements made by such public body in exercising the powers granted in this section.

(c) Do any and all things necessary to aid or cooperate in the planning or carrying out of a community redevelopment plan and related activities.

(d) Lend, grant, or contribute funds to a county or municipality; borrow money; and apply for and accept advances, loans, grants, contributions, or any other form of financial assistance from the Federal Government, the state, the county, another public body, or any other source.

(e) Enter into agreements, which may extend over any period, notwithstanding any provision or rule of law to the contrary, with the Federal Government, a county, a municipality, or another public body respecting action to be taken pursuant to any of the powers granted by this part, including the furnishing of funds or other assistance in connection with community redevelopment and related activities.

(f) Cause public buildings and public facilities, including parks, playgrounds, recreational, community, educational, water, sewer, or drainage facilities, or any other works which it is otherwise empowered to undertake to be furnished; furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, sidewalks, ways, or other places; plan or replan or zone or rezone any part of the public body or make exceptions from building regulations; and cause administrative and other services to be furnished to the county or municipality.

If at any time title to or possession of any property in a community redevelopment area is held by any public body or governmental agency, other than the county or municipality, but including any agency or instrumentality of the United States, which is authorized by law to engage in the undertaking, carrying out, or administration of community redevelopment and related activities, the provisions of the agreements referred to in this section shall inure to the benefit of and may be enforced by such public

body or governmental agency. As used in this subsection, the term "county or municipality" also includes a community redevelopment agency.

(2) Any sale, conveyance, lease, or agreement provided for in this section may be made by a public body without appraisal, public notice, advertisement, or public bidding.

(3) For the purpose of aiding in the planning, undertaking, or carrying out of any community redevelopment and related activities of a community redevelopment agency or a housing authority hereunder, any county or municipality may, in addition to its other powers and upon such terms, with or without consideration, as it determines, do and perform any or all of the actions or things which, by the provisions of subsection (1), a public body is authorized to do or perform, including the furnishing of financial and other assistance.

(4) For the purposes of this section, or for the purpose of aiding in the planning, undertaking, or carrying out of community redevelopment and related activities of a county or municipality, such county or municipality may, in addition to any authority to issue bonds pursuant to s. 163.385, issue and sell its general obligation bonds. Any bonds issued by the county or municipality pursuant to this section shall be issued in the manner and within the limitations prescribed by the applicable laws of this state for the issuance and authorization of general obligation bonds by such county or municipality. Nothing in this section shall limit or otherwise adversely affect any other section of this part.

History.—s. 15, ch. 69-305; s. 14, ch. 77-391; s. 79, ch. 79-400; s. 18, ch. 84-356.

163.405 Title of purchaser.—Any instrument executed by any county, municipality, or community redevelopment agency and purporting to convey any right, title, or interest in any property under this part shall be conclusively presumed to have been executed in compliance with the provisions of this part insofar as title or other interest of any bona fide purchasers, lessees, or transferees of such property is concerned.

History.—s. 16, ch. 69-305; s. 15, ch. 77-391.

163.410 Exercise of powers in counties with home rule charters.—In any county which has adopted a home rule charter, the powers conferred by this part shall be exercised exclusively by the governing body of such county. However, the governing body of any such county which has adopted a home rule charter may, in its discretion, by resolution delegate the exercise of the powers conferred upon the county by this part within the boundaries of a municipality to the governing body of such a municipality. Such a delegation to a municipality shall confer only such powers upon a municipality as shall be specifically enumerated in the delegating resolution. Any power not specifically delegated shall be reserved exclusively to the governing body of the county. This section does not affect any community redevelopment agency created by a municipality prior to the adoption of a county home rule charter. Unless otherwise provided by an existing ordinance, resolution, or interlocal agreement between any such county and a municipality, the governing body of the county that has adopted a home rule charter shall grant in whole or in part or deny any request from a municipality for a delegation of powers or a change in an existing delegation of powers within 120 days after the receipt of all required documentation, or such request shall be deemed granted unless this period is extended by mutual consent in writing by the municipality and county. Within 30 days after receipt of the request, the county shall notify the municipality by registered mail whether the request is complete or if additional information is required. Any request by the county for additional documentation shall specify the deficiencies in the submitted documentation, if any. The county shall notify the municipality by registered mail within 30 days after receiving the additional information whether such additional documentation is complete. If the meeting of the county commission at which the request for a

delegation of powers or a change in an existing delegation of powers is unable to be held due to events beyond the control of the county, the request shall be acted upon at the next regularly scheduled meeting of the county commission without regard to the 120-day limitation. If the county does not act upon the request at the next regularly scheduled meeting, the request shall be deemed granted.

History.—s. 17, ch. 69-305; s. 1, ch. 83-29; s. 9, ch. 2002-294; s. 8, ch. 2006-307.

163.415 Exercise of powers in counties without home rule charters.—The powers conferred by this part upon counties not having adopted a home rule charter shall not be exercised within the boundaries of a municipality within said county unless the governing body of the municipality expresses its consent by resolution. Such a resolution consenting to the exercise of the powers conferred upon counties by this part shall specifically enumerate the powers to be exercised by the county within the boundaries of the municipality. Any power not specifically enumerated in such a resolution of consent shall be exercised exclusively by the municipality within its boundaries.

History.—s. 18, ch. 69-305.

163.430 Powers supplemental to existing community redevelopment powers.—The powers conferred upon counties or municipalities by this part shall be supplemental to any community redevelopment powers now being exercised by any county or municipality in accordance with the provisions of any population act, special act, or under the provisions of the home rule charter for Miami-Dade County, or under the provision of the charter of the consolidated City of Jacksonville.

History.—s. 21, ch. 69-305; s. 29, ch. 2008-4.

163.445 Assistance to community redevelopment by state agencies.—State agencies may provide technical and advisory assistance, upon request, to municipalities, counties, and community redevelopment agencies for community redevelopment as defined in this part. Such assistance may include, but need not be limited to, preparation of workable programs, relocation planning, special statistical and other studies and compilations, technical evaluations and information, training activities, professional services, surveys, reports, documents, and any other similar service functions. If sufficient funds and personnel are available, these services shall be provided without charge.

History.—s. 25, ch. 69-305; s. 16, ch. 77-391; s. 19, ch. 84-356.

163.450 Municipal and county participation in neighborhood development programs under Pub. L. No. 90-448.—Nothing contained herein shall be construed to prevent a county or municipality which is engaging in community redevelopment activities hereunder from participating in the neighborhood development program under the Housing and Urban Development Act of 1968 (Pub. L. No. 90-448) or in any amendments subsequent thereto.

History.—s. 26, ch. 69-305; s. 19, ch. 85-80.

163.463 Applicability of ch. 2002-294.—

(1) Amendments to this part, as provided by this act, do not apply to any ordinance or resolution authorizing the issuance of any bond, note, or other form of indebtedness to which are pledged increment revenues pursuant to a community development plan, or amendment or modification thereto, as approved or adopted before July 1, 2002.

(2) Amendments to this part, as provided by this act, shall not apply to any ordinance, resolution, interlocal agreement, or written agreement effective before July 1, 2002, that provides for the delegation of community redevelopment powers.

(3) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any community development agency created before July 1, 2002, unless the community redevelopment area is expanded on or after July 1, 2002, in which case only the amendments to ss. 163.340 and 163.355 by this act shall apply only to such expanded area.

(4) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has authorized a finding of necessity study by May 1, 2002, or has adopted its finding of necessity on or before August 1, 2002, and has adopted its community redevelopment plan on or before December 31, 2002.

(5) The amendments to ss. 163.340, 163.355, 163.361, and 163.362 by this act do not apply to or affect, directly or indirectly, any municipality that has submitted before August 1, 2002, its finding of necessity, or application for approval of a community redevelopment plan, or an application to amend an existing community redevelopment plan to a county that has adopted a home rule charter.

(6) The amendments to ss. 163.355, 163.362, 163.385, and 163.387 by this act do not apply to or affect, directly or indirectly, any county as defined in s. 125.011(1) or any municipality located therein.

History.—s. 10, ch. 2002-294.

PART IV NEIGHBORHOOD IMPROVEMENT DISTRICTS

163.501 Short title.

163.502 Safe neighborhoods; legislative findings and purpose.

163.503 Safe neighborhoods; definitions.

163.5035 Safe neighborhood improvement districts; compliance with special district provisions.

163.504 Safe neighborhood improvement districts; planning funds.

163.5055 Registration of district establishment; notice of dissolution.

163.506 Local government neighborhood improvement districts; creation; advisory council; dissolution.

163.508 Property owners' association neighborhood improvement districts; creation; powers and duties; duration.

163.511 Special neighborhood improvement districts; creation; referendum; board of directors; duration; extension.

163.512 Community redevelopment neighborhood improvement districts; creation; advisory council; dissolution.

163.513 Crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts.

163.514 Powers of neighborhood improvement districts.

163.5151 Fiscal management; budget preparation.

163.516 Safe neighborhood improvement plans.

163.517 Safe Neighborhoods Program.

163.519 Duties of Department of Legal Affairs.

163.521 Neighborhood improvement district inside enterprise zone; funding.

163.5215 Effect.

163.522 State redevelopment programs.

163.523 Safe neighborhood districts; cooperation and involvement of community organizations.

Harbor Marina Advisory Board

Lake Park, Florida, Code of Ordinances >> Subpart B - LAND DEVELOPMENT REGULATIONS >>
Chapter 76 - WATERWAYS >> ARTICLE II. - HARBOR MARINA ADVISORY BOARD >>

ARTICLE II. - HARBOR MARINA ADVISORY BOARD ⁽²⁾

Sec. 76-31. - Created.

A harbor marina advisory board of the town is hereby created.

(Code 1966, § 11-10.1; Ord. No. 23-1967, § I, 4-3-1967; Code 1978, § 8-16; Ord. No. 2-2004, § 2, 1-21-2004)

Sec. 76-32. - Composition.

The harbor marina advisory board shall be composed of five members, with not less than two alternates. Four members of the harbor marina advisory board shall be residents of the town, and the fifth member may be a local area resident that works within the town. The harbor marina advisory board shall, whenever possible, have individuals with marine experience and shall be appointed by the town commission.

(Code 1966, § 11-10.2; Ord. No. 23-1967, § II, 4-3-1967; Code 1978, § 8-17; Ord. No. 2-2004, § 2, 1-21-2004)

Sec. 76-33. - Compensation.

All members of the harbor marina advisory board shall serve without compensation.

(Code 1966, § 11-10.2; Ord. No. 23-1967, § II, 4-3-1967; Code 1978, § 8-18; Ord. No. 2-2004, § 2, 1-21-2004)

Sec. 76-34. - Terms of members.

The terms of office for members of the harbor marina advisory board shall be for a period of three years; provided, however, that when originally appointed two members shall be appointed for a term of one year, two members for a term of two years, and one member for a term of three years, and all succeeding terms shall then be for terms of three years.

(Code 1966, § 11-10.2; Ord. No. 23-1967, § II, 4-3-1967; Code 1978, § 8-19; Ord. No. 2-2004, § 2, 1-21-2004)

Sec. 76-35. - Organization.

The members of the harbor marina advisory board shall organize themselves and shall select a chairperson and a secretary from among their own members.

(Code 1966, § 11-10.3; Ord. No. 23-1967, § III, 4-3-1967; Code 1978, § 8-20; Ord. No. 2-2004, § 2, 1-21-2004)

Sec. 76-36. - Reporting to commission; assistance of officials and employees.

The members of the harbor marina advisory board shall report directly to the town commission and shall meet as needed to provide advisory recommendations regarding issues or projects as requested by the commission or town manager regarding the progressive development and efficient operation of the Lake Park Harbor Marina. To that end, the town manager shall provide

such operational support and assistance as the town manager may determine is required by the harbor marina advisory board for the effective performance of its assigned responsibilities.

(Code 1966, § 11-10.4; Ord. No. 23-1967, § IV, 4-3-1967; Code 1978, § 8-21; Ord. No. 2-2004, § 2, 1-21-2004; Ord. No. 11-2007, § 1, 7-18-2007)

Sec. 76-37. - Reserved.

Editor's note—

Section 2 of Ord. No. 11-2007, adopted July 18, 2007, repealed § 76-37. Former § 76-37 pertained to revision of Lake Park Harbor Marina master plan and derived from the 1966 Code; Ord. No. 23-1967, adopted Apr. 3, 1967; the 1978 Code; and Ord. No. 2-2004, adopted Jan. 21, 2004.

Sec. 76-38. - Reserved.

Editor's note—

Section 2 of Ord. No. 11-2007, adopted July 18, 2007 repealed § 76-38 in its entirety. Former § 76-38 pertained to review of rules and regulation for marina operation and control and derived from the 1966 Code; Ord. No. 23-1967, adopted Apr. 3, 1967; the 1978 Code; and Ord. No. 2-2004, adopted Jan. 21, 2004.

Sec. 76-39. - Reserved.

Editor's note—

Section 2 of Ord. No. 11-2007, adopted July 18, 2007, repealed § 76-39 in its entirety. Former § 76-39 pertained to continuous review; annual report to commission and derived from the 1966 Code; Ord. No. 23-1967, adopted Apr. 3, 1967; the 1978 Code; and Ord. No. 2-2004, adopted Jan. 21, 2004.

Sec. 76-40. - Advice to commission on specific matters.

The town commission may direct the town manager from time to time to seek the advice of the harbor marina advisory board on specific matters to which the harbor marina advisory board shall make as prompt of a reply as possible to the request of the town commission, together with the description of the reasons for the recommendations which the harbor marina advisory board shall make.

(Code 1966, § 11-10.8; Ord. No. 23-1967, § VIII, 4-3-1967; Code 1978, § 8-25; Ord. No. 2-2004, § 2, 1-21-2004; Ord. No. 11-2007, § 1, 7-18-2007)

Sec. 76-41. - Reserved.

Editor's note—

Section 2 of Ord. No. 11-2007, adopted July 18, 2007, repealed § 76-41 in its entirety. Former § 76-41 pertained to general powers of the marina advisory board and derived from the 1966 Code; Ord. No. 23-1967, adopted Apr. 3, 1967; the 1978 Code; and Ord. No. 2-2004, adopted Jan. 21, 2004.

Sec. 76-42. - Reserved.

Editor's note—

Section 2 of Ord. No. 11-2007, adopted July 18, 2007, repealed [§ 76-42](#) in its entirety. Former [§ 76-42](#) pertained to purchases and contracts and derived from the 1966 Code; Ord. No. 23-1967, adopted Apr. 3, 1967; the 1978 Code; and Ord. No. 2-2004, adopted Jan. 21, 2004.

Secs. 76-43—76-70. - Reserved.

FOOTNOTE(S):

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Cross reference— Boards and commissions, § 2-111 et seq. [\(Back\)](#)

Library Board

Lake Park, Florida, Code of Ordinances >> Subpart A - GENERAL ORDINANCES >> Chapter 2 - ADMINISTRATION >> ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES >> DIVISION 2. - LIBRARY BOARD >>

DIVISION 2. - LIBRARY BOARD ^[6]

Sec. 2-151. - Established.

There is hereby established a library board for the town.

(Ord. No. 5-1968, § I, 4-15-1968; Code 1978, § 12-16)

Sec. 2-152. - Composition.

The library board shall consist of five members who shall be appointed by the town commission.

(Ord. No. 5-1968, § I, 4-15-1968; Code 1978, § 12-17)

Sec. 2-153. - Qualifications.

Members of the library board shall be residents of the town; however, neither the mayor nor any member of the town commission shall be eligible to be a member of the library board.

(Ord. No. 5-1968, § II, 4-15-1968; Code 1978, § 12-18)

Sec. 2-154. - Term of members.

Members of the library board shall be appointed for a term of three years or until their successors have been appointed and qualified.

(Ord. No. 5-1968, § I, 4-15-1968; Code 1978, § 12-19; Ord. No. 05-2010, § 2, 6-2-2010)

Sec. 2-155. - Removal of members.

Members of the library board may be removed by an affirmative vote of a majority of the total members of the town commission.

(Ord. No. 5-1968, § VI, 4-15-1968; Code 1978, § 12-20)

Sec. 2-156. - Vacancies.

In the case of vacancy on the library board by resignation, removal or otherwise, the town commission shall fill such vacancy for the unexpired term.

(Ord. No. 5-1968, § I, 4-15-1968; Code 1978, § 12-21)

Cross reference— Vacancies on certain boards, § 2-112.

Sec. 2-157. - Compensation.

No member of the library board shall receive any pay or compensation for any services rendered as a member of the library board.

(Ord. No. 5-1968, § II, 4-15-1968; Code 1978, § 12-22)

Planning &
Zoning/Historic
Preservation
Board

Lake Park, Florida, Code of Ordinances >> Subpart B - LAND DEVELOPMENT REGULATIONS >>
Chapter 55 - COMMUNITY DEVELOPMENT >> ARTICLE III. - PLANNING AND ZONING BOARD >>

ARTICLE III. - PLANNING AND ZONING BOARD ⁽³⁾

Sec. 55-61. - Created.

The planning and zoning board is hereby created.

(Ord. No. 7-1993, § II, 2-3-1993; Code 1978, § 33-71)

Sec. 55-62. - Membership; terms; meetings.

- (a) *Membership generally.* The planning and zoning board shall consist of five members who shall serve for two-year terms and two alternates who shall serve for a one-year term. At the first appointment of members to the planning and zoning board, three regular members shall be appointed for a term of two years, two regular members shall be appointed for a term of one year, and thereafter each appointment shall be for two-year terms. All terms shall take effect on May 1 of each year. Alternate members of the planning and zoning board shall be appointed on the same day that regular members are appointed. Whenever possible, the planning and zoning board shall consist of one land use planner or architect, one architect, one civil engineer, one person engaged in business within the corporate limits of the town, and a fifth member who need not be engaged in any particular business or profession.
- (b) *Vacancies; alternate members.* All vacancies on the planning and zoning board shall be filled within 30 days so as to maintain the composition of the planning and zoning board as set forth above. Alternate members of the planning and zoning board shall be appointed as first alternate and second alternate and shall serve in that order when necessary.
- (c) *Members to serve at pleasure of town commission.* The members of the planning and zoning board shall serve at the pleasure of the town commission.
- (d) *Compensation.* The members of the planning and zoning board shall serve without compensation.
- (e) *Appointment of professionals.* In the event it becomes impractical or impossible for the town commission to appoint members to the planning and zoning board who are architects, land planners or civil engineers, the town commission may appoint members who are not architects, land planners or civil engineers.
- (f) *Chairperson.* The members of the planning and zoning board shall elect a chairperson from among their members.
- (g) *Quorum.* The presence of three or more members shall constitute a quorum of the planning and zoning board.
- (h) *Meetings; notice.* The planning and zoning board shall meet at least once each month on a date to be determined by the board. If no business is pending for review by the planning and zoning board, the director of community development shall notify the board of such, and no meeting shall be held.

(Ord. No. 7-1993, § II, 2-3-1993; Ord. No. 7-2002, 3, 3-6-2002; Code 1978, § 33-72)

Sec. 55-63. - Powers and duties; variances.

The planning and zoning board shall have the following powers and duties:

- (1) Act in an advisory capacity to the town commission on the following matters:
 - a. The planning and zoning board shall review the town comprehensive plan as required by [section 55-3](#)
 - b. The planning and zoning board shall perform any duties which lawfully may be assigned to it by the town commission.
 - c. The planning and zoning board shall perform any other duties which may be assigned to it under this Code.
 - d. The planning and zoning board is hereby designated as the governmental entity to act as the "Local Planning Agency" in accordance with F.S. ch. 163.
 - e. The planning and zoning board shall obtain and maintain information on population, property values, the land economy, land use and other information necessary to assess the amount, direction and type of development to be expected in the town.
 - f. The planning and zoning board shall, with advice from the community development department, monitor and oversee the operation, effectiveness and status of these regulations and recommend amendments to the town commission that are consistent with the town comprehensive plan.
 - g. The town commission may ask the planning and zoning board for advice about specific land use issues and policies.
 - h. The planning and zoning board shall keep the town commission and the general public informed and advised on the land use policies of the town.
 - i. The planning and zoning board shall conduct public hearings to gather information necessary for the drafting, establishment, amendment and maintenance of the various elements of the town comprehensive plan and provisions of these regulations.
 - j. The planning and zoning board may recommend or request special studies on the location, condition and adequacy of specific facilities of the town, including housing, commercial and industrial facilities, parks, playgrounds, beaches and other recreational facilities, schools, public buildings, public and private utilities, transportation and parking.
 - k. The planning and zoning board shall review redevelopment plans prepared under F.S. ch. 163, pt III (F.S. §§ 163.330—163.463).
 - l. Each final action of the planning and zoning board is advisory to the town commission, and the planning and zoning board may not in any manner obligate the town. A person may not rely upon any comment concerning the proposal made by any planning and zoning board member except during a duly constituted meeting, as a representation or implication that the particular proposal will be ultimately approved or disapproved in any form.
 - m. The planning and zoning board shall review such plans for development and related matters as are submitted for its review according to the discretion of the community development director.
 - n. The planning and zoning board shall serve as the historic preservation board as provided in [section 66-4](#)
- (2) Act as a quasijudicial board on variance requests.

(Ord. No. 7-1993, § II, 2-3-1993; Ord. No. 7-2002, § 3, 3-6-2002; Code 1978, § 33-73)

Sec. 55-64. - Certified mail notice to adjacent owners.

A certified mail notice of public hearings on development applications conducted by the planning and zoning commission and hearing of the town commission shall be mailed by the town return receipt requested, at the applicant's expense, to the owners of record of property within a radius of 300 feet of the property described in the application, ten days prior to the meeting. The notice shall state the date, time and place of the meeting, the name of the owner of the property, the name of the project and/or applicant, and a general written description of the request and the location, or specific street address of the property. Failure to receive such notice, however, shall not affect any action or proceeding taken thereon, nor is it intended to supplement the required notice provisions of state law for due process or any other purposes.

(Ord. No. 17-2003, § 2(33-74), 11-5-2003)

Editor's note—

Section 2 of Ord. No. 17-2003, adopted Nov. 5, 2003, enacted provisions to be designated as § 33-74. In order to maintain the categorical standards of the Code, said provisions have been redesignated as § 55-64.

FOOTNOTE(S):

--- (3) ---

Cross reference— Boards and commissions, § 2-111 et seq. [\(Back\)](#)

LAKE PARK, FLORIDA - CODE OF ORDINANCES >>SUBPART B - LAND DEVELOPMENT REGULATIONS
>>CHAPTER 66 - HISTORIC PRESERVATION

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 **Chapter 66 - HISTORIC PRESERVATION**

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Chapter 66 - HISTORIC PRESERVATION ¹¹

Sec. 66-1. - Declaration of legislative intent.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of historical, cultural, archeological, aesthetic and architectural merit are in the interests of the health, prosperity and welfare of the people of the town. Therefore, this chapter is intended to:

- (1) Effect and accomplish the protection, enhancement and perpetuation of buildings, structures, improvements, landscape features and archeological resources of sites and districts which represent distinctive elements of the town's cultural, social, economic, political, scientific, religious, prehistoric and architectural history;
- (2) Safeguard the town's historical, cultural, archeological and architectural heritage, as embodied and reflected in such individual sites, districts and archeological zones;
- (3) Foster civic pride in the accomplishments of the past and maintain examples of quality structures for the future;
- (4) Protect and enhance the town's attraction to visitors and the support and stimulus to the economy thereby provided; and
- (5) Promote the use of individual sites and districts for the education, pleasure and welfare of the people of the town.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-2)

Sec. 66-2. - Scope of regulations.

- (a) This chapter is intended to and shall govern and be applicable to all property located in the incorporated town limits. Nothing contained herein shall be deemed to supersede or conflict with applicable building and zoning codes. Provisions contained herein shall be cumulative and read in conjunction with other provisions of the town Code.
- (b) This chapter shall be filed, and it shall address the following sections: The establishment of an historic preservation board with powers and duties; the creation of a process to designate individual sites, districts and archeological zones; a process of review of certificates of appropriateness and certificates to dig; and an appeal process. The town shall also submit the proposed ordinance to the National Register of Historic Places for certification by the National Register to be eligible for the 1981 Economic Recovery Tax Act as amended.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-3)

Sec. 66-3. - Definitions.

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

Archeological zone means an area designated by this chapter which is likely to yield information on the history and prehistory of the town based on prehistoric settlement patterns in the town as determined by the results of the town historic survey. These zones will tend to conform to natural physiographic features which were the focal points for prehistoric and historic activities.

Certificate of appropriateness means a certificate issued by the historic preservation board permitting certain alterations or improvements to a designated individual site or property in a designated district.

- (1) *Regular certificate of appropriateness.* A regular certificate of appropriateness shall be issued by the staff of the historic preservation board, based on the guidelines for preservation approved by the historic preservation board.
- (2) *Special certificate of appropriateness.* For all applications for a special certificate of appropriateness involving the demolition, removal, reconstruction or new construction at an individual site or in a district, a special certificate of appropriateness is required that is issued directly by the historic preservation board.

Certificate of recognition means a certificate issued by the board recognizing properties designated pursuant to this chapter.

Certificate to dig means a certificate that gives the board's permission for certain digging projects that may involve the discovery of as yet unknown or known archeological sites in an archeological zone. This certificate is issued by staff of the board based on the guidelines for preservation approved by the board.

Certified local government means a government satisfying the requirements of the United States National Historic Preservation Act Amendments of 1980 (P.L. 96-515; 16 USC 470 et seq.) and the implementing of regulations of the U.S. Department of the Interior and the state. A government which is certified will review all nominations to the National Register of Historic Places within its jurisdiction prior to reviews at the state and federal levels.

Demolition means the complete constructive removal of a building on any site.

Districts means a collection of archeological sites, buildings, structures, landscape features or other improvements that are concentrated in the same area and have been designated as a district pursuant to this chapter.

Exterior means all outside surfaces of a building or structure.

Guidelines for preservation means criteria established by the preservation board to be used by staff in determining the validity of applications for a regular certificate of appropriateness and any certificate to dig and to establish a set of guidelines for the preservation of buildings in South Florida.

Historic preservation board means the town historic preservation board.

Historic survey means a comprehensive survey and listing of the cultural, architectural or archeological resources of the town prepared by a knowledgeable historic preservation authority, following standards set forth in federal, state and town regulations for evaluation of such resources and their importance to the town.

Individual site means an archeological site, building, structure, place or other improvement that has been designated as an individual site pursuant to this chapter including auxiliary buildings

of an individual site. Auxiliary or appurtenance buildings is subordinate to or adjoins the principal use of the structure, e.g., fences, walls, steps, paving, sidewalks, signs, light fixtures, street furniture, parking areas, public art, fountains, etc. Under the provisions of this chapter, interior spaces may be regulated only where a building or structure is a designated individual site.

Landscape feature means any improvement or vegetation including, but not limited to outbuildings, walls, courtyards, fences, shrubbery, trees, sidewalks, planters, plantings, gates, street furniture and exterior lighting.

Local register of historic places means the official list maintained by the town of buildings, structures, sites, districts and objects significant to town history, architecture, archeology, engineering and culture, which have been designated by the historic preservation board ("town register").

National Register of Historic Places means a federal listing maintained by the U.S. Department of the Interior of buildings, sites, structures and districts that have attained a quality of significance as determined by the Historic Preservation Act of 1966, as amended, 16 USC 470 et seq. ("National Register").

Noncontributing resource means a resource or building that does not add to the cultural, historical, social, economic, political, aesthetic, architectural or archeological significance of a designated landmark or a designated historic district.

Ordinary repairs or maintenance means work done on any building, structure or site to real property for which a building permit is not required, the purpose and effect of which is to correct or prevent deterioration of a building or structure or decay of or damage to a building or structure or any part thereof by restoring the building or structure as nearly as practicable to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.

Owner of a designated property means as reflected on the current county tax rolls or current title holder.

Secretary of the Interior's Standards for Rehabilitation means a federal document currently set forth in 36 CFR 68 establishing standards and guidelines for the appropriate rehabilitation and preservation of historic resources, as it may be amended from time to time.

Site of exceptional importance means a site or structure that is of exceptional importance because it is: (i) one of a kind; (ii) directly related to a major theme in the town's or region's development; (iii) significant in multiple areas which can include history, architecture, landscape design, and archaeology.

Undue economic hardship means failure to issue a certificate would place an onerous and excessive financial burden upon the owner that would amount to the taking of the owner's property without just compensation.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-4)

Cross reference— Definitions generally, § 1-2.

Sec. 66-4. - Historic preservation board—Created and established.

The planning and zoning board is designated as the historic preservation board. It is hereby established that the town planning and zoning board shall serve as the town historical preservation board as an agency of the town government in and for the town. The historic preservation board is hereby vested with the power, authority and jurisdiction to designate, regulate and administer historical, cultural, archeological and architectural resources in the town, as prescribed by this chapter under the direct jurisdiction and legislative control of the town commissioners. To meet the requirements of the certified local government program and to carry out its responsibilities under this chapter, the membership of the historic preservation board shall include, to the extent available, members from the disciplines of architecture, architectural history, law, investment banking, planning, engineering, archeology and related fields. The town commission shall decide whether or not the existing members of the planning and zoning board meet the requirements of the historic preservation board and other programs and may appoint up to two additional members to the historic preservation board if needed. Whenever a new member is appointed to the historic preservation board, the town commission shall consider the professional requirements of the new member to ensure that the requirements of the certified local government program are met. When a vacancy occurs on the historic preservation board, it shall be filled within 60 days. When necessary, persons serving on the historic preservation board shall attend educational meetings to develop a special interest, expertise, experience or knowledge in history, architecture or related disciplines.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-5)

Cross reference— Boards and commissions, § 2-111 et seq.

State law reference— Historic preservation boards, F. S. ch. 266.

Sec. 66-5. - Same—Members.

The historic preservation board shall consist of five or seven members appointed by the town commission. Each member of the historic preservation board shall be qualified pursuant to [section 2-112](#). Appointments shall be made on the basis of civic pride, integrity, experience and interest in the field of historic preservation. The term of office of membership shall follow the guidelines of the town planning and zoning board. Any vacancy occurring on the historic preservation board shall be filled by the town commission for the remainder of the unexpired term, at the earliest possible date. Members of the historic preservation board shall be eligible for reappointment, and shall hold office until their successors have been duly appointed and qualified. Members of the historic preservation board shall serve without compensation but shall be reimbursed for necessary expenses incurred in the performance of their official duties, as shall be determined and approved by the town commission. Before entering upon the duties of office, each member of the historic preservation board shall file written acceptance of appointment and take and subscribe to the oath of office prescribed by law, which shall be filed in the office of the town clerk.

(Ord. No. 6-1998, § 1, 7-1-1998; Ord. No. 13-2001, § 1, 10-3-2001; Ord. No. 1-2002, § 1, 1-16-2002; Code 1978, § 34-6)

Sec. 66-6. - Organization.

The chairperson of the planning and zoning board shall serve as chairperson of the historic preservation board. The town manager shall provide adequate personnel to provide technical expertise to and fulfill the administrative responsibilities of the board, including but not limited to representatives from the community development department, which shall be deemed the staff of the board. Minutes of each historic preservation board meeting shall be kept and prepared under the supervision and direction of the board, and copies of such minutes shall be filed with the town clerk.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-7)

Sec. 66-7. - Rules and regulations.

The historic preservation board shall make and prescribe such rules and regulations reasonably necessary and appropriate for the proper administration and enforcement of the provisions of this chapter. Such rules and regulations shall conform to the provisions of this chapter and shall not conflict with the constitution and general laws of the state. The historic preservation board shall prescribe forms for use by applicants in compliance with the provisions of this chapter.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-8)

Sec. 66-8. - Powers and duties.

- (a) The historic preservation board shall have the following enumerated powers and duties:
- (1) Adopt or amend rules of procedure.
 - (2) Recommend designation of individual sites, districts and archeological zones.
 - (3) Issue or deny certificates of appropriateness or special appropriateness and certificates to dig.
 - (4) Recommend or approve historical markers and issue certificates of recognition for individual sites and designated properties in a district.
 - (5) Recommend zoning and building code amendments to the proper authorities.
 - (6) Establish guidelines for preservation and criteria for issuance by staff of regular certificates of appropriateness.
 - (7) Promote the awareness of historic preservation and its community benefits.
 - (8) Review and update the historic survey for its quality and professional merit, and validate the findings of the survey as bona fide and sincere which shall be compatible with the Florida Master Site File and planning for their conservation and preservation.
 - (9) Implement the authority of this chapter and fulfill the tasks set forth for the historic preservation board by the town commission in this chapter and other ordinances.
 - (10) Record and maintain records of the historic preservation board's actions and decisions.
 - (11) Follow and abide by the laws of the United States of America, the state, county and the town.
 - (12) Review and recommend sites and structures for nomination to the National Historic Register.
 - (13) Provide an annual report to the mayor and town commission.
- (b) No actions of the historic preservation board will supersede or be construed as superseding the authority of the town commission.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-9)

Sec. 66-9. - Designation process and procedure.

- (a) *Criteria.* Consistent with the criteria established by the National Register of Historic Places, the historic preservation board shall have the authority to designate areas, places, buildings, structures, landscape features, archeological sites and other improvements or physical features, as individual sites, districts or archeological zones that are significant in town's

history, architecture, archeology or culture and possess an integrity of location, design, setting, materials, workmanship or association, or:

- (1) Are associated with distinctive elements of the cultural, social, political, economic, scientific, religious, prehistoric and architectural history that have contributed to the pattern of history in the community, the county, South Florida, the state or the nation;
 - (2) Are associated with the lives of persons significant in our past;
 - (3) Embody the distinctive characteristics of a type, period, style or method of construction or work of a master, or that possess high artistic value; or that represent a distinguishable entity whose components may lack individual distinction;
 - (4) Have yielded, or are likely to yield information in history or prehistory; or
 - (5) Are listed in the National Register of Historic Places.
- (b) *Properties not generally considered; exceptions.* Certain properties, which include cemeteries, birthplaces, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, properties commemorative in nature and properties that have achieved significance within the last 50 years, will not normally be considered for designation. However, such properties may qualify if they are integral parts of districts that do meet the criteria, or if they fall within the following categories:
- (1) A religious property deriving primary significance from architectural or artistic distinction of historical importance.
 - (2) A building or structure removed from its location but which is primarily significant for architectural value, or is the surviving structure most importantly associated with a historic event or person.
 - (3) A birthplace or grave of a historical figure of outstanding importance if there is no other appropriate site or building directly associated with such historic figure's productive life.
 - (4) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or from association with historic events.
 - (5) A property primarily commemorative in intent if design, age, tradition or symbolic value has invested it with its own historical significance.
 - (6) A property or district achieving significance within the past 50 years if it is of exceptional importance.
- (c) *Investigation and designation report.* Prior to the designation of an individual site, a district, or an archeological zone, an investigation and designation report must be filed with the historic preservation board. The format of these reports may vary according to the type of designation; however, all reports must address the following:
- (1) The historical, cultural, architectural or archeological significance of the property or properties being recommended for designation;
 - (2) A recommendation of boundaries for districts and archaeological zones and identification of boundaries of individual sites being designated;
 - (3) A recommendation of standards to be adopted by the board in carrying out its regulatory function under this chapter with respect to certificates of appropriateness and certificates to dig.

Where a report is filed recommending designation of a district, the report must identify those properties, if any, within the district which are not historically or architecturally compatible with structures in the district. The standards for regulating such nonconforming properties shall provide

that a certificate of appropriateness may be required only for new construction on such properties. All reports shall take into consideration projected, proposed or existing public improvements and developmental or renewal plans.

(d) *Procedure.*

- (1) *Petition of the owner.* The owner of any property in incorporated Lake Park may petition this board for designation of the owner's property as an individual site, district or archeological zone provided that the owner appears before the historic preservation board with sufficient information to warrant the investigation of the property for future designation and the historic preservation board finds that the property may be worthy of designation. The historic preservation board shall, based on its findings, either direct the staff to begin the designation process or deny the petition. Nothing in this subsection shall be deemed to restrict the power of the historic preservation board to initiate the designation process pursuant to this section, however, written permission of the property owner shall be obtained prior to the submission of the application for designation, and such written permission shall be made a part of the application packet.
- (2) *Directive of the historic preservation board.* The historic preservation board shall, upon recommendations from staff or the acceptance of petitions pursuant to subsection (d)(1) of this section, direct staff to begin the designation process by preparing a designation report, pursuant to subsection (c) of this section and any other standards the board may deem necessary, and submitting this report according to the procedures described herein.
- (3) *Notification of owner.* For each proposed designation of an individual site, the historic preservation board shall obtain the permission of the property owner. For each proposed district or archeological zone, the historic preservation board is encouraged to obtain the permission of the property owner within the designated area, and is responsible for mailing a copy of the designation report to the owner as notification of the intent of the historic preservation board to consider designation of the property at least 15 days prior to a public hearing held pursuant to this section.
- (4) *Notification of government agencies.* Upon filing of a designation report, the secretary of the historic preservation board shall immediately notify the community development department and any other county or municipal agency, including agencies with demolition powers, that may be affected by said filing.
- (5) *Notification of a public hearing.* For each individual site, district or archeological zone proposed for designation, a public hearing must be held no sooner than 15 days and within 60 days from the date a designation report has been filed with the historic preservation board. Owners of record or other parties having an interest in the proposed designated properties, if known, shall be notified of the public hearing by certified mail to the last known address of the party being served, according to the county property appraiser's records; however, failure to receive such notice shall not invalidate the same as such notice shall also be perfected by publishing a copy thereof in a newspaper of general circulation at least ten days prior to the hearing. Owners shall be given an opportunity at the public hearing to object to the proposed designation.
- (6) *Requirement of prompt decision and notification.* Within seven days of a public hearing on a proposed individual site, district or archeological zone, the board shall by written resolution state its decision to approve, deny or amend the proposed designation and shall direct the secretary of the historic preservation board to notify the following of its actions with a copy of the resolution:

- a. The community development department;
 - b. The town clerk;
 - c. The appropriate county officials;
 - d. The owner of the affected property and other parties having an interest in the property, if known;
 - e. Any other county or municipal agency, including agencies with demolition powers, that may be affected by this action; and
 - f. The county property appraiser.
- (7) *Amendment or rescission.* The historic preservation board may amend or rescind any designation provided it complies with the same manners and procedures used in the original designation.
- (8) *Moratorium.* Upon the filing of a designation report by the staff, the owner of the real property which is the subject matter of the designation report or any individual or private or public entity shall not:
- a. Erect any structure on the subject property.
 - b. Alter, restore, renovate, move or demolish any structure on the subject property until such time as final administrative action, as provided by this chapter, is completed.
- (9) *Recording of designation.* The historic preservation board shall provide the clerk of the circuit court with all designations for the purpose of recording such designation and the clerk of the circuit court shall thereupon record the designation according to law.

(Ord. No. 6-1998, § 1, 7-1-1998; Ord. No. 13-2001, § 1, 10-3-2001; Code 1978, § 34-10)

Sec. 66-10. - Application for certificate of appropriateness.

- (a) *Certificate required as prerequisite to alteration, etc.* No building, structure, improvement, landscape feature or archeological site within the town which is designated pursuant to [section 66-9](#) may be erected, altered, restored, renovated, excavated, moved or demolished until an application for a certificate of appropriateness regarding any architectural features, landscape features or site improvements has been submitted to and approved pursuant to the procedures in this section. As a prerequisite to the alteration, etc., of a single-family home which has been identified as being 50 years or older in the Lake Park Historical Structure Survey, dated June 1998, the community development director shall notify the owner that the home is one of the sites identified in the Lake Park Historical Structure Survey, dated 1998, as being eligible for listing on the local historic register. The community development director shall notify the owner of their eligibility for designation, and seek designation with the owner's consent. All collateral materials, including incentive opportunities, shall be provided to the homeowner. Architectural features shall include, but not be limited to, the architectural style, scale, massing, siting, general design and general arrangement of the exterior of the building or structure, including the type, style and color of facades, roofs, windows, doors and appurtenances. Architectural features shall include, when applicable, interior spaces where interior designation has been given pursuant to [section 66-9](#). Landscape features and site improvements shall include, but are not limited to, site regrading, subsurface alterations, fill deposition, paving, landscaping, walls, fences, courtyards, signs and exterior lighting. No certificate of appropriateness shall be approved unless the architectural plans for said construction, alteration, excavation, restoration, renovation, relocation or demolition are approved by the historic preservation board.
- (b)

- Board to develop procedures.* The historic preservation board shall set the fees needed and develop procedures for making application for both a regular and special certificate of appropriateness.
- (c) *Standards for issuance.* The town hereby adopts the Secretary of Interior's Standards of Rehabilitation. The historic preservation board shall also adopt supplemental guidelines which may be amended from time to time. These standards by which applications for any certificate of appropriateness are to be measured and evaluated. In adopting these guidelines, are intended by the historic preservation board to promote maintenance, restoration, adaptive reuses appropriate to the property, and compatible contemporary designs which are harmonious with the exterior architectural and landscape features of neighboring buildings, sites and streetscape. These guidelines shall also serve as criteria for staff to make decisions regarding applications for regular certificates of appropriateness.
- (d) *Regular certificates of appropriateness.*
- (1) Based on the guidelines for preservation, the designation report, a complete application for a regular certificate of appropriateness, any additional plans, drawings or photographs to fully describe the proposed alteration and any other guidelines the board may deem necessary, the staff of the historic preservation board shall, within ten days from the date a complete application has been filed, approve or deny the application for a regular certificate of appropriateness by the owner of a designated individual site, or property within a designated district.
 - (2) Regular certificates of appropriateness may be issued by staff for ordinary repair and maintenance for which a building permit is not required, the purpose and effect of which is to correct or prevent any deterioration of, decay of or damage to the exterior of such building, structure or site or any part thereof, and to restore the same as nearly as may be practicable to its condition prior to such deterioration, decay or damage, using the same materials or those materials available which are as close as possible to the original.
 - (3) The findings of the staff shall be mailed to the applicant within three days of staff decision accompanied by a statement in full regarding the staff's decision. The applicant shall have an opportunity to challenge the staff decision by applying for a special certificate of appropriateness within 30 days of the staff's findings.
- (e) *Special certificates of appropriateness.* Special certificates of appropriateness are required for any alteration to buildings or sites other than ordinary maintenance.
- (1) An applicant for a special certificate of appropriateness shall submit his fees and application to the board pursuant to this section and accompany such application to the historic preservation board with full plans and specifications, site plan and samples of materials as deemed appropriate by the board to fully describe the proposed appearance, color, texture or materials, and architectural design of the building and any outbuilding, wall, courtyard, fence, landscape feature, paving, signage and exterior lighting. The applicant shall provide adequate information to enable the historic preservation board to visualize the effect of the proposed action on the applicant's building and its adjacent buildings and streetscape. If such application involves a designated archeological site, the applicant shall provide full plans and specifications of work that may affect the surface and subsurface of the archeological site.
 - (2) The historic preservation board shall hold a public hearing upon an application for a special certificate of appropriateness affecting property under its control. In such instances, notice and procedure of the public hearing shall be given to the property

- owner by certified mail and to other interested parties by an advertisement in a newspaper of general circulation at least ten days prior to the hearing.
- (3) The historic preservation board shall act upon an application within 60 days of receipt of application materials adequately describing the proposed action. The historic preservation board shall approve, deny or approve in modified form an application, subject to the acceptance of the modification by the applicant, or suspend action on the application for a period not to exceed 30 days in order to seek technical advice from outside its members or to meet further with the applicant to revise or modify the application.
 - (4) The decision of the historic preservation board shall be issued in writing. Evidence of approval of the application shall be by certificate of appropriateness issued by the historic preservation board or the board's designated staff representative to the applicant and, whatever its decision, notice in writing shall be given to the applicant and the community development department. When an application is denied, the historic preservation board's notice shall provide an adequate written explanation of its decision to disapprove the application. The historic preservation board shall keep a record of its actions under this chapter.
- (f) *Demolition.*
- (1) Demolition of a designated building, structure, improvement or site may occur pursuant to an order of a government agency or a court of competent jurisdiction or pursuant to an approved application by the owner for a special certificate of appropriateness.
 - (2) Government agencies having the authority to demolish unsafe structures shall receive notice of designation of individual sites, districts or archeological zones pursuant to [section 66-9\(d\)\(6\)](#). The historic preservation board shall be deemed an interested party and shall be entitled to receive notice of any public hearings conducted by said government agency regarding demolition of any designated property. The historic preservation board may make recommendations and suggestions to the government agency and the owner relative to the feasibility of and the public interest in preserving the designated property.
 - (3) No permit for voluntary demolition of a designated building, structure, improvement or site shall be issued to the owner thereof until an application for a special certificate of appropriateness has been submitted and approved pursuant to the procedures in this section. Refusal by the historic preservation board to grant a special certificate of appropriateness shall be evidenced by written order detailing the public interest which is sought to be preserved. The historic preservation board shall be guided by the criteria contained in subsection (f)(4) of this section. The historic preservation board may grant a special certificate of appropriateness which may provide for a delayed effective date of up to six months. The effective date shall be determined by the historic preservation board based upon the relative significance of the structure and the probable time required to arrange a possible alternative to demolition. During the demolition delay period, the historic preservation board may take such steps as it deems necessary to preserve the structure concerned, in accordance with the purposes of this chapter. Such steps may include, but shall not be limited to, consultation with civic groups, public agencies and interested citizens, recommendations for acquisition of property by public or private bodies or agencies, and exploration of the possibility of moving one or more structures or other features.
 - (4)

In addition to all other provisions of this chapter, the historic preservation board shall consider the following criteria in evaluating applications for a special certificate of appropriateness for demolition of designated properties:

- a. Is the structure of such interest or quality that it would reasonably meet national, state or local criteria for designation as an historic or architectural landmark?
- b. Is the structure of such design, craftsmanship, or material that it could be reproduced only with great difficulty and/or expense?
- c. Is the structure one of the last remaining examples of its kind in the town, neighborhood, the county or the region?
- d. Does the structure contribute significantly to the historic character of a designated district?
- e. Would retention of the structure promote the general welfare of the town, county or region by providing an opportunity for study of local history, architecture and design or by developing an understanding of the importance and value of a particular culture and heritage?
- f. Are there definite plans for reuse of the property if the proposed demolition is carried out, and what will be the effect of those plans on the character of the surrounding area?
- g. Building permit not to issue without certificate. No building permit shall be issued by the community development director which affects any designated property in the town without a certificate of appropriateness.
- h. Compliance of work with certificate standards. All work performed pursuant to the issuance of any certificate of appropriateness shall conform to the requirements of the certificate. The town manager shall designate an appropriate official to assist the historic preservation board by making necessary inspections in connection with enforcement of this chapter and the manager or the community development director shall be empowered to issue a stop work order if performance is not in accordance with the issued certificate. No work shall proceed as long as a stop work order continues in effect. Copies of inspection reports shall be furnished to the historic preservation board and copies of any stop work orders both to the board and the applicant. The community development director and staff for the historic preservation board shall be responsible for ensuring that any work not in accordance with an issued certificate of appropriateness shall be corrected to comply with the certificate of appropriateness prior to withdrawing the stop work order.
- i. Emergency, temporary measures. For the purpose of remedying emergency conditions determined to be dangerous to life, health or property, nothing contained herein shall prevent the making of any temporary construction, reconstruction or other repairs to a building or site in the town, pursuant to an order of a government agency or a court of competent jurisdiction. The owner of a building damaged by fire or natural calamity shall be permitted to stabilize the building immediately without historic preservation board approval, and to rehabilitate it later under the normal review procedures to this chapter.
- j. No action to constitute approval. If no action upon an application is taken within 60 days from the date of application, such application shall be deemed to have been approved and no other evidence of approval shall be needed. This time

limit may be waived by mutual written consent of the applicant and the historic preservation board.

- k. **Power of review.** The historic preservation board shall have the authority to review applications for certificates of appropriateness for all property in the town, however owned, by either private or public parties. The purposes of this chapter shall apply equally to plans, projects or work executed or assisted by any private party, governmental body or agency, department, authority or board of the town, county or state.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-11; Ord. No. 03-2007, § 2, 7-18-2007)

Sec. 66-11. - Variances.

Where, by reason of particular site conditions and restraints, or because of unusual circumstances applicable solely to the particular applicant, strict enforcement of the provisions of this chapter would result in serious undue economic hardship to the applicant, the historic preservation board shall have the power to vary or modify adherence to this chapter; provided always that its requirements ensure harmony with the general purposes hereof and will not adversely affect the town.

- (1) In any instance where there is a claim of undue economic hardship, the owner may submit, by affidavit, to the board at least 15 days prior to the public hearing, the following information:
- a. For all property:
 1. The amount paid for the property, the date of purchase and the party from whom purchased;
 2. The assessed value of the land and improvements thereon according to the two most recent assessments;
 3. Real estate taxes for the previous two years;
 4. Annual debt service, if any, for the previous two years;
 5. All appraisals obtained within the previous two years by the owner or applicant in connection with his purchase, financing or ownership of the property;
 6. Any listing of the property for sale or rent, price asked and offers received, if any; and
 7. Any consideration by the owner as to profitable adaptive uses for the property; and
 - b. For income-producing property:
 1. Annual gross income from the property for the previous two years;
 2. Itemized operating and maintenance expenses for the previous two years; and
 3. Annual cash flow, if any, for the previous two years.
- (2) The board may require that an applicant furnish such additional information as the historic preservation board believes is relevant to its determination of undue economic hardship and may provide in appropriate instances that such additional information be furnished under seal. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with such applicant's affidavit a statement of the information which

cannot be obtained and shall describe the reasons why such information cannot be obtained.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-12)

Sec. 66-12. - Maintenance of designated properties.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure which does not involve a change of design, appearance or material, and which does not require a building permit.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-13)

Sec. 66-13. - Certificates to dig.

- (a) *When required; how granted.* Within an archeological zone, new construction, filling, digging, the removal of trees, or any other activity that may alter or reveal an interred archeological site shall be prohibited without a certificate to dig. All applications to the town involving new construction, large-scale digging, the removal of trees or any other activity that may reveal or disturb an interred archeological site, in an archeological zone shall require a certificate to dig before approval. Based on the designation report for the archeological zone, a complete application for a certificate to dig and any additional guidelines the historic preservation board may deem necessary, the staff of the board shall, within ten days from the date the completed application has been filed, approve the application for a certificate to dig by the owners of a property in a designated archeological zone. The certificate to dig may be made subject to specified conditions, including but not limited to conditions regarding site excavation. In order to comply with the site excavation requirements of the certificate to dig, the applicant may agree to permit the town or its designee to conduct archeological excavation from the time of the approval of the certificate to dig until the effective date thereof. The findings of the staff shall be mailed to the applicant by registered mail promptly. The applicant shall have the opportunity to challenge the staff decision or any conditions attached to the certificate to dig by requesting a meeting of the historic preservation board. The historic preservation board shall convene within 35 days after such a request and shall make every effort to review and reconsider the original staff decision to arrive at an equitable decision. The decision of the historic preservation board shall be reduced to writing within seven days from the date of the meeting.
- (b) *Approved certificates to dig.* Approved certificates to dig shall contain an effective date not to exceed 60 days at which time the proposed activity may begin, unless the board decides to designate the site in question as an individual site or district pursuant to [section 66-9](#) in which all the rules and regulations pertaining to the designation process shall apply from the date the designation report has been filed.
- (c) *Work to conform to certificate; stop work order.* All work performed pursuant to the issuance of a certificate to dig shall conform to the requirements of such certificate. It shall be the duty of the appropriate government agencies and the staff of the board to inspect from time to time any work pursuant to such certificate to ensure compliance. In the event work is performed not in accordance with such certificate, the official designated by the town manager pursuant to [section 66-10\(f\)\(4\)h](#). shall be empowered to issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such projects as long as such stop work order shall continue in effect.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-14)

Sec. 66-14. - Appeals.

- (a) Within 20 days of the written decision of the historic preservation board, an aggrieved party may appeal the decision by filing a written notice of appeal with the town clerk. The notice of appeal shall state the decision which is being appealed, the grounds for the appeal, and a brief summary of the relief which is sought. Within 60 days of the filing of the appeal or the first regular town commission meeting which is scheduled, whichever is later in time, the town commission shall conduct a public hearing at which time it may affirm, modify or reverse the decision of the board. Nothing contained herein shall preclude the town commission from seeking additional information prior to rendering a final decision. The decision of the town commission shall be in writing and a copy of the decision shall be forwarded to the board and the appealing party. Within the time prescribed by the appropriate Florida Rules of Appellate Procedure, a party aggrieved by a decision of the town commission may appeal an adverse decision to the circuit court in and for the county. The party taking the appeal shall be required to pay to the town clerk the sum of \$200.00 to defray the costs of preparing the record on appeal.
- (b) Certain properties in the town were given historic designation against the wishes of their owners. Because nonconsensual designation is hereby abolished in the ordinance from which this section derives, the town commission finds that it is appropriate to allow those property owners an opportunity to resume the control of their property. As such, during a period of time not more than 180 days from the effective date of this section, owners of those properties which were designated with out their permission or consent may apply directly to the town commission for a de-designation of those properties. The list of addresses which were so designated is available at town hall.
- (c) In the event of a plan to demolish any such properties which are de-designated in this time frame pursuant to subsection (b) of this section shall follow the following procedure: not less than 90 days prior to making an application for demolition, the owner shall notify the town commission in writing of the owner's intent to apply for a demolition permit. Such written notice shall be placed on the next available agenda of the town commission, however, no action is required of the commission regarding such written notice.

(Ord. No. 6-1998, § 1, 7-1-1998; Ord. No. 13-2001, § 1, 10-3-2001; Code 1978, § 34-15)

Sec. 66-15. - Penalties.

Failure by an owner of record or any individual or private or public entity to comply with any provisions of this chapter shall constitute a violation hereof and shall be punishable by civil or criminal penalties including a fine of not more than \$500.00 per day for each day the violation continues and including a requirement that any work performed contrary to this chapter must be removed and the property returned to its condition prior to commencement of said action. The code compliance board shall have jurisdiction to enforce the codes and ordinances of the town.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-16)

Sec. 66-16. - Incentives.

All properties designated as individual sites or as designated properties within a district shall be eligible, upon application by the owner, for any available financial assistance set aside for historic preservation by the town contingent on the availability of funds and the scope of the project as described in the application.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-17)

Sec. 66-17. - Tax exemptions for historic properties.

- (a) *Scope of tax exemptions.* A method is hereby created for the town commissioner, at its discretion, to allow tax exemptions for the restoration, renovation, or rehabilitation of historic properties. The exemption shall apply to 100 percent of the assessed value of all improvements to historic properties which result from restoration, renovation, or rehabilitation made on or after the effective date of this chapter. The exemption applies only to taxes levied by the town. The exemption does not apply to taxes levied for the payment of bonds or to taxes authorized by a vote of the electors pursuant to [section 9\(b\)](#) or section 12, Article VII of the Florida Constitution (Fla. Const. art. VII, §§ 9(b), 12). The exemption does not apply to personal property. The exemption under this chapter does not apply to properties within a community redevelopment area previously or hereafter established pursuant to F.S. ch. 163, pt. III (F.S. §§ 163.330—163.463), by either the Board of County Commissioners of Palm Beach County or the town commission.
- (b) *Duration of tax exemptions.* Any exemption granted under this section to a particular property shall remain in effect for ten years. The town commission shall have the discretion to set a lesser term. The term of the exemption shall be specified in the resolution approving the exemption. The duration of the exemption as established in the resolution granting the exemption shall continue regardless of any change in the authority of the town to grant such exemptions or any change in ownership of the property. In order to retain an exemption, however, the historic character of the property, and improvements which qualified the property for an exemption, must be maintained in their historic state over the period for which the exemption was granted.
- (c) *Eligible properties and improvements.*
- (1) Property is qualified for an exemption under this section if:
 - a. At the time the exemption is granted the property:
 1. Is individually listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended, 16 USC 470 et seq.;
 2. Is a contributing property to a National Register-listed district; or
 3. Is designated as a historic property, or as a contributing property to a historic district, under the terms of a local preservation chapter; and
 - b. The historic preservation board has certified to the town commission that the property for which an exemption is requested satisfies subsection (c)(1)a of this section.
 - (2) In order for an improvement to a historic property to qualify the property for an exemption, the improvement must:
 - a. Be consistent with the United States Secretary of Interior's Standards for Rehabilitation; and
 - b. Be determined by the historic preservation board to meet criteria established in rules adopted by the department of state.
- (d) *Applications.* Any person, firm, or corporation that desires an ad valorem tax exemption for the improvement of a historic property must, in the year the exemption is desired to take effect, file with the town commission a written application on a form prescribed by the department of state. The application must include the following information:
- (1) The name of the property owner and the location of the historic property;
 - (2) A description of the improvements to real property for which an exemption is requested and the date of commencement of construction of such improvements;

- (3) Proof, to the satisfaction of the historic preservation board, that the property to be rehabilitated or renovated is a historic property under this section;
 - (4) Proof, to the satisfaction of the historic preservation board, that the improvements to the property will be consistent with the United States Secretary of Interior's Standards for Rehabilitation and will be made in accordance with guidelines developed by the department of state;
 - (5) Other information identified in appropriate department of state regulations, or requested by the historic preservation board; and
 - (6) The property within the jurisdiction of the historic preservation board has filed a completed application for a certificate of appropriateness for the qualifying restoration, renovation, or rehabilitation.
- (e) *Required covenant.* To qualify for an exemption, the property owner must enter into a covenant or agreement with the town commission for the term for which the exemption is granted. The form of the covenant or agreement must be established by the department of state and must require that the character of the property, and the qualifying improvements to the property, be maintained during the period that the exemption is granted. The covenant or agreement shall be binding on the current property owner, transferees, and their heirs, successors, or assigns. Violation of the covenant or agreement results in the property owner being subject to the payment of the differences between the total amount of taxes which would have been due in March in each of the previous years in which the covenant or agreement was in effect had the property not received the exemption and the total amount of taxes actually paid in those years, plus interest on the difference calculated as provided in F.S. § 212.12(3).
- (f) *Review by historic preservation board.* The historic preservation board, or its successor, is designated to review applications for exemptions. The historic preservation board must recommend that the town commission grant or deny the exemption. Such reviews must be conducted in accordance with rules adopted by the department of state. The recommendation, and the reasons therefor, must be provided to the applicant and to the town commissioners before consideration of the application at an official meeting of the town commission.
- (g) *Approval by town commission.* A majority vote of the town commissioners shall be required to approve a written application for exemption. Such exemption shall take effect on the January 1 following substantial completion of the improvement. The town commission shall include the following in the ordinance approving the written application for exemption:
- (1) The name of the owner and the address of the historic property for which the exemption is granted.
 - (2) The period of time for which the exemption will remain in effect and the expiration date of the exemption.
 - (3) A finding that the historic property meets the requirements of this section.
- (h) *Recording in public record.* The covenant evidencing the tax exemption shall be recorded by the town at the owner's expense in the public records of the county.

(Ord. No. 6-1998, § 1, 7-1-1998; Code 1978, § 34-18)

FOOTNOTE(S):

--- (1) ---

Cross reference— *Environment, ch. 10; utilities, ch. 32; buildings and building regulations, ch. 54; special historic buildings and districts, § 54-66; environmentally significant lands, ch. 58; land development code, ch. 67; zoning, ch. 78. [\(Back\)](#)*

State Law reference— *Historic preservation boards, F.S. ch. 266, historic resources, F.S. ch. 267. [\(Back\)](#)*

Tree Board

LAKE PARK, FLORIDA - CODE OF ORDINANCES >>SUBPART A - GENERAL ORDINANCES >>CHAPTER 2 - ADMINISTRATION >>ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES >>DIVISION 3. - TREE BOARD

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 **DIVISION 3. - TREE BOARD**

-  Sec. 2-181. - Definitions.
-  Sec. 2-182. - Creation and establishment of a town tree board.
-  Sec. 2-183. - Term of office.
-  Sec. 2-184. - Compensation.
-  Sec. 2-185. - Duties and responsibilities.
-  Sec. 2-186. - Operation.
-  Sec. 2-187. - Reserved.
-  Sec. 2-188. - Reserved.
-  Sec. 2-189. - Reserved.
-  Sec. 2-190. - Reserved.
-  Secs. 2-191—2-220. - Reserved.

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Lake Park, Florida, Code of Ordinances >> **Subpart A - GENERAL ORDINANCES** >> **Chapter 2 - ADMINISTRATION** >> **ARTICLE IV. - BOARDS, COMMISSIONS AND COMMITTEES** >> **DIVISION 3. - TREE BOARD** >>

DIVISION 3. - TREE BOARD

Sec. 2-181. - Definitions.

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

Board means the town tree board.

Park trees means trees, shrubs, bushes and all other woody vegetation in public parks having individual names, and all areas owned by the town, or to which the public has free access as a park.

Street trees means trees, shrubs, bushes and all other woody vegetation on land lying within the public rights-of-way of the town.

(Ord. No. 3-1991, § 6, 2-6-1991; Code 1978, § 31-25)

Cross reference— Definitions generally, § 1-2.

Sec. 2-182. - Creation and establishment of a town tree board.

There is hereby created and established a town tree board, which shall consist of five persons appointed by the town commission.

(Ord. No. 3-1991, § 6, 2-6-1991; Ord. No. 18-1991, § 1, 11-20-1991; Code 1978, § 31-26)

Sec. 2-183. - Term of office.

The terms of office of members of the board shall be three years. The members of the board shall be appointed by the town commission so as to stagger the terms of office.

(Ord. No. 3-1991, § 6, 2-6-1991; Ord. No. 18-1991, § 1, 11-20-1991; Code 1978, § 31-27)

Sec. 2-184. - Compensation.

Members of the board shall serve without compensation.

(Ord. No. 3-1991, § 6, 2-6-1991; Code 1978, § 31-28)

Sec. 2-185. - Duties and responsibilities.

- (a) *Tree inventory.* It shall be the responsibility of the board to develop an inventory of all trees on public property within the town. Such inventory will identify trees by type, number, and location and shall be provided, in writing, with appropriate maps and symbols, as necessary to delineate the information specified herein. The inventory shall be completed no later than

January 1, 1993, and shall be updated and amended annually thereafter to reflect and additions of trees.

- (b) *Care guide.* It shall be the responsibility of the board to assist the community development director to study, investigate, counsel, and develop and/or update annually, and administer a written care guide for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas.
- (c) *Annual work plan.* It shall be the responsibility of the board to develop an annual work plan in accordance with the Tree City U.S.A. guidelines. Such work shall include, but not be limited to, tree related projects and tasks as well as an implementation schedule for such projects and tasks.
- (d) *Submission of plan and expenses.* The annual work plan shall be submitted to the town commission not later than June of each year and shall include a list of estimated expenses for the followings calendar year. The town commission may approve such plan by resolution, subject to the provision of necessary funding in the town budget.
- (e) *Special matters and questions.* The board, when requested by the town commission, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of the board's work.

(Ord. No. 3-1991, § 6, 2-6-1991; Ord. No. 18-1991, § 3, 11-20-1991; Code 1978, § 31-29)

Sec. 2-186. - Operation.

The board shall choose officers, make rules and regulations, and keep a journal of the board's findings. A majority of the members of the board shall be a quorum for the transaction of business.

(Ord. No. 3-1991, § 6, 2-6-1991; Code 1978, § 31-30)

Sec. 2-187. - Reserved.

Editor's note—

Section 2 of Ord. No. 04-2009, adopted Feb. 18, 2009, repealed [§ 2-187](#), which pertained to street tree species to be planted and derived from the 1978 Code; Ord. No. 3-1991, adopted Feb. 6, 1991; Ord. No. 7-1991, adopted Apr. 3, 1991; and Ord. No. 18-1991, adopted Nov. 20, 1991.

Sec. 2-188. - Reserved.

Editor's note—

Section 2 of Ord. No. 04-2009, adopted Feb. 18, 2009, repealed [§ 2-188](#), which pertained to spacing of street trees and derived from the 1978 Code; and Ord. No. 3-1991, adopted Feb. 6, 1991.

Sec. 2-189. - Reserved.

Editor's note—

Section 2 of Ord. No. 04-2009, adopted Feb. 18, 2009, repealed [§ 2-189](#), which pertained to distance of street trees from curbs and sidewalks and derived from the 1978 Code; and Ord. No. 3-1991, adopted Feb. 6, 1991.

Sec. 2-190. - Reserved.

Editor's note—

Section 2 of Ord. No. 04-2009, adopted Feb. 18, 2009, repealed § 2-190, which pertained to distance of street trees from street corners and fireplugs and derived from the 1978 Code; and Ord. No. 3-1991, adopted Feb. 6, 1991.

Secs. 2-191—2-220. - Reserved.

TAB 2

TOWN COMMISSION APPROVED PROJECTS*

Project	Kicked-off	Underway	Completed
Analysis of Ad Valorem property taxes from commercial properties (Dino: 355-2681)	√	√	√
Annexation of unincorporated land west of Wal Mart.			
Code Compliance improvements.			
Community Center and extension of ball fields.			
Cost-Savings program (team-based).			
Dog Park	√	√	
Emergency Operation Plan re-write.	√	√	
Federal Highway Mixed-Use Overlay District.	√		
Lakeshore Drive drainage improvements.	√		
League of Cities monthly meeting sponsorships.			
Marina Improvements. Walkway repairs. Bulkhead repairs. Parking lot improvements.	√ √ √		
Organizational Development Creation of a Vision, Mission, and Core Values Revised performance evaluation instrument. Survey mechanism for measuring effectiveness of municipal services.			
Park Avenue extension.			
Parking meter program analysis and report.			
Sanitary Sewers in Industrial area.			
Sober House regulations.	√	√	X
Sunset Celebration (weekly).			
Town Hall façade improvements.	√	√	

* Approved by the Town Commission on January 16, 2013

CURRENT
DEPARTMENTAL
GOALS & OBJECTIVES

HOA

February 20, 2013

Information Technology Department

Tasks/Goal and Objectives 2012-2013 or 2013-2014 Future Budget Year.

1. To establish and maintain new Emergency Operation Center (EOC) server at Palm Beach County Fire Station located at 1000 Park Avenue. This EOC will serve as a backup server for Town Hall and Public Works in case Town Hall server will not work during and after disaster. Also daily back up of Microsoft Exchange and Data from Town Hall main server via VPN. This operation required static IP Internet with County Fiber Optic Lambda Rail which only available at this location. Serving as Disaster Recovery site.
2. Servers:
 - a. Server software of all servers to 2008 R2 or 2012 except American Data Group (ADG) for Finance (upgraded to Windows version).
 - b. Upgrade Exchange server 2007 to Exchange server 2010 with license to upgrade to Exchange 2013.
 - c. Create new file server FS to replace old DC1 (server 2003) to newer version.
 - d. Eliminate Printer server (tlp-th-dc2) which running Server 2000 (Microsoft will be no longer support 2000 and will be the same with 2003).
3. Hardware/Software/Desktop:
 - a. In the next few years, try to reestablish 3-5 years ^{capital replacement} plan. Most of the Town's computers are older than 5 years and cannot run new software such as Windows 7 or 8 Professional. Need to replace old computers to run at least Windows 7 before Microsoft discontinued support on Windows XP in 2014. All Public Works are running Windows 7 Professional with Office 2010.
 - b. Hardware/Software for the following departments:

i. Administration:	2
ii. IT:	1
iii. Town Clerk:	2
iv. HR	2
v. CDD	6
vi. Finance	6
vii. Recreation	1
viii. Marina	2
ix. Library	5
4. Library Public Access Computers:
 - a. There are 32 computers can be upgraded to thin client to eliminate hard disks. This can be done with grant or at least budgeted in the next few years.
5. Paperless Agenda:
 - a. Work with Town Clerk/Town Manager Offices to eliminate paper print: using Ipad for Commissions and Senior Staff.

DSS
2/26/13

Bambi

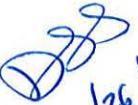
6. What do you believe should be your goals/assessments for the next evaluation period?

The following (in bold) are my three goals for the upcoming evaluation period:

- **To develop an environment to promote engagement of the workforce**
 - By conducting an employee job satisfaction survey to identify employees' needs in terms of job satisfaction and engagement and develop strategies for improvement

- **To improve employee wellness, both off the job and on the job**
 - By encouraging employees to utilize the United Healthcare wellness services and by bringing the Jupiter Medical Center wellness bus onsite to conduct certain baseline wellness examinations
 - By continuing to ensure that the Town is a safe and healthy workplace environment and by continuing to work with the Public Works Director in decreasing the number of workplace injuries and accidents

- **To develop an environment to help promote the timely completion of employee evaluations**
 - By working with the Town Manager to modify the employee evaluation system and to help engage employees in the evaluation process in a positive way


2/26/13



GOAL SETTING

GOAL #1 – Preserve and improve the character of our residential, commercial and industrial neighborhoods.

(for example, through...)

- Ensuring quality development that would complement our various districts (initial stakeholder discussions are crucial)
- Harmonious separations between residential and commercial districts through appropriate code regulations (topographical features; screening; building heights and orientation) – code revisions will also need to address zoning use definitions in the various zoning districts and Mixed-Use Zoning District regulations which would make a development harmonious with the surrounding districts
- Opportunities for land owners to develop, renovate, and so on through the promotion of Town incentives (ad valorem tax exemption; historic tax exemption; expedited permitting) and possible grant funding if opportunities present themselves.

GOAL #2 – Promote an efficient and progressive transportation network.

(for example, through...)

- Train station if prioritized and contingent on available funding (Capital and Operation & Maintenance)
- Road improvements contingent on available funding (10th Street; Park Avenue extension)
- In-town attraction connections (i.e. trolley etc.)
- Effective review of development applications, special event applications, code revisions, and so on, to ensure an efficient traffic flow

GOAL #3 – Promote a positive community appearance.

(for example, through...)

- Code compliance techniques
- Code revisions

GOAL #4 - Promote effective customer service.

(for example, through...)

- Fostering and improving employee skills and knowledge to more effectively communicate department-related procedures/information
- Streamlining applications
- Improving information manuals
- Marketing strategy to tackle non-conforming window signage
- Training on GIS for more in-house capabilities to improve customer interactions

*ND
3/14/13*

JAMIE

LAKE PARK HARBOR MARINA

GOALS AND OBJECTIVES – FY 2012/2013

GOAL 1: Increase occupancy to a level of no less than approximately 40% on an average basis.

Objective 1: Develop marketing strategies for the marina promotional video including primarily display on the marina web site, display on Channel 18, display on the Town's web site, and also as a hand-out at boat shows and to potential long term customers seeking more information about the marina.

Objective 2: Develop a customer database for periodical mailings and blast e-mails of collateral materials, event information, and promotional give-aways targeting former, current and new customers.

Objective 3: Complete a mass mailing to approximately 3,400 registered boaters from Palm Beach and Martin Counties with an "introductory" offer consisting of a promotional give-away targeting vessels in the size range of 30' to 70'.

Objective 4: Attend the Palm Beach International Boat Show (March 21-24, 2013) to implement an "awareness campaign" for the marina with display information, handouts and a give-away contest designed to target new customer business.

Objective 5: Attend a designated monthly meeting of the N. Palm Beach Chamber to promote the marina, speak about various upcoming events, and hand out collateral materials.

GOAL 2: Improve customer satisfaction and transparency by increasing service levels and maintaining facilities to the highest possible standards.

Objective 1: Implement a customer exit survey to obtain feedback on employee service levels, maintenance of facilities, marketing efforts, customer service, demographics, and other pertinent information.

D&S
3/11/13

Objective 2: Develop a program of periodical inspections of the marina facilities on a weekly basis with a monthly evaluation process to determine future needs and assessments to improve customer safety levels with feedback from customers if required.

Objective 3: Meet with marina staff on a periodical basis to review maintenance problems, results of marketing efforts, status of safety issues, status of work orders, customer surveys, and personnel issues.

Objective 4: Improve the work order tracking process with Public Works to better facilitate control over the turn-around time for completion of requests in a timely fashion.

Objective 5: Contact customers directly by e-mail to obtain feedback regarding the marina operation and the level of service they received and future improvements that need to be made to improve the service operation.

GOAL 3: Increase the monthly attendance level at the Sunset Celebration to a measurable limit of no less than 150 people per event.

Objective 1: Develop a sponsorship program to generate financial assistance to increase exposure of the event through additional print related advertising, promotional programs, musical productions, and other forms of publicity.

Objective 2: Complete a mass mailing to a listing of businesses provided from the N. Palm Beach Chamber of Commerce, Marine Industries Association and other potential sources.

Objective 3: Speak to local condominium associations and managers, boating groups, charter boat operators, local restaurants and businesses along the Route 1 corridor, and pass out literature about upcoming events on a periodical basis.

Objective 4: Send out blast e-mails to the data base of customers on a monthly basis and include flyers and special event offers to attract additional business.

Objective 5: Attend local events, Town sponsored events, special events, trade shows, art shows, and similar functions to hand out flyers as a vehicle to enhance awareness of the event.

DJD
3/11/13

Performance Evaluation
Vivian Mendez
June 29, 2012 – December 29, 2012

Goals:

1. Expand the Laserfiche system so all departments can access and conduct research. This would allow other departments the flexibility to do their own research and provide answers in a timely manner. This would relieve the Clerk's office from hours of research time. Hire a temporary person to scan documents into the system.
I will obtain a price quote to determine if this goal is achievable. This will be completed before the departmental budget meeting.
2. Expand the Municipal Code Corporation version which allows users immediate access to Ordinances called the NOW (New Ordinances on the Web). The cost for this service is \$25.00 per Ordinance. I believe the Town can afford this version of Now on Municode.
3. Upgrade the website service to Granicus or Earth Channel where the video uploads can be done in-house. The Town would also have the capability of live streaming the meetings through the site. I will need to obtain quotes to determine if this is feasible for the Town.


4/4/13

KC

**DEPARTMENT OF
PARKS & RECREATION
April 2013**

GOAL: COMMUNITY OUTREACH

OBJECTIVE: ENGAGEMENT

METHODOLOGY: * Highlighted denote first priorities!

- I. Assess community needs-
 - a.) surveys
 - b.) word of mouth, talk to people
 - c.) generate email lists
 - d.) generate phone lists

- II. Canvas community-
 - a.) Churches
 - b.) Assisted Living Centers
 - c.) Businesses

- III. Plan "Family Picnics" in the park
 - a.) Themes to draw various ethnic groups
 - b.) Cook Offs
 - c.) Craft Contests
 - d.) Open air movie nights
 - e.) Family "Game Days"

- IV. Organize "Back to School Freebies"

- V. Communicate-
 - a.) Flyers and brochures
 - b.) Banners and signs
 - c.) Channel 18
 - d.) E-blasts
 - e.) Message boards and marquis
 - f.) Palm Beach Post and local radio stations (larger community events)

- VI. Infrastructure-
 - a.) Bert Bostrum Ball Park: remove "old" playground equipment, leaving, but paint swings. Re-do park to make it more "community friendly". Possibilities would include:
 - Creating one or two larger pavilions with large barbeque grills at either end
 - Removing mulch and placing a concrete slab with various types of games (hopscotch, 4 square, marble or jacks circles, volleyball and/or paddle tennis courts)
 - Create bocci courts or horse shoe areas
 - Tetherball

- b.) Bert Bostrum Ball Field:
 - Approaching “Heat” Baseball to take over ball park as their “home”, thus maintaining and overseeing paying a minimal rental charge.
- c.) Bert Bostrum Basketball Courts:
 - Creating drop-in programs to eventually create a league and purchase shade cover for use throughout the year.

TOWN OF LAKE PARK

MEMO



To: Dale S. Sugerman, Ph.D., Town Manager
Finance Staff

From: Blake K. Rane, Finance Director

Date: April 17, 2013

Subject: Goals for 2012-13

BKR

Please consider these goals and objectives for the next six months:

- ❖ Maintain a high level of transparency, openness, and disclosure with the Town Commission and the Senior Staff – tasks to include:
 - Prepare a timely monthly Financial Report for the Commission and the Senior Staff
 - Move the Annual Budget and the budgeting process to become a communication tool as well as the financial planning tool
 - Work to educate the Commission and Senior Staff on the CAFR and other financial matters (linked with the last goal)
- ❖ Work towards a effective and efficient team in the Finance Department – tasks to include:
 - Fill all the available staff positions with strong contributors
 - Have at least two team members trained in all tasks and functions and rotating in the accomplishment of such
 - Submit a substantially complete accounting manual to the Commission before the 2012-13 audit
 - Provide appropriate training opportunities for team members
- ❖ Develop a plan to engage the community and the Commission in the financial planning of the Town, i.e. long term planning, budgeting, and specific proposals – tasks to include:
 - Prepare training materials for Commission Meetings, Workshops, Senior Staff, and potentially a Charrette
 - Educate the public and the other stakeholders to the value received for the Town's ad valorem tax
- ❖ Stabilizing the Town's short term and long term financial position – tasks to include:
 - Attempt to educate the Senior Staff of the financial consequences of various proposed projects
 - Prepare a presentation that demonstrates the effect of adjusting the ad valorem tax rate on the residents of the town
 - Support the presentation of the effect of adjusting other revenue sources, such as the Stormwater rate
 - Support the refinancing of the town's long term debt positions



MEMORANDUM

TO: Dale Sugerman, Town Manager
FROM: Karen Mahnk, Library Director 
DATE: April 14, 2012
RE: Second follow-up to six-month evaluation

Per our last meeting, I have detailed the goals for the library as three primary or simplified goals as we discussed at that time. I've formatted as Goals, Objectives and Activities which I had previously preferred not to use but do believe it is an excellent method right now that should work best for the next budget year. I am in the process of using the same format to formulate additional goals for the library and library staff.

Simplified goals for the current 2012-13 fiscal year:

GOAL 1: Seek additional funding by way of grants and community sponsorship.

OBJECTIVE: To better meet the informational needs of all of the Town's citizens by way of books, new technology and a more user-friendly building.

ACTIVITY 1: Apply for at least two State and Federal grants in the next twelve months that specifically provide for collection development and that will add at least ten percent increase in the materials budget.

ACTIVITY 2: Obtain at least two new sponsors for two programs in the next twelve months for both adult and youth.

ACTIVITY 3: Apply for at least one technology grant within the next twelve months that will improve patron access, such as an improved patron identification system.

ACTIVITY 4: Apply for at least one State or Federal grant that will provide for capital improvements of the library building such as lighting, seating and shelving.

GOAL 2: Improve visibility and accessibility in the community

OBJECTIVE 1: Expand our outreach and educational programs for teens and adults.

ACTIVITY: Add one teen and one adult outreach program in the next six months and one adult outreach program in the twelve months.

OBJECTIVE 2: Improve our marketing strategies.

ACTIVITY 1: Review and make significant changes to the Library website table of contents and tabs.

ACTIVITY 2: Create one new method for the library to distribute the monthly calendar of events in the next 12 months.

GOAL 3: Investigate strategies for a strong foundation.

OBJECTIVE: Ensure that the Library has a strong, continued key role in the community as its resource center.

ACTIVITY 1: Revise all current library policies in the next twelve months

ACTIVITY 2: Complete a library procedure handbook in the next twelve months.

ACTIVITY 3: Provide a report to the Library Board within the next twelve months concerning the feasibility of creating a library foundation.



RECEIVED

MEMORANDUM

Date: May 6, 2013
To: Dale S. Sugerman, Town Manager
From: David Hunt, Public Works Director *DH*
Subject: **Six Month Department Head Evaluation; Goals and Objectives**

MAY 7 2013

*Town Of Lake Park,
Office Of Town Manager*

During our first meeting to discuss my performance evaluation, you directed me to come back with more Town-oriented goals rather than the more personal goals that I had initially evaluated myself on. You stated, "We will, however, focus on planning more ... as we begin to undertake the 2013-2014 Annual Budget process."

The budget preparation process is a logical place to start as it has served as an extension of my goals and objectives based upon the funds made available. My all-encompassing goal, as always, is to bring to fruition the goals of the elected officials who represent the tax-payers.

When I attend the Town Commission Meetings I try to interpret the direction the majority of the Commissioners want to take the Town based upon their dialogue and conversations. For the past couple of years the comments have been mostly about cutting expenditures and finding ways to save money. Public Works, under my direction, has helped the Town meet its goal of providing basic services to the residents while cutting property taxes. I have done this by eliminating two positions in the Fiscal Year 2013 (FY '13) General Fund portion of the Public Works budget, saving approximately \$75,000. In addition, Public Works took on additional tasks which eliminated the need for some contract services in the CRA District. However, these savings did not come without negative consequences. For example, Public Works is not as responsive as I would expect for the maintenance and repair of Town buildings, especially the historic Town Hall. Also, without a vehicle/equipment mechanic to assist the Foreman, more repair work is being sent to outside vendors.

In my opinion, the Town is just "getting by" during these difficult financial times by living off the investment it has previously made in its infrastructure. In the three years that I have been employed by the Town, no streets have had an asphalt overlay, no street markings have been applied, no storm sewer pipe has been added or renovated, no heavy equipment has been purchased, and no buildings have been painted. There has not even been a mention of planning for these capital improvements.

As the Public Works Director, I feel that it is my responsibility to bring these uncomfortable facts

forward so that the Town does not squander the progress it has made in furthering the vision of Harry Kelsey. The purpose of a Town staff is to enhance the quality of life of the people who have chosen to invest in this uniquely planned location.

As I direct Public Works, my expectation for the operation is to show respect for people's investment by keeping garbage, trash, and litter off the streets. We keep the common areas green so that people are enticed out of their personal space to mingle with the community in the public spaces. We should keep the streets paved, well-marked, and well-drained so that people who are looking to invest choose Lake Park because they know that the Town is committed to protecting their "shares" in the public space.

My goal for Fiscal Year 2014 (FY '14) is to explain to the public the connection between a vital infrastructure and improved property values. As property values improve, the General Fund becomes stronger and Enterprise Account funds can be directed back to one of their primary purposes which is to invest in capital projects. Rather than using State gasoline taxes, stormwater utility and sanitation incomes to underwrite an anemic General Fund, they can be freed up to capitalize regularly scheduled maintenance and improvement activities.

The path to achieving my goal would be a program of analyzing the needed improvements in the following areas:

- Stormwater drainage and infrastructure
- Roadways and sidewalks
- Building maintenance, replacement, and renovations
- Heavy equipment replacement

An evaluation of the data would produce a rating system that would prioritize improvements and provide the basis for a funding schedule.

Due to the sheer size of the area encompassed in the first two listed tasks, the assistance of paid consultants will be required. This may be a funding consideration for FY '14. The last two tasks can be performed by the Public Works staff.

You will notice that three of the four tasks have funding mechanisms in place that are not reliant on Ad Valorem taxes. The public needs to know that capital improvements using these funding sources will not affect their property tax rate. These examples of non-Ad Valorem charges can also be used to illustrate that Public Safety services may also be assessed outside the General Fund.

Since the Public Safety budget takes 125% of all Ad Valorem Taxes collected, these expenses should stand alone from the other municipal services provided. A Public Safety Municipal Services Taxing Unit (MSTU) would more evenly distribute the cost for services by having "underperforming" properties pay their fair share of expenses. It would also give the Public Safety Managers the opportunity to explain directly to the citizens what level of service they are receiving and how much it costs.

My interest in the Public Safety budget stems from the fact that I am competing for these Ad Valorem funds in order to move ahead with such projects as waterproofing Town Hall, replacing aging and inefficient air conditioning systems, installing energy efficient lighting, maintaining street light systems, replacing deteriorated playground equipment, have matching grant funds available for capital improvement projects, etc., etc. If I can assist you and the Finance Director in creating some "space" in the millage rate by comparing the Town Stormwater Utility's Equivalent Stormwater Unit (ESU) to a Public Safety Municipal Services Taxing Unit, I feel that this would be helping me achieve my goals.