



# AGENDA

Lake Park Town Commission  
Town of Lake Park, Florida  
Regular Commission Meeting  
Wednesday, July 1, 2015, 6:30 p.m.  
Lake Park Town Hall  
535 Park Avenue

<b>James DuBois</b>	—	<b>Mayor</b>
<b>Kimberly Glas-Castro</b>	—	<b>Vice-Mayor</b>
<b>Erin T. Flaherty</b>	—	<b>Commissioner</b>
<b>Michael O'Rourke</b>	—	<b>Commissioner</b>
<b>Kathleen Rapoza</b>	—	<b>Commissioner</b>
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<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
<b>Thomas J. Baird, Esq.</b>	—	<b>Town Attorney</b>
<b>Vivian Mendez, CMC</b>	—	<b>Town Clerk</b>

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. **SPECIAL PRESENTATIONS/REPORTS**

None

D. **PUBLIC COMMENT:**

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

E. **CONSENT AGENDA:** All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked

to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

1. Regular Commission Meeting Minutes of June 17, 2015 Tab 1
- F. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:  
None
- G. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:  
None
- H. NEW BUSINESS:
2. Resolution No. 18-07-15 To Amend the Town of Lake Park Uniform Classification System to Add the Job Description for the Positon of Office Assistant Tab 2
  3. Designation of the Town’s Voting Delegate for the 2015 Annual Conference of the Florida League of Cities Tab 3
  4. Proposed Workshop Schedule Tab 4
  5. 2016 Municipal Election Packet Tab 5
  6. Lea Davis Settlement Agreement Tab 6
- I. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:
- J. ADJOURNMENT

Next Scheduled Regular Commission Meeting will be held on Wednesday, July 15, 2015

# **Consent Agenda**

# TAB 1



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** July 1, 2015

**Agenda Item No.**

**Agenda Title: Regular Commission Meeting Minutes of June 17, 2015**

- SPECIAL PRESENTATION/REPORTS  **CONSENT AGENDA**
- BOARD APPOINTMENT  OLD BUSINESS
- PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
- NEW BUSINESS
- OTHER: \_\_\_\_\_

**Approved by Town Manager** *J. D. Gentry* **Date:** 6-19-15

*Vivian Mendez - Town Clerk*  
**Name/Title**

<b>Originating Department:</b>  <p style="text-align: center;"><b>Town Clerk</b></p>	<b>Costs: \$ 0.00</b> <b>Funding Source:</b> <b>Acct. #</b> <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Agenda meeting minutes</b> <b>Exhibits "A - E"</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <u><i>V.M.</i></u> <b>Please initial one.</b>

**Summary Explanation/Background:**

**Recommended Motion:**

To approve the Regular Commission Meeting minutes of June 17, 2015.



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535 Park Avenue

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<b>John O. D'Agostino</b>	—	<b>Town Manager</b>
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A. CALL TO ORDER/ROLL CALL

B. PLEDGE OF ALLEGIANCE

C. SPECIAL PRESENTATIONS/REPORTS

None

D. NEW BUSINESS:

1. Annual Kids Fishing Days program at Lake Park Marina

Tab 1

E. PUBLIC COMMENT:

This time is provided for addressing items that do not appear on the Agenda. Please complete a comment card and provide it to the Town Clerk so speakers may be announced. Please remember comments are limited to a TOTAL of three minutes.

F. CONSENT AGENDA: All matters listed under this item are considered routine and action will be taken by one motion. There will be no separate discussion of these items unless a Commissioner or person so requests, in which event the item

will be removed from the general order of business and considered in its normal sequence on the Agenda. Any person wishing to speak on an Agenda item is asked to complete a public comment card located on either side of the Chambers and given to the Town Clerk. Cards must be submitted before the item is discussed.

2. Regular Commission Meeting Minutes of June 3, 2015

Tab 2

G. PUBLIC HEARING(S) - ORDINANCE ON FIRST READING:

None

H. PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:

3. Ordinance No. 08-2015 Amending Article IV, Section 3 of the Town Charter Pertaining to the Date of Regular Town Elections

Tab 3

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING ARTICLE XVI, SECTION 18 OF THE TOWN OF LAKE PARK'S CHARTER PERTAINING TO FILING DATES FOR THE ELECTION OF THE OFFICES OF MAYOR OR TOWN COMMISSIONER WHEN A REGULAR ELECTION IS TO HELD DURING A YEAR IN WHICH THERE IS A PRESIDENTIAL PRIMARY PREFERENCE ELECTION; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING FOR AN EFFECTIVE DATE.

4. Ordinance No. 02-2015 to Abandon a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way

Tab 4

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ABANDONING THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE, DESCRIBED AS AVENUE "J", ACCORDING TO THE PLAT OF KELSEY CITY RECORDED IN PLAT BOOK 8, PAGES 15 AND 35; PROVIDING FOR THE RECORDING OF THE ORDINANCE IN THE PUBLIC RECORDS OF PALM BEACH COUNTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

5. Ordinance No. 06-2015 the Assignment of a Residential/Commercial Future Land Use Designation to the 0.49-Acre Portion of E. Jasmine Drive, located between Federal Highway and Lake Shore Drive.

Tab 5

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ASSIGNING A FUTURE LAND USE DESIGNATION OF "RESIDENTIAL/COMMERCIAL" TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL

**HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**6. Ordinance No. 03-2015 to Rezone 1017 Federal Highway from Commercial-1 (C-1), to Planned Unit Development (PUD) and to Assign a PUD Zoning District Designation with an Underlying C-1 Zoning District Designation to a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way.** Tab 6

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, ASSIGNING THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT WITH AN UNDERLYING COMMERCIAL-1 ZONING DISTRICT TO THAT 0.49 ACRE PORTION OF THE EAST JASMINE DRIVE RIGHT OF WAY, LOCATED EAST OF FEDERAL HIGHWAY AND TERMINATING AT LAKESHORE DRIVE; PROVIDING FOR THE ASSIGNMENT OF THE PLANNED UNIT DEVELOPMENT ZONING DISTRICT TO THE PROPERTY AT 1017 FEDERAL HIGHWAY; PROVIDING FOR THE AMENDMENT OF SECTION 78-32 OF THE TOWN CODE TO REFLECT THE REZONING OF THESE TWO PROPERTIES ON THE TOWN'S OFFICIAL ZONING MAP; PROVIDING FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**I. PUBLIC HEARING(S) – QUASI-JUDICIAL HEARING:**

**7. Resolution No. 14-05-15 Amending Resolution No. 14-05-03 - the Site Plan for the Earl Stewart Toyota Planned Unit Development (PUD) for the Expansion of the Dealership and with Special Exception Use of a Vehicle Sales Establishment** Tab 7

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING RESOLUTION 14-05-03 THE SITE PLAN FOR THE EARL STEWART TOYOTA PLANNED UNIT DEVELOPMENT; PROVIDING FOR THE EXPANSION OF THE EXISTING DEALERSHIP; PROVIDING FOR THE SPECIAL EXCEPTION USE APPROVAL OF A VEHICLES SALES ESTABLISHMENT; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**J. TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**K. ADJOURNMENT**

**Next Scheduled Regular Commission Meeting will be held on Wednesday, July 1, 2015**



**Minutes**  
**Town of Lake Park, Florida**  
**Regular Commission Meeting**  
**Wednesday, June 17, 2015, 6:30 PM**  
**Town Commission Chamber, 535 Park Avenue**

The Town Commission met for the purpose of a Regular Commission Meeting on Wednesday, June 17, 2015 at 6:30 p.m. Present were Mayor James DuBois, Vice-Mayor Kimberly Glas-Castro, Commissioners Erin Flaherty, Michael O'Rourke and Kathleen Rapoza, Town Manager John O. D'Agostino, Assistant Town Attorney Matt Ramenda and Town Clerk Vivian Mendez.

Town Clerk Mendez performed the roll call and Mayor DuBois led the pledge of allegiance.

**SPECIAL PRESENTATIONS/REPORTS**

None

**NEW BUSINESS:**

**1. Annual Kids Fishing Days program at Lake Park Marina.**

Town Manager D'Agostino presented the item (see Exhibit "A). Mr. Tom Twyford, President of the West Palm Beach Kids Fishing Club, explained the West Palm Beach Kids Fishing Days program and the waivers being requested for the event. Commissioner Rapoza asked what dates the event would take place. Mr. Twyford stated that the event would be from Tuesday, July 28 through Thursday, July 30, 2015.

**Motion: Commissioner Rapoza moved to approve the waivers requested by the West Palm Beach Kids Fishing Days Club; Commissioner O'Rourke seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0

**PUBLIC COMMENT:**

1. Anne Lynch, President of the Friends of the Library reminded everyone that the Friends of the Library would be holding their monthly car wash event on Saturday, June 27, 2015 from 8:00 a.m. until 6:00 p.m. in the parking lot of the Lake Park Public Library. She can be reached at 561-951-5676 with any questions regarding the monthly event.

2. James Sullivan asked the Commission to be more business friendly. He stated that other businesses see how the Town treats its current businesses and make decisions on bringing their businesses to Lake Park.

3. Roselyn Saunders explained that she met with the Town Manager regarding a grant to assist in fixing the roof of her house. She asked the Commission to consider a Rainbow Parade on July 4, 2015. She announced that she would be running for Lake Park Commissioner.

**CONSENT AGENDA:**

**2. Regular Commission meeting minutes of June 3, 2015.**

**Motion: Commissioner O’Rourke moved to approve the consent agenda; Commissioner Rapoza seconded the motion.**

Vice-Mayor Glas-Castro stated that she had found some typo in the minutes and would contact the Town Clerk with the corrections.

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARING(S) – ORDINANCE ON FIRST READING:**

None

**PUBLIC HEARING(S) – ORDINANCE ON SECOND READING:**

**3. Ordinance No. 08-2015 Amending Article IV, Section 3 of the Town Charter Pertaining to the Date of Regular Town Elections.**

Town Manager D’Agostino explained the item (see Exhibit “B”).

**Public Comment Opened:**

None

**Public Comment Closed:**

**Motion: Commissioner O’Rourke moved to approve Ordinance 08-2015; Commissioner Flaherty seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O’Rourke	X		

Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

Assistant Town Attorney Ramenda read the Ordinance by title only.

Mayor DuBois explained that the presentations for the remaining items on the agenda regarding the Earl Stewart Toyota projects would be combined, but action would be taken separately for each item. He stated that the Commission would hear staff’s presentation, applicant presentation, and then the Commission would ask questions, give comments, followed by public comment.

Town Clerk Mendez swore in all witnesses.

Ex-parte Communication Disclosure:

Commissioner O’Rourke disclosed that he had spoken with Sam Baghdady, Diane Bernhard, Patricia O’Rourke and members of the Stewart family at a function he attended.

Vice-Mayor Glas-Castro disclosed that she has received multiple emails that she has forwarded to staff for the record. She disclosed that the emails were from Penny Broda, Can Nguyen, Janet Hash, Samir Baghdady, and Diane Bernhard. She disclosed that she had spoken with Samir Baghdady and Diane Bernhard, Town Attorney, and the Town Manager. She disclosed that she has driven by the site. She disclosed that she had spoken with members of the Northern Palm Beach County Chamber of Commerce, as well as residents and other interested parties.

Commissioner Flaherty disclosed that he has received multiple emails, but has not had any communication with Earl Stewart or any residents recently.

Commissioner Rapoza disclosed that she had received and responded to emails. She disclosed that she has communicated with the Town Attorney and the Town Manager seeking advice and clarification regarding several questions she had. She disclosed that she had casual conversations with residents. She disclosed that she has not had communication with Earl Stewart since the last Commission meeting. She disclosed that she had spoken with Jerry Rapoza on certain items.

Mayor DuBois disclosed that he had spoken with members of the Earl Stewart family and Earl Stewart at the Northern Palm Beach County Chamber of Commerce event. He disclosed that he spoke with Anne Booth. He disclosed that he had received and responded to emails with Anne Booth, Can Nguyen, Janet Hash, Penny Broda, Sam Baghdady, and Heather Kirkendow. He disclosed that most of the emails were opposed to the item and that he did respond to about two emails.

Community Development Director Nadia DiTommaso explained that the items (see Exhibits “C”).

Anne Booth with Urban Design Kilday Studios, representing the applicant gave a presentation on the project (see Exhibit “D”).

Vice-Mayor Glas-Castro thanked the applicant for addressing the sound concerns regarding the blowers in the car wash. She expressed concern with the placement of the car wash on the lot. She asked staff how the Noise Ordinance would be investigated. Community Development Director Nadia DiTommaso explained that if a complaint were received the Code Officer would investigate the complaint and if the noise were “plainly audible” in 10 minute intervals then it would be a violation of the Town Code. Vice-Mayor Glas-Castro asked what screen enclosure was proposed for the compactor. Ms. Booth explained that a concrete wall was proposed for the compactor enclosure. Vice-Mayor Glas-Castro asked what was being proposed for the gate for the compactor. Ms. Booth stated that it was an aluminum gate. Vice-Mayor Glas-Castro asked what the frequency schedule of the garbage compactor. Ms. Booth stated that the garbage was picked up once a week to once every other week. Vice-Mayor Glas-Castro asked how the truck drivers would be prevented from using Lake Shore Drive and what the penalty would be if they did use it. Community Development Director DiTommaso explained that the penalty would be in using the condition of approval. The applicant had submitted their truck routing plan and based upon the width of that access point it could potentially limit them from using the access point. However, if the access point to Lake Shore Drive were used and the signage ignored, then it would be a violation of that condition of approval and it would be enforced through the notice of violation and general Town Code procedure. Ms. Booth assured the Commission that the trucking company that Southeast Toyota uses would comply with the regulations. Vice-Mayor Glas-Castro asked if the lights on the roof were dimmed at night. Ms. Booth explained that the lights were not currently dimmed on the roof at night. Vice-Mayor Glas-Castro asked if the bus shelters would contain advertisements. Ms. Booth stated that the bus shelters are designed to tie into their project and not have advertisements. Vice-Mayor Glas-Castro stated that the Town was at a crossroads between the current configuration of the Federal Highway Corridor and the redevelopment scenario. She stated that the vision for that area includes taller buildings, more intensity, and mix of uses than what are currently there. She states that it is important that the design of buildings appropriately respond with what was compatible with the surrounding area. She stated that this would be the development over the next 50 years. She stated that the project does not need to be scaled down, but it could incorporate better modulations that would fit better into the existing context. She expressed concern with different aspects of the parking garage. She stated that the building could have some elements that would make it look softer with more residential characteristics. She gave a few examples of changes that would assist the building to have residential characteristics. Some variations in the building articulations would create diversity, greater depth in offsets, vertical modulation, changes in the ventilations and openings, and in addition to the exterior to create setbacks or faux terraces, overhangs to create shadow lines, public art on the blank elevations, with the main concern with the roofline modulations and articulation. She suggested planters on the roof to help break up the flat monotony. She stated that these are her concerns with continuing the wavier of no planting on the roofline.

Commissioner O’Rourke expressed concern with what was being defined as a public benefit for the closing E. Jasmine Drive, and that the only benefit would be the increase

in taxes to the Town. He expressed concern with the phase III landscaping of the western elevation. He addressed the noise reduction steps proposed of the car wash. Ms. Booth explained that the car wash were not the only noise reduction steps proposed as the existing noise of the car alarms, and the outdoor speakers have been limited because the facility would be now be enclosed. Commissioner O'Rourke stated that one of his conditions would be that the applicant pay the appraised value of the abandonment of E. Jasmine Drive that was appraised.

Mr. Wayne Lewis representing Anderson & Carr (the appraiser) explained his credentials and answered questions from the Commission. Commissioner O'Rourke asked how the building of phase III would increase the property values of the residential properties in the area. Mr. Lewis explained that there were strong indications from closing streets in the Northwood District in West Palm Beach to increasing those property values. Commissioner O'Rourke disagreed. Mr. Lewis explained that closing E. Jasmine Drive would likely have a beneficial buffering effect of further separation of traffic from the eastern community. Furthermore, a surface parking lot was not highly attractive, but a four-story building would be highly buffered by trees and would likely be a benefit to the area. Commissioner O'Rourke asked what the "across the fence" appraisal meant. Mr. Lewis explained that Anderson & Carr were asked to use "across the fence" methodology. He explained that the E. Jasmine Drive strip of land between Lake Shore Drive and Federal Highway has limited individual independent development capability. He stated that Anderson & Carr looked at what land similar to this section of E. Jasmine Drive would be worth. He stated that they looked at the closest five market sales they could find in the area and used those figures to appraise the site. The Commission thanked Mr. Lewis for answering their questions.

Commissioner O'Rourke asked if the Town had an enforcement process to ensure that the conditions were met. Community Development Director DiTommaso stated that the Town does not have any other violation process than what was currently in the Town Code. Commissioner Rapoza asked if residents were to take pictures and submit them to the Town showing that a violation had occurred would the Town then move forward with the violation process. Community Development Director DiTommaso explained that it would have to fall within the guidelines of the Town Code, so if there were an ability for a Code Officer to evidence that a violation had occurred then the Code Officer could enforce the Town Code.

Commissioner O'Rourke asked if the designs could be modified to include living walls. Ms. Booth explained that alternatives concepts were shown (see Exhibit "D").

Commissioner O'Rourke questioned the number of parking spaces proposed versus what National Toyota requires. Ms. Booth stated that the difference were ten (10) spaces.

Commissioner O'Rourke expressed concern with the public benefit of surrendering E. Jasmine Drive and phase III and felt it would have a negative impact on the property values.

Commissioner Flaherty asked if the Town's Sanitation Division collects the cardboard at the site. Ms. Booth explained that a private company collects the cardboard at the site.

Commissioner Flaherty expressed concern with the truck collecting the cardboard and not using the Lake Shore Drive exit. He asked if signs were in the interior of the property to stop the driver from using that exit. He questioned if Code Officers could follow up with a complaint using a picture taken of the violation. Community Development Director DiTommaso stated that it would be possible for the complaint to be addressed as long as the picture were date and time stamped. She explained that if the violation continues then it would be a legal determination if the picture would be sufficient evidence. Town Manager D'Agostino explained that staff have begun discussions of budgeting for another staff person that would cover the evening and weekend shift. Commissioner Flaherty stated that he agrees with the new proposed design of phase III and would prefer that something be proposed for the flat roofline.

Commissioner Rapoza stated that she was in favor of abandoning E. Jasmine Drive because it would relieve the drainage issue on Lake Shore Drive, and it would calm traffic. She expressed concerned with the safety issue of the auto turn analysis. She stated that as a result of the projects the property values would increase over time.

Mayor DuBois stated that he now understands why the western evaluations were proposed. He explained that he had heard many comments by the Commissioners regarding the roofline, but could not see a solution to improve the block building. Ms. Booth asked if there were specific concerns that the Commission would like them to address. Mayor DuBois stated that the horizontal run of the roofline and the awnings. He recapped that the Commission are in agreement with the south elevations. He stated that the north elevations would only be interior with a bridge that connects the two buildings; the west elevation could have a design treatment if there were a horizontal run that could go from the east elevation to the west that has a significant breakup, in a way that the south elevation does. He was in favor of cutting off traffic to that specific portion of E. Jasmine Drive. Ms. Booth explained that the project would not work without the road.

Commissioner Rapoza commented in favor of the project.

Mayor DuBois asked if there were any complaints with the hydraulics that operate the dumpsters and compactors. Community Development Director DiTommaso stated "no". Mayor DuBois asked the applicant if there were anything that could be done about the roofline. Ms. Booth stated that the Commission's comments would be taken into consideration and they would be willing to do whatever they could possibly do to make the suggested changes. She stated that they would like to move forward with the project, but each delay affects the project. Mayor DuBois asked for clarification regarding the \$30,000 in escrow. Community Development Director DiTommaso stated that the existing agreement calls for the removal of the temporary vehicular storage office trailer. Ms. Booth explained that they would need time to build the area in which the temporary vehicular storage employees would then operate. Community Development Director DiTommaso explained that phase I was already in the process, which calls for additional parking and a display area on the 1017 lot. Mayor DuBois asked if the applicant would be coming back at a future date with illustrations. Ms. Booth stated "yes".

Commissioner O'Rourke stated that he could not see delaying the project because the only concerns are with phase III. Ms. Booth explained that there had been an additional

condition of approval, which was the elevations for the parking garage. She stated that there are other concerns that have been raised, for example, the appraisal and some language in the conditions that need clarification and modifications. Mayor DuBois explained that staff prefers that all the Ordinances and the Resolution be adopted at the same meeting. Community Development Director DiTommaso explained that if the Commission agrees with condition number 28, which reads: “prior to September 2015 the owner shall submit architectural plans, which include additional design elements on all facades of the parking garage structure. The design elements shall include the ‘faux’ ground floor detail/accents; wall accents; graduated facades with architectural breaks’ outward projecting trellis’; and other elements all of which are intended to ‘soften’ the appearance of the garage and mitigate its appearance, mass and bulk on surrounding residential uses and from both Lake Shore Drive and Federal Highway. The revised architectural plans shall be subject to the review and approval of the Department of Community Development, its consultants, and the Town Commission”, then the applicant could come back with the phase III elevation modification at a later time. She stated that if the Commission does not want to utilize condition number 28 and keep all the phases together then all the items need to come back for adoption at the same time. Mayor DuBois asked what the applicant’s objection was to the conditions. Ms. Booth explained that one of the concerns was the interruption, what was appropriate, and what the elements mean. She expressed concern about agreeing to all these things as a requirement and having them as a condition of approval. She stated that she would be willing to propose alternative language if the Commission were prepared to move forward or work with staff to draft language and come back. Mayor DuBois asked the Commission of what their desire would be. The Commission came to consensus to have the items brought back at a future meeting.

Town Manager D’Agostino asked if condition number 28 gave the applicant the flexible to come back with a design at a future date. Ms. Booth stated that he was correct. She proposed that the language be modified to say that the design elements “may” include all of those things instead of the word “shall”. Town Manager D’Agostino explained that the Town loses its position of making the applicant do certain things that have not been done so far.

Public Comment:

- 1) Diane Bernhard, Lake Shore Drive, expressed concern with the project and the encroachment on the residential properties.
- 2) Patricia O’Rourke, Lake Shore Drive, expressed concern with the project, the amount the Town would receive for abandoning E. Jasmine Drive, and the parking lot.
- 3) Philip Bathon, Lake Shore Drive, expressed concern with the project and the purchase of the property on the corner of Silver Beach Road and Federal Highway.
- 4) Eileen Chapman, Lake Shore Drive, asked if the Town had an architect on staff. Mayor DuBois explained that the Town does not. Ms. Chapman asked if the Town would consider discussion on hiring an architect. She expressed concern with the bus shelter and

the entrance and exits on Lake Shore Drive. Mayor DuBois offered some explanation to the entrance and exits.

5) Jerry Rapoza, Lake Shore Drive, expressed concern that the Commission has questioned the architect.

6) Penny Broda, Lake Shore Drive, provided her comments for the record (see Exhibit "E").

7) Sam Baghdady, Lake Shore Drive, provided his comments for the record (see Exhibit "F and G").

8) Iris Sullivan, Flagler Blvd., spoke in favor of the project.

9) James Sullivan, Flagler Blvd., express concern with the noise levels that the project would produce. He spoke in favor of the project.

Commissioner O'Rourke commented that the Commission was business friendly and they must do what was right for the Town. He stated that the Commission needs to decide on an appraisal amount. Mayor DuBois stated that he was confident that the Commission could reach an appropriate amount. Commissioner O'Rourke asked that the spacing between the trees be moved closer together along the south elevations. Ms. Booth explained that the south elevations does not have the restriction; the restrictions only apply to Federal Highway.

A discussion ensued with the Commission regarding what dates all the Commissioners would be available to continue the items.

**4. Ordinance No. 02-2015 to Abandon a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way.**

**Motion: Commissioner O'Rourke moved to continue Ordinance 02-2015 to the August 19, 2015 Commission meeting; Commissioner Flaherty seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**5. Ordinance No. 06-2015 the Assignment of a Residential/Commercial Future Land Use Designation to the 0.49-Acre Portion of E. Jasmine Drive, located between Federal Highway and Lake Shore Drive.**

**Motion: Commissioner O'Rourke moved to continue Ordinance 06-2015 to the August 19, 2015 Commission meeting; Commissioner Flaherty seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**6. Ordinance No. 03-2015 to Rezone 1017 Federal Highway from Commercial-1 (C-1), to Planned Unit Development (PUD) and to Assign a PUD Zoning District Designation with an Underlying C-1 Zoning District Designation to a 0.49-Acre Portion of the East Jasmine Drive Right-of-Way.**

**Motion: Commissioner O'Rourke moved to continue Ordinance 03-2015 to the August 19, 2015 Commission meeting; Commissioner Rapoza seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**PUBLIC HEARING (S) – QUASI-JUDICIAL HEARING:**

**7. Resolution No. 14-05-15 Amending Resolution No. 14-05-03 - the Site Plan for the Earl Stewart Toyota Planned Unit Development (PUD) for the Expansion of the Dealership and with Special Exception Use of a Motor Vehicle Sales Establishment.**

**Motion: Commissioner O'Rourke moved to continue Resolution No. 14-05-15 to the August 19, 2015 Commission meeting; Commissioner Flaherty seconded the motion.**

Vote on Motion:

Commission Member	Aye	Nay	Other
Commissioner Flaherty	X		
Commissioner O'Rourke	X		
Commissioner Rapoza	X		
Vice-Mayor Glas-Castro	X		
Mayor DuBois	X		

Motion passed 5-0.

**TOWN ATTORNEY, TOWN MANAGER, COMMISSIONER COMMENTS:**

**Assistant Town Attorney Ramenda** had no comments.

**Town Manager D'Agostino** announced the Sunset Celebration on Friday, June 26, 2015 from 6:00 – 9:00 p.m. at the Lake Park Harbor Marina. He announced that a civic leadership group was being formed and would meet once to twice a month. He stated that on Saturday, August 1, 2015 from 10:00 a.m. – 2:00 p.m. a back to school health fair was being scheduled at Town Hall and the Lake Park Public Library.

**Commissioner O'Rourke** had no comments.

**Commissioner Rapoza** had no comments.

**Commissioner Flaherty** had no comments.

**Vice-Mayor Glas-Castro** explained that she visited the Library and spoke with the children participating in the Summer Reading Program and gained good feedback. She announced and encouraged the Commission to attend the Florida League of Cities Annual Conference in August. She announced that the Palm Beach County League of Cities monthly meeting would be taking place next week. She announced that next week she would be attending the Florida League of Cities Urban Administration Legislative Policy Committee to discuss the priorities for the next legislative session.

**Mayor DuBois** announced that the Governor had signed the Sober Homes bill. He stated that the Community Watch meeting was a great success. He also visited with the children that are participating in the Summer Reading Program at the Library. He stated that the Palm Beach County Planning Congress met in the Mirror Ballroom last week and it was a great meeting. He stated that he met the new Palm Beach County School District Administrator yesterday and it was a good meeting. He wished father's a Happy Father's Day! He congratulated his parents (Dr. and Mrs. DuBois) on their 65-wedding anniversary on June 21, 2015. He announced that the next Sister Cities Joint meeting would be taking place in Lake Worth on June 23, 2015 at 4:00 p.m.

**ADJOURNMENT**

There being no further business to come before the Commission and after a motion to adjourn by Commissioner O'Rourke and seconded by Commissioner Flaherty, and by unanimous vote, the meeting adjourned at 10:00 p.m.

---

Mayor James DuBois

---

Town Clerk, Vivian Mendez, CMC

Town Seal

Approved on this \_\_\_\_\_ of \_\_\_\_\_, 2015



**Town of Lake Park Town Commission**

**Agenda Request Form** *Exhibit "A"*

**Meeting Date:** June 17, 2015

**Agenda Item No.** *Tab 1*

**Agenda Title: Annual Kids Fishing Days program at Lake Park Marina**

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING
  - NEW BUSINESS**
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS
  - ORDINANCE ON FIRST READING

**Approved by Town Manager** *[Signature]* **Date:** *6-12-15*

**Name/Title**

<b>Originating Department:</b>  <p style="text-align: center;"><b>Mayor</b></p>	<b>Costs: \$ 0.00</b>  Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <ul style="list-style-type: none"> <li>• <b>Email from Tom Twyford, President of West Palm Beach Fishing Club</b></li> <li>• <b>Special Event Permit</b></li> </ul>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case ___  <b>Please initial one.</b>

**Summary Explanation/Background:**

This will be the 28th year conducting Kids Fishing Days. West Palm Beach Fishing Club provides this fishing introduction and marine education program free of charge to selected youth groups from throughout the community, some of which are from the Town of Lake Park (Lake Park Recreation Department and Lake Park Elementary). The Florida Fish & Wildlife Conservation Commission (FWC) is the event co-host and will be assisting with the land-based kids fishing clinics. They have chartered the OLiving on Island Time<sup>1</sup> drift boat for the three day program and will be rotating various youth groups through two-hour fishing trips and two-hour fishing clinic programs each day.

Monday, July 27th will be the set up day. A 40' X 40' tent will be used for the check-in and dining area. They will be setting up multiple 10' X 10' tents to accommodate the clinic portion of the event. Knot tying, casting lessons, angler ethics, Lake Worth Lagoon habitat and boating safety are some of the featured program topics. FWC biologists teach the kids all about local marine animals. They use a 'Marine Touch Tank' that has various marine animals in it like sea urchins, crabs, fish, etc. to help

teach the kids about the marine environment. The tank gives the kids a unique opportunity to directly interact with some animals they likely have never seen before. Each youth group consists of approximately 40 people and no more than two groups will be participating at any one time. Most of the groups will arrive by vans or buses (large vehicles are parked in the overflow lot across Lake Shore Drive from the marina). They will cook hot dogs for the kids at the end of the program. Each child receives a t-shirt, certificate of participation and goes home with a new fishing rod and reel...hopefully a fish story too!

Kids Fishing Days has been hosted by the West Palm Beach Fishing Club's charitable foundation, the Palm Beach County Fishing Foundation, since 1988. To date, nearly 13,000 kids have participated. The program has been very successful and extremely well received by the community.

They have an excellent group of volunteers and FWC staff members who assist with all aspects of this event. They also utilize volunteer paramedics/EMT's on site as well.

Please know that they are thrilled to once again host this program at the Lake Park Harbor Marina. The Town Commission has been very welcoming. The Town staff have been wonderful to work with. We greatly appreciate the Town's generous support in the past and look forward to producing another meaningful Kids Fishing Days program this year.

The Special Event paper work has been submitted and the certificate of insurance naming the Town of Lake Park as additional insured is currently being processed. The following is being asked for the Commission's approval:

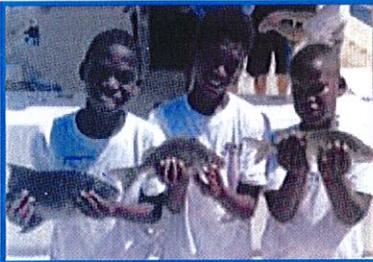
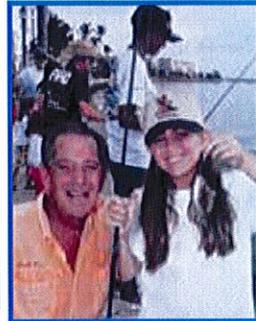
1. Use of the various areas indicated on our site map (included with our Special Event Permit application, see attached) for our educational programs and use of the marina conference room for storage of program equipment during the event. Items will be moved into the conference room on Monday, July 27th and moved out of the conference room on Friday, July 31st.
2. A waiver on the daily parking fees for the Kids Fishing Days participants and volunteers. They request 50 parking passes (7am to 7pm) for the three days of the event (7/28 - 7/30). They will distribute the passes to the youth groups and volunteers when they arrive on site. They turn in the passes when they leave so we can use them the following day. In the past, the parking passes have been supplied by the Town of Lake Park Community Development Department. The parking passes can be picked up prior to the event.
3. A waiver on the boat slip space, electric and water fees required for the 60' charter boat they use during the program. The vessel arrives on Monday evening July, 28th and will depart after the final session on Thursday, July 30th.

**Recommended Motion:** I move to permit the West Palm Beach Fishing Club to host a day five (5) event in the Lake Park Harbor Marina from Monday, July 27, 2015 through Friday, July 31, 2015 for the Kids Fishing Day Program. To waive the Special Event Fees as well as parking fees for the event and to grant 50 parking passes to the West Palm Beach Fishing Club and to waive the 60 foot boat slip fee for the duration of the event at the Marina.

Support the Palm Beach County Fishing Foundation's

27th Annual

# Kid's Fishing Day



Kid's Fishing Day is a community outreach program designed to introduce disadvantaged children to fishing and the marine environment.

# *The Palm Beach County Fishing Foundation*

*invites you to*

# Take A Kid Fishing



It's all about introducing kids to fishing and our marine environment! The Palm Beach County Fishing Foundation (the charitable affiliate of the West Palm Beach Fishing Club) along with the assistance of WPBFC members and other community volunteers will conduct its annual *Kid's Fishing Day*, now in its 27th year, on July 29, 30 & 31, 2014. Hundreds of



disadvantaged children from throughout Palm Beach County will experience what most of us take for granted, a day of boating and fishing on the ocean. With the support of our event partner, the Florida Fish & Wildlife Conservation Commission, the kids will also learn all about our marine environment, why we need to protect it, and why it's important to be an ethical angler.

Since 1988, over 11,000 special kids have participated in this heartwarming community outreach event. Foster children, mentally and physically challenged kids and at-risk children have benefited from previous *Kid's Fishing Day* events. The program is free of charge to those who participate and is made possible each year through the generosity of many community volunteers and sponsors.

You or your business can help Take a Kid Fishing by sponsoring one or more children. A tax-deductible donation of \$35.00 will help cover the cost of one child's participation. Larger donations are greatly appreciated and will help cover significant expenses such as charter fees, t-shirts and rental expenses. Each child will receive a t-shirt, lunch, drinks, dessert, an official certificate of participation and a brand new fishing rod and reel. Of course, each child walks away with special memories of a fun day on the water and a better understanding of our unique marine environment. We believe programs like *Kid's Fishing Day* help build better citizens and environmental stewards for the future. We hope you feel the same way. If you have helped in the past, we thank you for your previous support and hope you can continue your assistance again this year. All donors will be recognized in the WPBFC's *Tight Lines* bulletin after the event.



**ALL CONTRIBUTIONS ARE TAX DEDUCTIBLE & ACCEPTED YEAR AROUND**

The PBCFF gratefully acknowledges the generosity and support of these major Kid's Fishing Days sponsors:



Cut and mail with your donation today

Yes, I/we would like to help the Palm Beach County Fishing Foundation

# Take A Kid Fishing

Donor's Name: \_\_\_\_\_  
 (Please print name as you would like it to appear in Tight Lines)

Email: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Donation amount: Check (payable to the Palm Beach County Fishing Foundation)

\$35  \$70  \$125  \$250 Other \$ \_\_\_\_\_

VISA  MC  AMEX

Exp. Date 



 SIGNATURE: \_\_\_\_\_

**ALL CONTRIBUTIONS ARE TAX DEDUCTIBLE & ACCEPTED YEAR AROUND**

Presented by:



Return completed form with check or fax donations to:  
 Palm Beach County Fishing Foundation,  
 P.O. Box 468, West Palm Beach, FL 33402  
 (561) 832-6780 • Fax (561) 832-2137

# PALM BEACH COUNTY FISHING FOUNDATION



• The charitable affiliate of the West Palm Beach Fishing Club - improving fishing for the future. •  
A charitable corporation, contributions to which are deductible.



## **PALM BEACH COUNTY FISHING FOUNDATION 28<sup>TH</sup> ANNUAL KIDS FISHING DAYS PROGRAM**

*July 27<sup>th</sup> – July 31<sup>st</sup>, 2015  
Lake Park Harbor Marina*

Program request of the Town of Lake Park:

1. Use of the various areas indicated on our site map (included with our Special Event Permit application) for our educational programs and use of the marina conference room for storage of program equipment during the event. Items will be moved into the conference room on Monday, July 27th and moved out of the conference room on Friday, July 31st.
2. A waiver on the daily parking fees for *Kids Fishing Days* participants and volunteers. We request 50 parking passes (7am to 7pm) for the three days of the event (7/28 - 7/30). We distribute the passes to the youth groups and volunteers when they arrive on site. They turn in the passes when they leave so we can use them the following day.
3. A waiver on the boat slip space, electric and water fees required for the 60' charter boat we use during the program. The vessel arrives on Monday evening July, 27th and will depart after our final session on Thursday, July 30th.

Physical Address:  
201 5th Street  
West Palm Beach, FL 33401

Phone - (561) 832-67  
Fax - (561) 832-2137  
www.westpalmbeachfishing

**WEST PALM BEACH FISHING CLUB**



Thomas L. Twyford, Jr.  
President

TTWYFORD@MINDSPRING.COM  
PHONE: 561.832.6780 • FAX: 561.832.2137  
201 5TH STREET • WEST PALM BEACH, FL 33401  
WWW.WESTPALMBEACHFISHINGCLUB.ORG

\*A COPY OF THE OFFICIAL REGISTRATION AND FINANCIAL INFORMATION MAY BE OBTAINED FROM THE DIVISION OF CONSUMER SERVICES BY CALLING THE TOLL-FREE (800-435-7352) WITHIN THE STATE. REGISTRATION DOES NOT IMPLY ENDORSEMENT, APPROVAL, OR RECOMMENDATION BY THE STATE.



Town of Lake Park Town Commission

Agenda Request Form

Exhibit "B"

Meeting Date: June 17, 2015

Agenda Item No. Tab 3

Agenda Title: Ordinance Amending Article XVI, Section 18 of the Town Charter Pertaining to the Filing Dates For the Elections during a Presidential Primary Preference Election Years.

- [ ] SPECIAL PRESENTATION/REPORTS [ ] CONSENT AGENDA
[ ] BOARD APPOINTMENT [ ] OLD BUSINESS
[X] PUBLIC HEARING ORDINANCE ON SECOND READING
[ ] NEW BUSINESS
[ ] OTHER:

Approved by Town Manager

[Handwritten signature]

Date:

6-9-15

Vivian Mendez - Town Clerk

Name/Title

Table with 3 columns: Originating Department (Town Clerk), Costs (\$101.14, Funding Source: Advertisement, Acct. # 106-48100, [X] Finance), Attachments (Ordinance, Legal Advertisement, Palm Beach County Supervisor of Elections letter, 2016 Proposed Municipal Qualifying Dates), and Advertised (Date: June 7, 2015, Paper: Palm Beach Post, [ ] Not Required).

Summary Explanation/Background: Historically the Presidential Preference Primary had been conducted on dates that did not interfere with the municipal elections. However, in 2016 that will not be the case. The 2016 Presidential Preference Primary, by the Legislation, will be conducted on the third Tuesday in March. Since the municipal elections are typically scheduled for the second Tuesday in March, the Palm Beach County Supervisor of Elections (SOE) has requested that the Town

accommodate their office by changing the date of the Town's regular election and qualifying period to be concurrent with those of the Presidential Primary Preference.

In Section 18 entitled "Qualification of candidates for town commission; notice of candidacy; filing dates" the following language is being proposed to be changed in this Ordinance:

2. Notice of candidacy for a general election shall be filed no earlier than NOON on the last Tuesday in January nor later than NOON on the second Tuesday in February of the calendar year in which the election is to be held. Provided, however, when a regular election for either the offices of commission or mayor is to be held in March of a year when the state holds a presidential primary, a notice of candidacy for the town's regular election shall begin at NOON of the last Tuesday in November and end at NOON on the second Tuesday of December in the calendar year preceding the presidential preference primary.

At the Town Commission meeting of June 3, 2015 the foregoing Ordinance passed by unanimous decision on first reading.

Included in this packet is a letter received from the Palm Beach County Supervisor of Elections Office explaining the deadlines for conducting an election on the third Tuesday in March. Also included is a list of the proposed qualifying dates for other Palm Beach County municipalities.

**Dates to remember for the March 15, 2016 Municipal Election:**

As soon as possible	Appointment of a Campaign Treasurer – this will allow a resident to be a candidate for the 2016 election.
October 27, 2015	Alternate method of qualifying – Candidate Petition – due to the Town Clerk's Office. The petitions would then be forwarded to the Palm Beach County Supervisor of Election for verification of signatures.
November 18, 2015	If the Commission chooses to have a ballot question on the 2016 municipal ballot, first reading of the Ordinance language must appear no later than this date.
December 2, 2015	Second reading of the ballot question Ordinance, if applicable.
November 24, 2015 Noon	Qualifying for Commissioner of the Town of Lake Park begins.
December 8, 2015 Noon	Qualifying for Commissioner of the Town of Lake Park ends.
March 1, 2016	List of Poll Watchers due to the Town Clerk's Office. The list would then be forwarded to the Palm Beach County Supervisor of Elections for verification.

**2015 Calendar of Campaign Treasurer's Report reporting dates:** These reports begin as soon as a person becomes a candidate for the 2016 election.

Covered Period	Report Code	Due Date
June 1, 2015 – June 30, 2015	M 6	July 10, 2015
July 1, 2015 – July 30, 2015	M 7	August 10, 2015
August 1, 2015 – August 31, 2015	M 8	September 10, 2015
September 1, 2015 – September 30, 2015	M 9	October 13, 2015
October 1, 2015 – October 31, 2015	M 10	November 10, 2015
November 1, 2015 – November 30, 2015	M 11	December 10, 2015
December 1, 2015 – December 31, 2015	M 12	January 11, 2016
January 1, 2016 – January 31, 2016	M 1	February 10, 2016
February 1, 2016 – February 29, 2016	M 2	March 10, 2016

**Recommended Motion:** I move to adopted Ordinance No. 08-2015 on second reading.

## Exhibit "C"

These Ordinances, along with the Resolution for the site plan and special exception use of a motor vehicle sales establishment was presented to the Town Commission at the May 20, 2015 meeting. The Applicant is Urban Design Kilday Studios, who is acting on behalf of the owner, Earl Stewart LLC and Commercial Investments LLC and will provide more of an illustrative presentation following staff's presentation/summary of the updates. At the May 20 meeting, the general location of the area was presented, the project's public benefits, along with some of the site history for both the 1215 Federal Highway parcel that houses the existing dealership, along with the 1017 Federal Highway parcel, which currently houses the temporary vehicular storage and office trailer. Additionally, an explanation on how the noticing requirements were met was included in the packets as well and consistency with the code requirement related to the abandonment request in Section 72-4 of the Code. The Ordinances for the abandonment, the future land use change and the rezoning were approved on 1<sup>st</sup> reading however, additional information was requested. The first Ordinance proposing the abandonment of East Jasmine Drive was presented with a traffic study and a first appraisal report. The Town's consulting engineer spoke on the traffic study at the May 20 meeting and a member of the engineering firm is here as well this evening should the Town Commission have any additional questions. Following the discussion with the first appraiser on May 20, 2015, staff was directed to hire a second appraisal company. Anderson & Carr was hired and a second appraisal was performed and came back with a fair market value of \$320,000. This second appraiser was also asked to look at the impact on the neighboring property values (also included in the agenda packets) for which in their professional opinion is that the abandonment, which is required for the proposed expansion, will likely have no measurable negative impact on adjacent properties since there will be a neighborhood enhancement and since there is long standing evidence of enhanced property values for eastern communities blocked off from commuter traffic from the Federal Highway corridor. Mr. Wayne Lewis, of the Anderson & Carr appraisal company is here this evening to answer any questions the Commission may have.

The future land use and rezoning Ordinances were also approved on 1<sup>st</sup> reading. Naturally, these Ordinances are dependent on a PUD Master Site Plan which is presented under the proposed Resolution for the site plan and special exception use. Some of the discussion at the May 20 meeting required the Applicant to address the following:

**(1) Light poles on top of the parking garage** → these light poles have been reduced to 10 feet and will be centrally located on the center island wall to pull them away from the perimeter of the garage, making them less visible. The lights will also be dimmed after hours.

**(2) Phasing Schedule Timeframes and Phase 3 needs analysis and projected increases in taxable values** → The Applicant provided an updated phasing schedule which would decrease the construction timeframe for the overall project to Phase 1 commencement as soon as possible and completion within 14 (correction) months of commencement, but no later November 2016 (correction). As a recap, Phase 1 includes the expansion of the existing building to incorporate a 3<sup>rd</sup> floor administrative office shell; used car sales offices and showroom, additional service-related department interiors; and all the proposed landscaping. The Phase 2 timeframe would be for the build-out of the 3<sup>rd</sup> floor administrative offices and this is listed as commencement in November 2016 and completion within 8 months, but no later than July 2017. Phase 3 proposes the parking garage with some landscaping relocations to accommodate construction and is proposed 18 months AFTER the completion of Phase 2 in December 2018 with completion within 18 months, but no later than June 2020. In summary, it is anticipated that Phase 1 will take 8 months to complete, Phase 2 another 8 months and Phase 3, 18 months. With regards to the increase in property values, the Applicant has indicated that Phases 1 and 2 will cost approximately \$12 million and that according to the PBC Property Appraiser would increase the taxable value by \$289, 643. The Applicant also indicated that Phase 3 will cost approximately \$8 million dollars and would generate an approximate tax increase of \$203,297. The 0.49 acre portion of East Jasmine Drive, as proposed to be improved following abandonment, is estimated to generate approximately \$38,923 in taxable value according to the Applicant's research. Finally, the Applicant also provided a justification as to why the parking garage is being proposed at the size, with the number of interior spaces, that is it. The Applicant justified that the current annual sales volume of 3,190 vehicles is expected to increase by 18% to 3,737 by 2019. An additional 15% increase is projected for 2020 which will increase the annual sales volume to 4,297 vehicles because essentially, the more successful they are (which is calculated

by their sales), the more inventory they receive. According to Southeast Toyota, the Applicant indicates that the site is currently 781 spaces short of where they should be and that by the year 2020, the minimum number of required spaces would be 1,256. With the construction of the Phase 3 garage at 1,267 spaces, the site will satisfy the minimum Southeast Toyota requirements as well as the parking requirements onsite, as justified by the Applicant.

(3) At the May 20 meeting, there was also some discussion modifying **condition of approval #3** of the Resolution so that the delivery hour limitations are specific to the delivery of “vehicles” since these types of deliveries require large delivery trucks. **Condition of approval #4** of the Resolution was also discussed whereby the car wash operation cutoff time should be brought down to 7pm instead of 8pm and this was done.

(4) Waivers → The Applicant is not asking for any additional waivers however, there were some waivers originally approved as part of the PUD’s land development regulations therefore, once these PUD boundaries are extended, they would carry on with the land area under the new PUD umbrella. These (2004) originally approved waivers and public benefit justifications included:

(a) **A display parking setback of 15 feet instead of 25 feet** → At the time and according to the available documentation, the justification/benefit behind this waiver is explained in that the project would enhance the corridor at the time and provide a benefit to the community in doing so. Carrying on this same waiver to the new area will provide for design consistency.

(b) **To allow for the spacing of shade trees along Federal Highway to be 30 feet instead of 20 feet** → At the time and according to the available documentation, the justification/benefit behind this waiver, is explained, in that in order to provide the best aesthetic for the corridor, Royal Palms were proposed to enhance the entrance to the Town, and these required additional spacing for proper growth. Even though the plans were reviewed by the Town’s landscape architect and the 1017 Federal Highway property was approved per the requirements with this spacing and includes green

buttonwood trees, the Town Commission may also consider extending the same Florida Royal Palm to the 1017 landscape buffer facing Federal Highway for consistency and original public benefit intent.

(c) **The elimination of wheel stops** → At the time and according to the available documentation, the justification/benefit behind this waiver is explained, and related to better maneuverability and safety to those accessing the site. Most standard auto dealerships provide for a clear area internal to the property for proper circulation given the nature of their operation AND the perimeters are generally protected by curbing around the landscape buffer areas similar to what is being proposed.

(d) **No planters on the roof of the garage** → At the time and according to the available documentation, the justification/benefit behind this waiver is explained primarily as a maintenance issue whereby the community would better benefit from a modern building aesthetic with structural enhancements that are durable, rather than from planters that would require a lot of maintenance and would provide very minimal relief to the building façade.

(5) **To allow a 40-foot freestanding monument sign to replace the then conforming 15-foot freestanding monument sign.** The code currently allows a maximum 10-foot height for monument signs; therefore, the application proposes to remove this second existing monument sign and replace it with a 10-foot compliant sign by July 5, 2016 which is prior to the Phase 1 construction completion (as proposed) and is consistent with the Town's compliance schedule for nonconforming signage → the 40-foot sign is existing on the 1215 Federal Highway property and was approved with the original waiver approval and the Applicant is not requesting any additional 40 foot sign.

(5) OVERALL PUBLIC BENEFITS OF THE PROJECT as proposed under a PUD Master Plan were discussed on May 20 → These include:

- (a) Furthers the aesthetics of the property by providing additional landscaping around the property and specifically on those sides adjacent to residential communities. The result will further insulate the residents living along Lake Shore Drive from the commercial uses, noise, and traffic along North Federal Highway, without limiting their access from Palmetto Road and East Ilex Drive.
- (b) Large commercial carriers would no longer be allowed to use Lake Shore Drive to enter or exit the dealership through conditions of approval on the site plan application, further minimizing commercial impacts along the residential corridor. By combining the lots, the number of access points into the dealership would also be minimized.
- (c) While financial considerations should not be the basis of a public benefit justification, this expansion WILL foster the redevelopment of an area that is being underutilized and will inherently increase the Town's tax base which is an objective of the Town's Comprehensive Plan and which is a step forward in trying to create a sustainable economic base for the Town for the future.
- (d) As part of the overall proposal, the Applicant proposes to add additional bench seating around the perimeter of the site to promote the area's recreation and public use as well proposes a bus stop shelter for the community on the corner of Federal Highway and Palmetto Road.
- (e) The Applicant proposes to pursue Leadership in Energy and Environmental Design (LEED) certification in their redevelopment efforts in an attempt to promote green initiatives and sustainability and have it serve as the Town 's second LEED certified showcase building in the community (first was Kohl's on Congress Avenue).
- (f) The Town's contracted Engineer also confirms: "With the abandonment of Jasmine Drive right-of-way into the projected area, the stormwater runoff from the Jasmine Drive right-of-way will be incorporated into the onsite exfiltration trench system and will undergo water quality treatment prior to discharge resulting in a net improvement in water quality".

(6) Finally, **DESIGN** was also discussed on May 20. The design of the overall site was considered by staff, the Planning & Zoning Board and through a limited discussion due to time constraints at the May 20 meeting. The Applicant's architect and design team are here to address the various design components. While elements have been added along the way pursuant to the

information provided, since May 20, the Applicant updated the Phase 3 Parking Garage elevations to reflect the landscaping at time of construction and after 5 years of growth. The south (facing E. Ilex) and east (facing Lakeshore Drive) facades have also been accentuated with solar panels; louvers; trellis'; textured stucco; clad panels and enhanced perimeter landscaping. Understanding the concerns by the Town Commission, IF the Town Commission considers approving the site plan this evening, staff has also included condition of approval #28 requiring the Owner to add additional design elements on all facades of the parking garage structure so as to incorporate "faux" ground floor details/accents(fenestration); wall accents; graduated facades with architectural breaks; outward projecting trellis', and so on, AND that these revised architectural plans for the Phase 3 parking garage structure are brought back to the Town Commission prior to the commencement of Phase 3, for review and approval of the Town Commission....again, this was placed as an alternative on the Resolution in the event that the Town Commission is prepared to approve the application this evening.

While staff has included its recommendations in the various staff reports, staff also understands that it will be important for the Town Commission to further discuss the various components of these items this evening, more importantly as it relates to the design (building height-which the PUD allows up to 50 feet; building mass-related to the projections, roof offsets and details to soften the facades; and the overall character and compatibility-which the applicant is proposing to combine with the existing architecture facing Federal Highway, while adding additional façade details facing Lakeshore and E. Ilex Drives). The Applicant is here to provide their presentation at this time and it is my understanding that they will be providing a visual review of the various design components and as mentioned, their design team is here as well to explain their review responses detailing how they meet the various design elements of the code and provide for alternatives on how these can be enhanced, per the Town Commission's desire this evening. Should the Commission have any additional engineering or appraisal related questions on the project, these professionals are here as well.

# GENERAL LOCATION



1215  
Federal  
Highway

1017  
Federal  
Highway

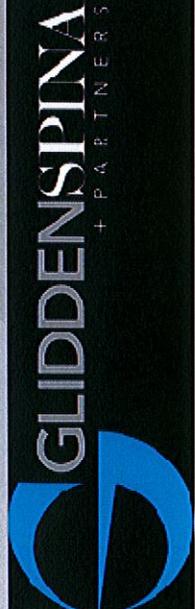
East  
Jasmine  
Drive

Exhibit "D"

# EARL STEWART TOYOTA OF LAKE PARK

Lake Park Town Commission  
June 17, 2015

Earl Stewart Toyota 



# Requests

- ▣ Ord. 02-2015 – Abandonment of .49 acre portion of Jasmine Drive
- ▣ Ord. 06-2015 - Small Scale Future Land Use Map Amendment for Jasmine Drive – Commercial/Residential
- ▣ Ord. 03-2015 – Rezoning 1017 Federal Highway from C-1 to PUD and Assign PUD designation to abandoned ROW
- ▣ Res. 14-05-15 – Amending Res 14-05-03 Site Plan Approval, and Special Exception for Motor Vehicle Sales Establishment

Earl Stewart Toyota 



# Comments from May 20<sup>th</sup> Hearing

- ▣ Address the previously approved Waivers
- ▣ Lighting on the garage
- ▣ Phasing Schedule
- ▣ Projected Sales and demand for parking
- ▣ Taxable Values
- ▣ Car Wash Hours of Operation
- ▣ 2<sup>nd</sup> Appraisal for ROW
- ▣ Garage Architecture

Earl Stewart Toyota 



# Previously Approved Waivers

- ▣ Section 32-89 Supplemental Parking Requirements:  
To allow a 15-Setback from the street line for the display of vehicles
  - Design consistency in the width of the existing buffers
  - Allows improved visibility of display cars
  - Allowed an improvement from existing site conditions
  - Exceeds conditions of other similar uses in the Town



# Previously Approved Waivers

- ▣ Section 32-146 Minimum Landscape Requirements:  
To allow an increase in the spacing of trees to 30' on center along US Highway 1
  - Allowed for the appropriate spacing of trees (Royals 25' spd - 40'-50' oc - Buttonwood 15' spd - 30' oc)
  - Allows for increased visibility
  - Modified by TC - limited to US Highway 1 frontage only
  - Proposed design consistency
  - Additional plant material has been added elsewhere to offset difference
  - Increased open space from 15% to 20%



# Previously Approved Waivers

- ▣ Section 32-146 Minimum Landscape Requirements:  
To allow the elimination of wheel stops
  - Landscape areas are protected by curbing
  - Wheel stops are a liability, maintenance issue and trip hazard
  - Improved mobility and efficiency for placement of vehicles

Earl Stewart Toyota 



# Previously Approved Waivers

- ▣ Section 32-146 Minimum Landscape Requirements:  
To allow the elimination of roof top planters
  - Roof top planters are a maintenance concern
  - Substantial structural and support requirements add significant costs
  - Additional height will bring more attention to garage
  - Additional planting has been provided at ground level
  - Garage is intended for storage of vehicles, not as a typical parking area requiring shade

Earl Stewart Toyota 

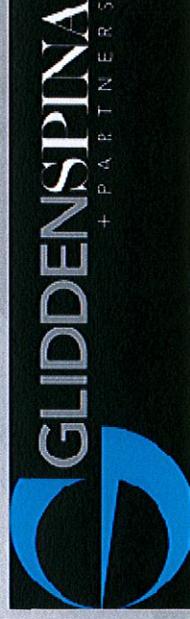


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kilday  
STUDIOS

# Previously Approved Waivers

- ▣ Section 32-53 Permitted Signage: To allow one 40-foot freestanding sign and one 15' freestanding sign
  - Sign design was dictated by Corporate Toyota
  - Original request was for one 45' sign and one 15' sign OR two 30' signs
  - TC approved one 40' sign and one 15' sign
  - Condition of approval limits 40' sign to Earl Stewart use only
  - Current application replaces the 15' sign to meet code
  - Signs provide visibility from Northlake Boulevard to compensate for location

Earl Stewart Toyota 



# Public Benefits

- ▣ No additional waivers are being requested
- ▣ Increased width of Landscape Buffers on east and south to screen development from neighbors
- ▣ Screening and buffering of residents from site activities through design and placement of buildings
- ▣ Extension of linear park seating and bus stop shelter
- ▣ Project exceeds open space and landscape areas required by code
- ▣ Reduction of curb cuts/access points and access to Lake Shore Drive

Earl Stewart Toyota 



# Public Benefits

- ▣ Reduction of height allowed by PUD
- ▣ Reduction of existing non-conformities
- ▣ Improved Public Safety
- ▣ Enclosure and elimination of noise producing activities
- ▣ LEED Certified construction
- ▣ Improved parking and circulation
- ▣ Restrictions on use of Lake Shore Drive
- ▣ Improved drainage, water quality and utility connections

Earl Stewart Toyota 



# Public Benefits

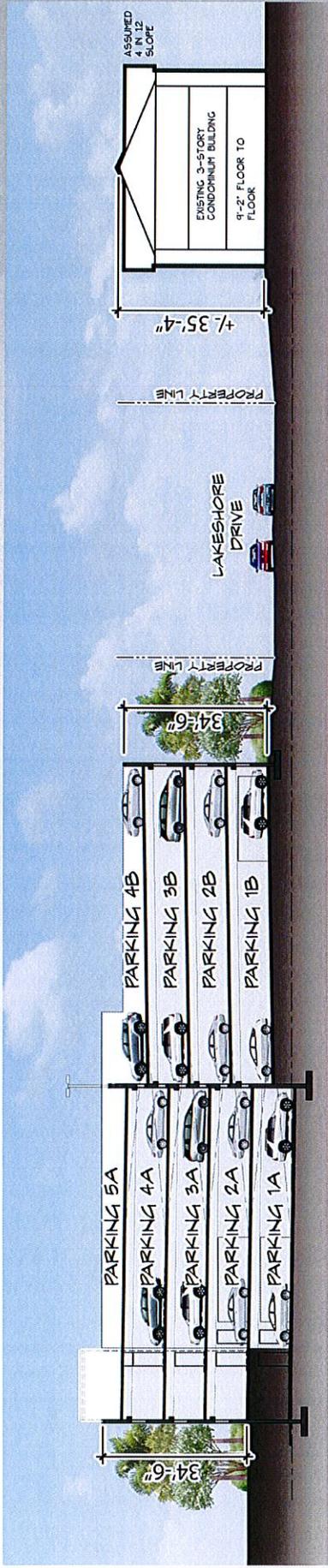
- ▣ Improvements to commercial development will hopefully serve as a catalyst for other commercial development improvements
- ▣ Increased property value – stabilized economic base for the Town
- ▣ Additional jobs
- ▣ Town is paid for ROW abandonment
- ▣ Successful business equals economic support for families and businesses in Lake Park

Earl Stewart Toyota 

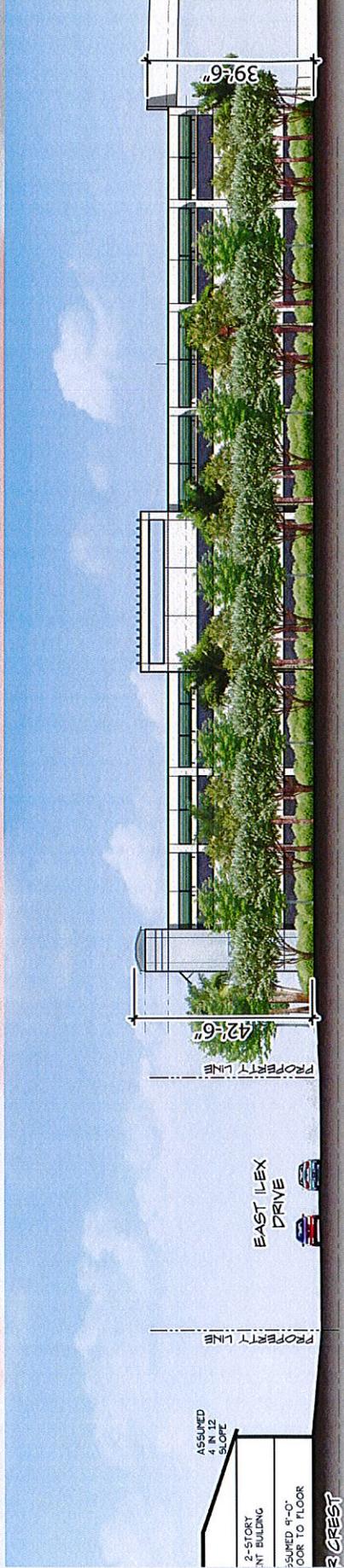


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# Garage Lighting

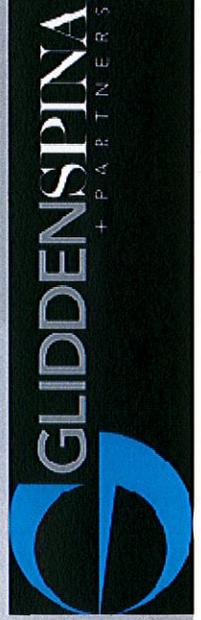


Poles relocated to center of garage and heights reduced to 10'



LOOKING WEST  
 3 EAST ELEVATION OF PARKING GARAGE  
 SCALE: 1/8" = 1'-0"

Earl Stewart Toyota 

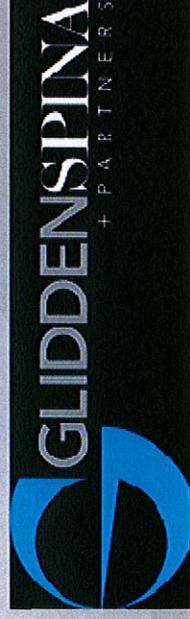


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 STUDIOS

# Phasing Schedule

- Phase 1:
  - Commencement : As soon as possible
  - Completion: Parking lot and landscape improvements on South lot
  - Estimated Time Frame: 5 months, January 2016 +/-
  - Completion of: Building shell, 3<sup>rd</sup> floor administration, office interiors, used car sales office interiors, service department, site work
  - Estimated Time Frame: 14 months, November 2016

Earl Stewart Toyota 



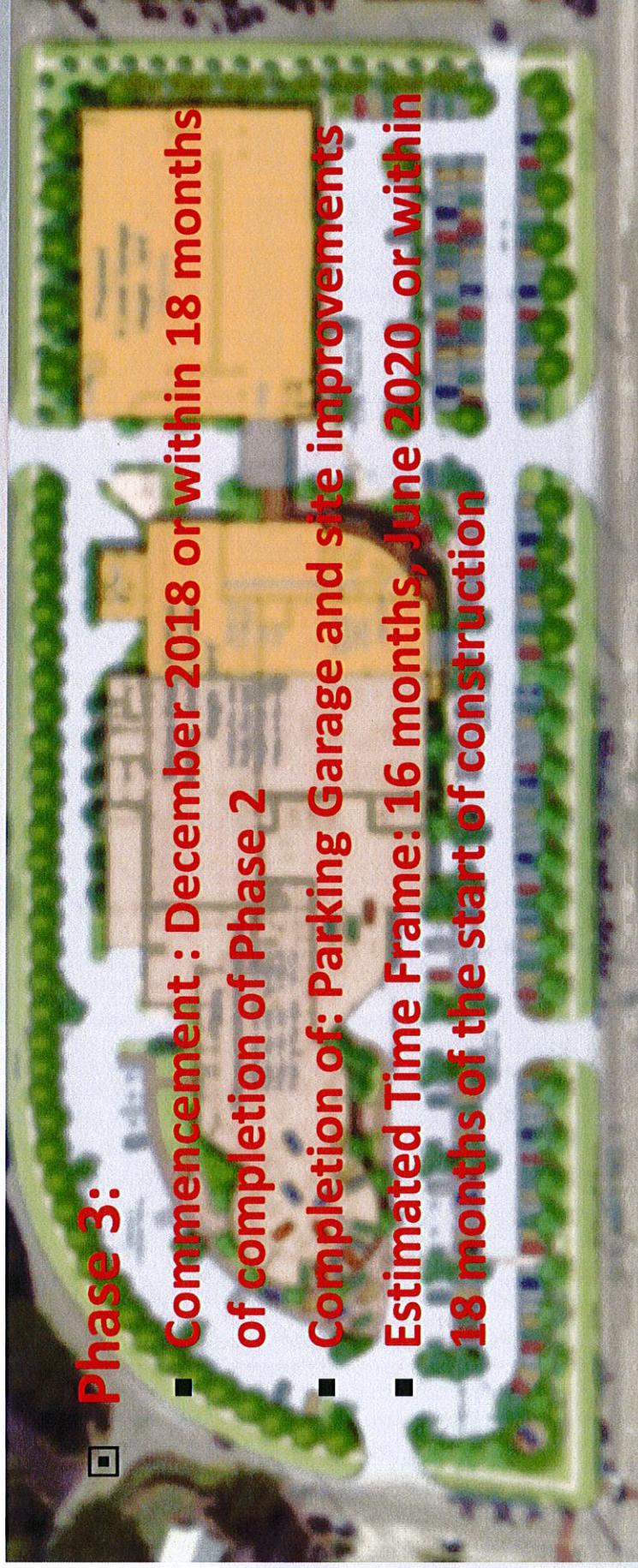
# Phasing Schedule

- Phase 2:
  - Commencement : November 2016 or immediately following completion of Phase 1
  - Completion of: Interior demolition of showrooms and offices, construction of new showroom and offices
  - Estimated Time Frame: 8 months, July 2017 +/-

Earl Stewart Toyota 



# Phasing Schedule



- ▣ **Phase 3:**
  - **Commencement : December 2018 or within 18 months of completion of Phase 2**
  - **Completion of: Parking Garage and site improvements**
  - **Estimated Time Frame: 16 months, June 2020 or within 18 months of the start of construction**

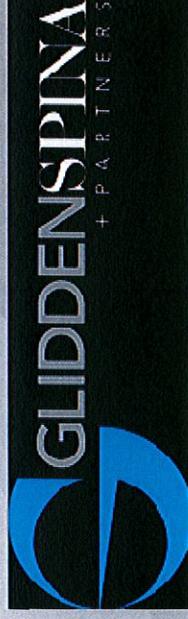
Earl Stewart Toyota 



# Projected Sales/Storage Demand

- ▣ Current Annual Sales Volume
  - 3,190 vehicles
- Projected Sales Volume Increase:
  - 18% by 2019 to 3,737 vehicles
  - Additional 15% by 2020 to 4,297 vehicles
- Parking Space Standards Established by SET:
  - 2020 minimum required 1,256
  - Additional spaces in garage will allow 1,267 spaces

Earl Stewart Toyota 

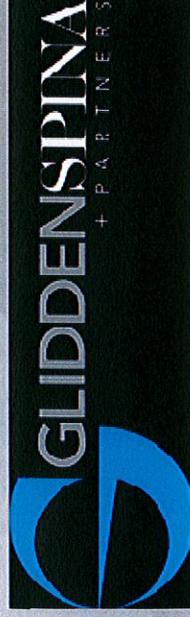


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# Estimated Tax Revenue

- ▣ Estimated Cost of Improvements
  - Phases 1 and 2: \$12 million
  - Estimated tax increase \$289,643**
  - Phase 3: \$8 million
  - Estimated tax increase - additional \$203,297**
  - Additional Land Area from ROW: \$300,000
  - Estimated tax increase – additional \$38,923**

Earl Stewart Toyota 

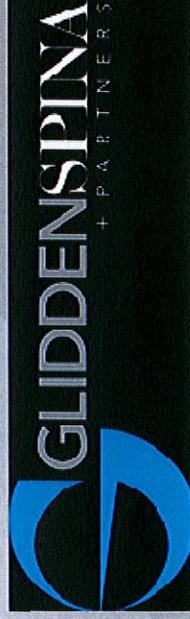


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# Car Wash

- ▣ Hours of Operation
  - Condition limitation to 8:00 AM to 7:00 PM, Monday through Saturday
- ▣ Noise Levels
  - 30 HP Blower reduces noise within 30' to level of house vacuum cleaner or lawnmower
  - Time frame for blower: 60 second intervals, no more frequent than 5 minutes apart
  - Closest residential building is approx. 150 feet away. Distance reduces the noise level to a speaking voice
- ▣ Re-Location
  - Circulation and parking would be impacted
  - Noise levels would have increased impact on Ilex with relocation or re-orientation

Earl Stewart Toyota 



# ROW Appraisal

- ▣ Original Appraisal
  - \$300,000
- ▣ New Appraisal
  - \$320,000
- ▣ New appraisal validates the original appraisal
  - Less than a 7% increase
  - Commitment to original agreement – high or low

Earl Stewart Toyota 



# History of Application

- ▣ **March 13, 2014:** Original Submittal
- ▣ **March 26, 2014:** Submittal of Abandonment Doc's
- ▣ **March 28, 2014:** Submittal of Irrigation Plans
- ▣ **March 31, 2014:** Submittal of revised Drainage Calculations
- ▣ **April 29, 2014:** Submittal of revised Traffic Analysis
- ▣ **June 3, 2014:** 1<sup>st</sup> Round of Staff Comments Issued
- ▣ **August 8, 2014:** Submittal of revised Traffic Analysis

Earl Stewart Toyota 



# History of Application (cont'd)

- ▣ **October 29, 2014: Re-Submittal to Address 1<sup>st</sup> Round of Staff Comments**
  - Reduced height of proposed sign from 15' to 10'
  - Elevations revised to incorporate design treatments
- ▣ **January 7, 2015: Re-Submittal to Address 2<sup>nd</sup> Round of Staff Comments**
  - Elevations/plans revised to enhance design treatments and address Town's Architectural Guidelines
  - Address Seacoast Utility Authority comments

Earl Stewart Toyota 



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# History of Application(cont'd)

- **February 2, 2015:** 1<sup>st</sup> P & Z Board hearing
  - **Postponement of vote to address comments**
- **February 9, 2015:** Re-Submittal to Address P & Z Board comments
- **February 14, 2015:** 3<sup>rd</sup> Round of Staff Comment Issued
- **February 18, 2015:** Re-Submittal to Address 3<sup>rd</sup> Round of Staff Comments
  - **Height of garage was reduced by 10' and overall parking was reduced by 64 spaces**
  - **Additional rooftop trellis structures were added (cont'd)**

Earl Stewart Toyota 



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STUDIOS

# History of Application(cont'd)

- ▣ **February 18, 2015:** Re-Submittal to Address 3<sup>rd</sup> Round of staff & P&Z Comments (cont'd)
  - Addition of two bench seating areas
  - Clarified parking demand, operating hours and traffic trips
  - Provided truck turning plan and shade study
  - Expanded on “public benefit” reasoning for abandonment
  - Addressed concerns raised in resident letter
- ▣ **March 2, 2015:** 2<sup>nd</sup> P & Z Board hearing
- ▣ **March 11, 2015:** Re-Submittal to Address P & Z Board comments
  - Added aluminum banding to new curved portion
  - Affirmed compliance with adopted sound levels (cont'd)

Earl Stewart Toyota 



# History of Application (cont'd)

- ▣ **March 11, 2015:** Re-Submittal to Address P & Z Board comments
  - Committed to another community meeting
  - Provided locations of signage for trucks
  - Clarified position on bus shelter design
- ▣ **March 28, 2015:** Community Meeting
- ▣ **April 1, 2015:** Town Commission hearing
  - Agreed to postponement for LPA Hearing

Earl Stewart Toyota 



# History of Application(cont'd)

- ▣ **April 24, 2015:** Re-Submittal for Town Commission hearing
  - Increased density/height of landscaping
  - Added green wall on building and modified plantings
  - Amended elevations to provide residential scale articulation
  - Wing wall added to car wash
- ▣ **May 4, 2015:** LPA Hearing
- ▣ **May 11, 2015:** Re-Submittal for Town Commission hearing
  - Amended elevations to increase articulation of the building façade
  - Modified length of canopies
  - Provided building projections
  - Curved barrel roofs were added at the corner tower elements

Earl Stewart Toyota 



# History of Application(cont'd)

- ▣ **May 29, 2015: Re-Submittal for Town Commission hearing**
  - **Modified elevations to relocate parking garage lights and reduce height to 10'**
  - **Modified Narrative to include Waivers, taxable value estimates, phasing schedule, sales projections**

Earl Stewart Toyota 



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STUDIOS

Exhibit "E"

Good Evening

My name is Penny Broda, a voting resident of Lake Park for 13 years. I reside at 8 E. Ilex Drive.

Tonite is a very important nite for the residents of Lake Park. Decisions made tonite could change the lives of many.

I realize last month's meeting did not give commission enough time to discuss the site plan. I believe the site plan needs a lot of time and attention if we truly want a building that will fit into our residential neighborhood.

I encourage ES and GliddenSpina Architects to use their imagination and come up with a design for a 20' maximum height residential friendly building. A building that they would like to see when they look out their kitchen window each day. A building that residents of Lake Park can view each day and say **"WOW" I didn't even realize that was a parking garage. What a beautiful building.**

I know for a fact that Glidden Spina Architects can design such a building. I've seen their website.

I think the Commission should put the vote on HOLD for ordinance 3 – parking garage until ES and GliddenSpina Architects step up to the challenge.

- Build on NW corner of property vs. SE corner
- Make the building look residential vs. commercial so it blends in with surrounding neighborhood bldgs
- Keep height of garage to a minimum (20') so it does not look out of place

Remember

**PLEASE TAKE THE TIME TO MAKE THIS RIGHT FOR THE RESIDENTS OF LAKE PARK.** † Decisions made tonite will set the precedence for future construction on US1 and the Town of Lake Park.

Chapter 112, Part III of the Florida Code of Ethics  
for Public Officers and Employees

112.3143 Voting conflicts.—

Exhibit "F"

(1) As used in this section:

(a) "Principal by whom retained" means an individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

(b) "Public officer" includes any person elected or appointed to hold office in any agency, including any person serving on an advisory body.

(c) "Relative" means any father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

(d) "Special private gain or loss" means an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class. The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

(2)(a) A state public officer may not vote on any matter that the officer knows would inure to his or her special private gain or loss. Any state public officer who abstains from voting in an official capacity upon any measure

that the officer knows would inure to the officer's special private gain or loss, or who votes in an official capacity on a measure that he or she knows would inure to the special private gain or loss of any principal by whom the officer is retained or to the parent organization or subsidiary of a corporate principal by which the officer is retained other than an agency as defined in s. 112.312(2); or which the officer knows would inure to the special private gain or loss of a relative or business associate of the public officer, shall make every reasonable effort to disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes. If it is not possible for the state public officer to file a memorandum before the vote, the memorandum must be filed with the person responsible for recording the minutes of the meeting no later than 15 days after the vote.

(b) A member of the Legislature may satisfy the disclosure requirements of this section by filing a disclosure form created pursuant to the rules of the member's respective house if the member discloses the information required by this subsection.

(3)(a) No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss; which he or she knows would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained, other than an agency as defined in s. 112.312(2); or which he or she knows would inure to the special private gain or loss of a relative or business associate of the public officer. Such public officer shall, prior to the vote being taken, publicly state to the assembly the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.

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

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

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

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

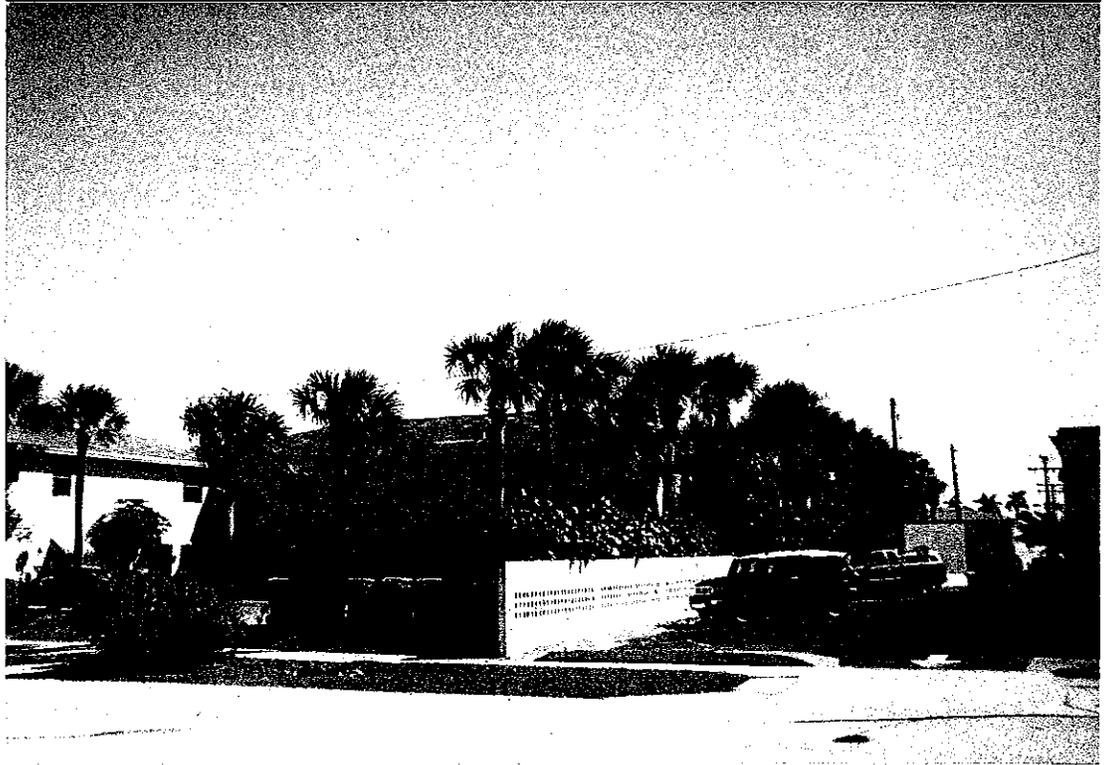
- (a) October 1, 1975.
- (b) Qualification for elective office.
- (c) Appointment to public office.
- (d) Beginning public employment.

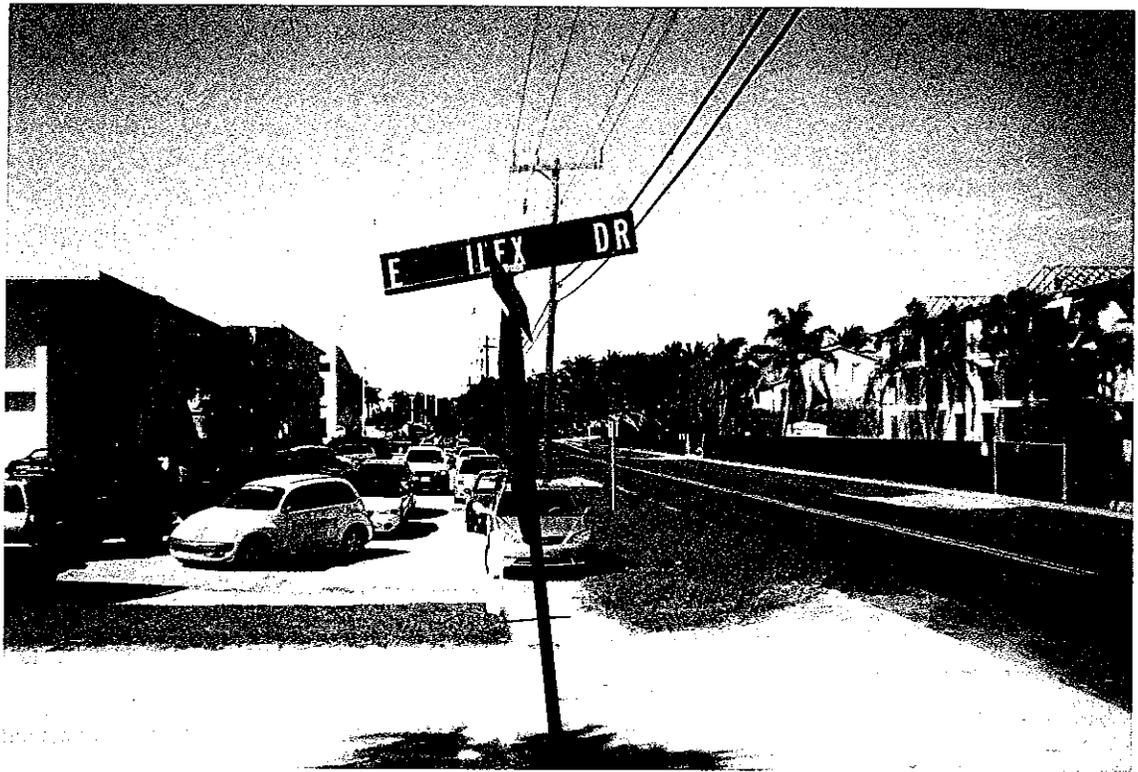
\* (4) UNAUTHORIZED COMPENSATION.—No public officer, employee of an agency, or local government attorney or his or her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such public officer, employee, or local government attorney knows, or, with the exercise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

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

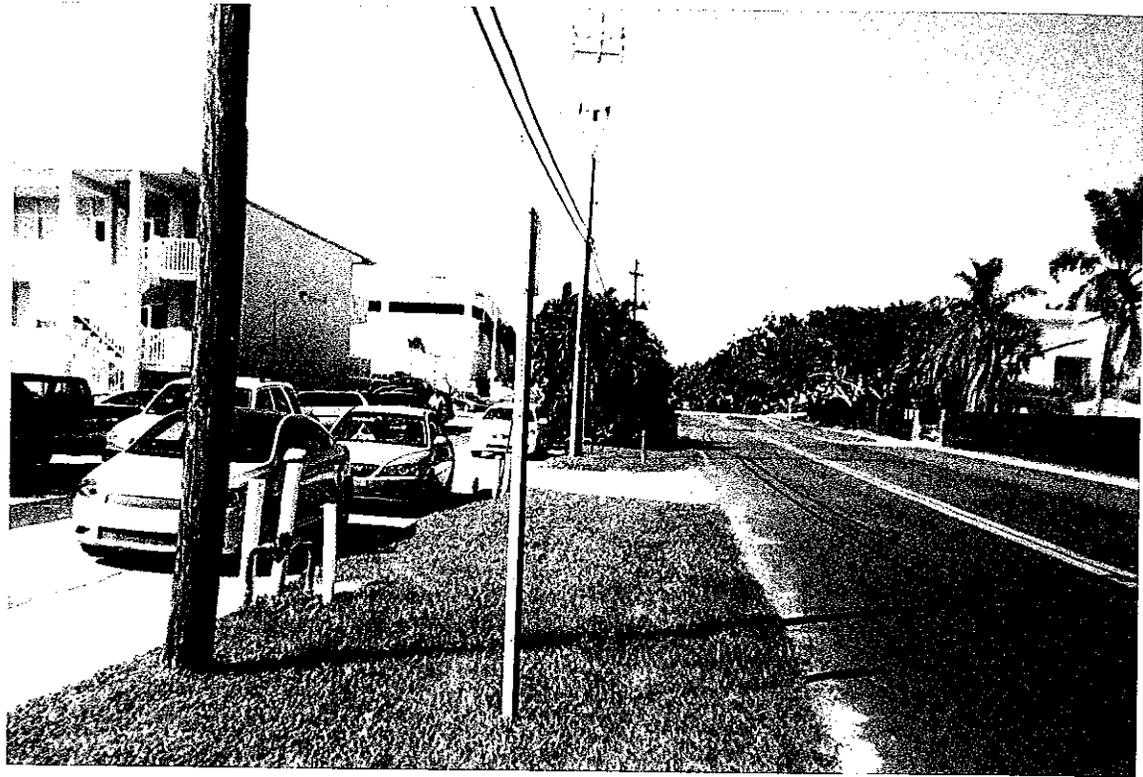
(6) MISUSE OF PUBLIC POSITION.—No public officer, employee of an agency, or local government attorney shall corruptly use or attempt to use his or her official position or any property or resource which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. This section shall not be construed to conflict with s. 104.31.

"G"











# **New Business**

# TAB 2



**Town of Lake Park Town Commission**

**Agenda Request Form**

Meeting Date: July 1, 2015

Agenda Item No. Tab 2

**Agenda Title: Resolution to Amend the Town of Lake Park Uniform Classification System to Add the Job Description for the Position of Office Assistant**

- SPECIAL PRESENTATION/REPORTS
- BOARD APPOINTMENT
- PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
- NEW BUSINESS**
- OTHER: \_\_\_\_\_

- CONSENT AGENDA
- OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 6-15-15  
*[Signature]*  
 Name/Title HUMAN RESOURCES DIRECTOR

<b>Originating Department:</b>  <b>Human Resources</b>	<b>Costs: \$ -0-</b> Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Resolution and Job Description</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or <b>Not applicable in this case: BMT</b> <b>Please initial one.</b>

**Summary Explanation/Background:**

At its June 3, 2015 meeting, the Commission approved a Fiscal Year 2014/2015 budget adjustment which included an allocation of \$6,777 in regular salaries plus \$518.00 in FICA for the position of Office Assistant. The pay range for this position will be \$16.98 to \$26.80 per hour. The purpose of this agenda item is to amend the Town's Uniform Classification System to add the job description for the position of Office Assistant, which will be assigned to various Town Hall departments and will be cross trained to provide support to each department in Town Hall, and will "fill-in" during staff vacations, sick leave and other approved staff absence and during times of high workload.

**Recommended Motion:** I move to approve Resolution 18-07-15.

**RESOLUTION No. 18-07-15**

**A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, FLORIDA, AMENDING THE TOWN UNIFORM CLASSIFICATION SYSTEM TO ADD THE JOB DESCRIPTION FOR THE POSITION OF OFFICE ASSISTANT; PROVIDING FOR THE PUBLICATION OF AN UPDATED UNIFORM CLASSIFICATION SYSTEM; AND, PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Lake Park is a duly constituted municipality organized and existing under the laws of the State of Florida and Chapter 166, Fla. Stat; and

**WHEREAS**, the Uniform Classification System of the Town of Lake Park is based upon similarity of duties performed and responsibilities assumed, so that the same qualifications are reasonably required for the same schedule of pay, and are equally applied to all positions in the same class; and

**WHEREAS**, it is necessary to provide an updated listing of certain current titles and classifications within the Town service.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAKE PARK, AS FOLLOWS:**

**Section 1.** The foregoing recitals are hereby incorporated as if fully set forth herein.

**Section 2.** The Uniform Classification System is amended to add the job description for the position of Office Assistant. A copy of this job description is attached hereto as Exhibit A.

**Section 3.** This Resolution shall become effective immediately upon adoption.

**OFFICE ASSISTANT**

**JOB CODE:** 221  
**DEPARTMENT:** GENERAL - ALL DEPARTMENTS

**CHARACTERISTICS OF THE CLASS:**

This position provides administrative support to all departments in Town Hall pursuant to assignment. Under the direct supervision of the Department Director to which this position is assigned, the Office Assistant will perform the duties of an Accountant I, Community Development Technician or Administrative Assistant as needed. As such, the Office Assistant will perform cashier and other financial record keeping tasks; prepare permit transmittals and other Community Development customer related tasks; coordinate meetings; requisition supplies; coordinate direct mailings; and, work on special projects. This position also provides technical assistance to other departmental personnel, and interacts with a diverse group of important external callers and customers as well as internal contacts at all levels of the Town organization. Performs other work and duties as assigned. This is a non-exempt position.

**EXAMPLES OF ESSENTIAL FUNCTIONS:**

The list of essential functions, as outlined here, is intended to be representative of the tasks performed within this classification. It is not necessarily descriptive of all job duties. The omission of a job duty does not preclude management from assigning duties not listed herein if such duties are a logical assignment to the Office Assistant position.

1. Greets visitors and customers of the Town by phone, in person, and through electronic media. Assesses customers' needs and explains services, process, and procedures. Assists in resolving problems and ensuring satisfactory customer service
2. Processes forms, applications, traffic tickets, sanitation payments, Business Tax Receipts, and balances daily cash receipts
3. Uses a personal computer and a variety of office software applications and operates other office equipment such as printers, copy machines, scanners, and fax machines
4. Prepares, composes, processes and maintains departmental correspondence, memoranda, reports, databases, records and statistical data
5. Performs all administrative functions of the department to which this position is assigned
6. Assists in processing departmental applications and forms, and files and records documents with external agencies as required
7. Prepares payroll timesheets for assigned department for approval of the Department Director
8. Acts as a liaison with other Town departments and outside agencies, and explains departmental policies and procedures when necessary

## **REQUIREMENTS:**

### **Training and Experience:**

High School diploma or GED, supplemented by a minimum of five (5) years of responsible work experience in bookkeeping using a computerized accounting software program and clerical work in a complex administrative capacity. Must be proficient in Microsoft Word, Excel, and Outlook.

### **Knowledge, Skills and Abilities:**

- Ability to maintain a high level of professional confidentiality in the performance of assigned tasks
- Excellent knowledge of composition and grammar, business English, mathematics, and modern office practices and procedures
- Excellent customer relations skills
- Knowledge of techniques in research and report preparation
- Ability to respond to requests for information, complaints and administrative details
- Ability to establish and maintain effective and courteous working relationships with elected officials, co-workers and the general public
- Ability to communicate effectively both verbally and in writing
- Ability to maintain accurate records
- Ability to understand and carry out verbal and written instructions
- Ability to manage and effectively complete a heavy and diversified workload under pressure and pursuant to changing deadlines
- Ability to exercise sound independent judgment and accept responsibility for actions and/or accomplishments
- Ability to work a diverse schedule

### **Physical Requirements:**

While performing the duties of this job, the employee is frequently required to walk, sit and talk or hear; use hands to manipulate; handle or feel objects, tools, or controls with arms and hands; and, to reach with hands and arms. The employee is frequently required to work, climb, stand or balance, stoop, kneel or crouch. The employee must occasionally lift up to 20 pounds. Tasks may involve extended periods of time at a computer keyboard. Sensory requirements consist of close vision, distance vision, color vision, peripheral vision, depth perception, and the ability to adjust focus; and, sound perception and discrimination.

### **Environmental Requirements:**

Work is performed without exposure to adverse environmental conditions, e.g., dirt, cold, rain, fumes, etc.

**Blood Borne Pathogens:**

Minimal to No Risk of Exposure

It is the policy of the Town of Lake Park to prohibit discrimination on the basis of race, color, religion, gender, national origin, age, political affiliation, physical or mental disability (where the disabled persons are able to perform the work they are seeking with reasonable accommodation), marital status, familial status, or sexual orientation, or any other form of unlawful discrimination, except when such condition is a bona fide occupational qualification. Such employment practices include, but are not limited to, the recruitment, hiring, compensation, assignment, training, promotion, demotion, discipline or dismissal of employees.

# TAB 3



**Town of Lake Park Town Commission**

**Agenda Request Form**

Meeting Date: July 1, 2015

Agenda Item No. *Tab 3*

**Agenda Title: Designation the Town's Voting Delegate for the 2015 Annual Conference of the Florida League of Cities**

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON \_\_\_\_\_ READING
  - NEW BUSINESS
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

Approved by Town Manager *[Signature]* Date: 06/02/2015  
 John O. D'Agostino, Town Manager

Name/Title

<b>Originating Department:</b>  Town Manager	Costs: \$ 0 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>  <b>Designation of Voting Delegate Form</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case _JOD_  <b>Please initial one.</b>

**Summary Explanation/Background:**

The 89<sup>th</sup> Annual Florida League of Cities Conference will be held in Orlando from August 13-15, 2015 at the World Center Marriot. The Commission will need to designate a Voting Delegate to represent the Town at the Annual Business Meeting. The voting delegate is typically an elected official of the town who will be attending the conference, but can be an appointed official as well.

**Recommended Motion:** I move to designate \_\_\_\_\_ as the Voting Delegate for the Town of Lake Park to the 89<sup>th</sup> Annual Conference of the Florida League of Cities to be held in Orlando, Florida from August 13<sup>th</sup> through the 15<sup>th</sup>, 2015.

**89th Annual Conference  
Florida League of Cities, Inc.  
August 13-15, 2015  
Orlando, Florida**

It is important that each member municipality sending delegates to the Annual Conference of the Florida League of Cities, designate one of their officials to cast their votes at the Annual Business Session. League By-Laws requires that each municipality select one person to serve as the municipalities voting delegate. *Municipalities do not need to adopt a resolution to designate a voting delegate.*

Please fill out this form and return it to the League office so that your voting delegate may be properly identified.

**Designation of Voting Delegate**

Name of Voting Delegate: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality of: \_\_\_\_\_

**AUTHORIZED BY:**

\_\_\_\_\_  
Name

\_\_\_\_\_  
Title

Return this form to:

Gail Dennard  
Florida League of Cities, Inc.  
Post Office Box 1757  
Tallahassee, FL 32302-1757  
Fax to Gail Dennard at (850) 222-3806 or email [gdennard@flcities.com](mailto:gdennard@flcities.com)



301 South Bronough Street • Suite 300 • P.O. Box 1757 • Tallahassee, FL 32302-1757 • (850) 222-9684 • Fax (850) 222-3806 • www.floridaleagueofcities.com

TO: Municipal Key Official  
FROM: Michael Sittig, Executive Director

DATE: May 20, 2015

SUBJECT: 89th Annual FLC Conference – *Florida Cities: A Public Conversation*  
VOTING DELEGATE INFORMATION  
August 13-15, 2015 – World Center Marriott, Orlando

As you know, the Florida League of Cities' Annual Conference will be held at the World Center Marriott, Orlando, Florida on August 13-15. This year the theme for this year's conference is *Florida Cities: A Public Conversation*, which will provide valuable educational opportunities to help Florida's municipal officials serve their citizenry more effectively.

It is important that each municipality designate one official to be the voting delegate. Election of League leadership and adoption of resolutions are undertaken during the business meeting. Voting delegates will also adopt the FLC 2016 Legislative Action Agenda because the 2016 Legislative Session will begin early next year. One official from each municipality will make decisions that determine the direction of the League.

In accordance with the League's by-laws, each municipality's vote is determined by population, and the League will use the Estimates of Population from the University of Florida for 2014.

Conference registration materials will be sent to each municipality in the month of June. Materials will also be posted on-line. Call us if you need additional copies.

If you have any questions on voting delegates, please call Gail Dennard at the League (850) 701-3619 or (800) 616-1513, extension 3619. **Voting delegate forms must be received by the League no later than August 7, 2015.**

Attachments: Form Designating Voting Delegate



## Important Information

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### **Submitting Resolutions for consideration by the FLC Resolutions Committee**

The League's Resolutions Committee will be meeting in conjunction with the FLC Annual Conference, August 13-15, 2015. Any municipality interested in submitting resolutions for consideration must submit them to the League no later than **Wednesday, July 8, 2015**, to guarantee that they will be included in the packet of proposed resolutions to the Resolutions Committee. Resolutions are limited to federal, constitutional or commemorative issues that are of statewide concern. Attached are the procedures your municipality should follow for proposing resolutions to the League membership.

If you have questions regarding resolutions, please contact Allison Payne at [apayne@flcities.com](mailto:apayne@flcities.com) or 850-701-3602 at the League office.

### **FLC Legislative Policy Committee Process**

With the Florida Legislature convening the 2016 Legislative Session in January instead of March 2016, the policy committee meetings will commence this June instead of September. This accelerated timeline means the proposed priorities adopted by each policy committee will then be submitted to the Legislative Committee and then ultimately the FLC membership for consideration and adoption at the FLC Annual Conference in August instead of the FLC Legislative Conference in November. These priorities then become the League's Legislative Action Agenda.

If you have questions regarding the legislative policy process, please contact Holly McPhail at [hmcphail@flcities.com](mailto:hmcphail@flcities.com) or 850-701-3604 at the League office.

**Procedures for Submitting Resolutions  
Florida League of Cities' 89<sup>th</sup> Annual Conference  
World Center Marriott, Orlando, Florida  
August 13 – 15, 2015**

In order to fairly systematize the method for presenting resolutions to the League membership, the following procedures have been instituted:

- (1) Proposed resolutions must be submitted in writing, to be received in the League office by July 8, 2015, to guarantee that they will be included in the packet of proposed resolutions that will be submitted to the Resolutions Committee.
- (2) Proposed resolutions will be rewritten for proper form, duplicated by the League office and distributed to members of the Resolutions Committee. (Whenever possible, multiple resolutions on a similar issue will be rewritten to encompass the essential subject matter in a single resolution with a listing of original proposers.)
- (3) Proposed resolutions may be submitted directly to the Resolutions Committee at the conference; however, a favorable two-thirds vote of the committee will be necessary to consider such resolutions.
- (4) Proposed resolutions may be submitted directly to the business session of the conference without prior committee approval by a vote of two-thirds of the members present. In addition, a favorable weighted vote of a majority of members present will be required for adoption.
- (5) Proposed resolutions relating to state legislation will be referred to the appropriate standing policy committee. Such proposals will not be considered by the Resolutions Committee at the conference; however, all state legislative issues will be considered by the standing policy committees and the Legislative Committee, prior to the membership. At that time, a state Legislative Action Agenda will be adopted.
- (6) Proposed resolutions must address either federal issues, state constitutional issues, matters directly relating to the conference, matters recognizing statewide or national events or service by League officers. All other proposed resolutions will be referred for adoption to either the Florida League of Cities Board of Directors or FLC President.

Municipalities unable to formally adopt a resolution before the deadline may submit a letter to the League office indicating their city is considering the adoption of a resolution, outlining the subject thereof in as much detail as possible, and this letter will be forwarded to the Resolutions Committee for consideration in anticipation of receipt of the formal resolution.

## **Important Dates**

### **May 2015**

Notice to Local and Regional League Presidents and Municipal Associations  
regarding the Resolutions and Legislative Committees

### **June 2015**

Appointment of Resolutions Committee Members  
June 25 – Legislative Post-Session Review (2015 Session)  
June 26 – Policy Committee Meetings (2016 Session)

### **July 2015**

July 8 – Deadline for Submitting Resolutions to the League office  
July 17 – Policy Committee Meetings (2016 Session)

### **August 2015**

August 13 – Policy Committee Meetings including the finalization of  
proposed committee statements (FLC Annual Conference)  
August 14 – Resolutions Committee Meeting  
August 14 – Legislative Committee Meeting (2016 Session)  
August 15 – Pick Up Voting Delegate Credentials Followed by Annual  
Business Session

# TAB 4



**Town of Lake Park Town Commission**

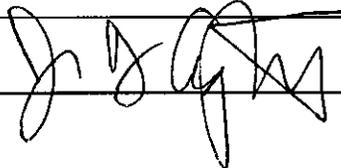
**Agenda Request Form**

**Meeting Date:** July 1, 2015

**Agenda Item No.**

**Agenda Title:** Proposed Workshop Dates

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING
  - NEW BUSINESS**
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS
  - ORDINANCE ON FIRST READING

**Approved by Town Manager**  **Date:** 6-19-15

Vivian Mendez - Town Clerk  
Name/Title

<b>Originating Department:</b>  Town Clerk	Costs: \$ 0.00 Funding Source: Acct. # <input type="checkbox"/> Finance _____	<b>Attachments:</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case <u>UM</u> <b>Please initial one.</b>

**Summary Explanation/Background:** It is budget season again, which mean additional Commission meetings and workshops need to be scheduled. Please check your availability on the following dates and prepare to discuss alternate dates.

**Proposed budget meeting dates:**

- Wednesday, July 22, 2015      Commission Budget Workshop (forth Wednesday in July)
- Wednesday, August 12, 2015      Commission Budget Workshop (second Wednesday in August)
- Tuesday, September 1, 2015      First Public Hearing on the Budget (first Tuesday in September)
- Tuesday, September 15, 2015      Second Public Hearing on the Budget (third Tuesday in Sept.)

**Visioning Workshop dates:**

The visioning workshop will require a little more time to organize. The Town Manager desires for staff to meet to discuss and design a scope of service for the Treasure Coast Regional Planning Council to operate as the facilitator with the Commission and Staff to develop a comprehensive

Visioning/Strategic Plan for the Town of Lake Park. Both the Manager and Staff feel that a facilitator for the workshop will result in a better overall development plan for the town. The projected time frame for the Visioning/Strategic Plan Workshop will be early to late September.

**Recommended Motion:** Vote to approve the staff recommended workshop dates as follows:

Wednesday, July 22, 2015	Commission Budget Workshop (forth Wednesday in July)
Wednesday, August 12, 2015	Commission Budget Workshop (second Wednesday in August)
Tuesday, September 1, 2015	First Public Hearing on the Budget (first Tuesday in September)
Tuesday, September 15, 2015	Second Public Hearing on the Budget (third Tuesday in Sept.)

# TAB 5



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** July 1, 2015

**Agenda Item No.** *Tab 5*

**Agenda Title:** Information pertaining to the 2016 Municipal Election

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING
  - NEW BUSINESS**
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS
  - ORDINANCE ON FIRST READING

**Approved by Town Manager** *J. Ortega* **Date:** *6-17-15*

*Vivian Mendez – Town Clerk*  
 Name/Title

<b>Originating Department:</b>  <b>Town Clerk</b>	<b>Costs: \$ 0.00</b> <b>Funding Source:</b> <b>Acct. #</b> <input type="checkbox"/> Finance _____	<b>Attachments:</b>  <b>2016 Municipal Election Packet</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input checked="" type="checkbox"/> <b>Not Required</b>	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ OR Not applicable in this case <i>VM</i>  <b>Please initial one.</b>

**Summary Explanation/Background:**

The 2016 Municipal Election will be upon us in eight (8) months with the qualifying period beginning in only four (4) months. As a result of the action taken by the Florida Legislators earlier this year, the 2016 Municipal Election will be combined with the Presidential Preference Primary on March 15, 2016. This means that the municipal qualifying period has been moved up significantly.

At the June 17, 2015 Regular Commission meeting the Commission adopted Ordinance 08-2015 Amending Article IV, Section 3 of the Town Charter Pertaining to the Date of Regular Town Elections. The Ordinance established the qualifying period for the March 2016 Municipal Election as **Tuesday, November 24, 2015 beginning at noon through Tuesday, December 8, 2015 ending at noon.**

Attached is the 2016 election packet. Any Town of Lake Park resident desiring to be a candidate for Lake Park Commissioner will need the attached information. A Lake Park resident is NOT considered a candidate for Commissioner until the “Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates” (see attached) is properly filed with the Town of Lake Park’s Town Clerk’s Office.

**Recommended Motion:** This item does not require a motion, second, and a vote. This item is for informational purposes only.



Office of the  
Town Clerk

**MARCH 15, 2016**  
**MUNICIPAL ELECTION FOR COMMISSIONERS**

Dear Candidate:

Congratulations on your decision to file for public office. The positions of Commissioners are open for challenge.

To qualify to be a candidate for the 2016 municipal election, you must be a registered voter and a resident of Lake Park. The Lake Park Town Charter gives the following direction:

1. Any bona fide resident of the Town of Lake Park and the State of Florida and a citizen of the United States of America who is a registered voter of the Town of Lake Park and possesses the qualifications to vote at Town, State and National elections and who is otherwise qualified to be a member of the Town Commission, as provided in this Charter, may be a candidate for the office of the Town Commission by filing a verified Notice of Candidacy for the Town Commission, stating the office (s)he seeks, with the Town Clerk of said Town in the manner hereinafter set out.
2. Notice of Candidacy for a general election shall be filed no earlier than noon on Tuesday, **NOVEMBER 24, 2015** nor later than noon on Tuesday, **DECEMBER 8, 2015**.
3. Filing of Notice of Candidacy for any election shall require paying, as a qualifying fee, the sum of \$118.85 to the Town Clerk of the Town of Lake Park (checks made out to the Town of Lake Park); \$25.00 of the fee shall be used for the purpose of defraying election expenses and \$93.85 of the fee is an election assessment and sent to the State of Florida.

*The State of Florida collects a filing fee and an election assessment of 1% of the annual salary of the office sought, through their Department of Revenue for deposit in the State's General Revenue Fund. The Commissioners serving the Town of Lake Park receive \$9,385 annually; so an additional \$93.85 (non refundable) fee is added to the Town's \$25 fee, making a total of \$118.85 to be paid from the candidates campaign account (no personal checks) to the Town of Lake Park on the day you qualify for election.*

4. The Notice of Candidacy shall be on the form as enclosed in your packet.
5. Such person so filing said notice as prescribed, and paying the qualifying fee as prescribed, if otherwise found to be qualified, shall be entitled to have his (or her) name printed upon the official ballot on such election.

535 Park Avenue  
Lake Park, FL 33403  
Phone: (561) 881-3311  
Fax: (561) 881-3314

[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)



Office of the  
Town Clerk

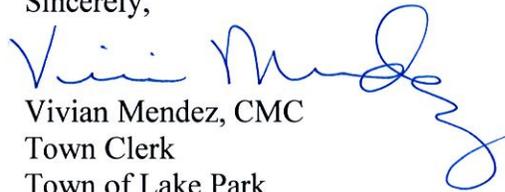
Page 2  
Candidate Letter

Your interest in serving the residents of this community demonstrates your awareness that representation is an extremely important part of how your local government works. I am sure you will find that getting involved and participating in your municipal governmental electoral process will be very exciting and rewarding. You will have many opportunities to meet the Town's interesting residents during your campaign.

Please review all of the information provided to you for compliance during your campaign. If you have any further questions, please do not hesitate to call my office at 561-881-3311.

As a matter of record, all calls and questions to the Town Clerk's Office will be recorded on a log.

Sincerely,

  
Vivian Mendez, CMC  
Town Clerk  
Town of Lake Park

535 Park Avenue  
Lake Park, FL 33403  
Phone: (561) 881-3311  
Fax: (561) 881-3314

---

[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

**NOTE: This form must be on file with the qualifying  
officer before opening the campaign account.**

**OFFICE USE ONLY**

**1. CHECK APPROPRIATE BOX(ES):**

Initial Filing of Form      Re-filing to Change:  Treasurer/Deputy     Depository     Office     Party

2. Name of Candidate (in this order: First, Middle, Last)

3. Address (include post office box or street, city, state, zip code)

4. Telephone

5. E-mail address

(      )

6. Office sought (include district, circuit, group number)

7. If a candidate for a nonpartisan office, check if applicable:

My intent is to run as a Write-In candidate.

8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a

Write-In     No Party Affiliation     \_\_\_\_\_ Party candidate.

9. I have appointed the following person to act as my     Campaign Treasurer     Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

11. Mailing Address

12. Telephone

(      )

13. City

14. County

15. State

16. Zip Code

17. E-mail address

18. I have designated the following bank as my     Primary Depository     Secondary Depository

19. Name of Bank

20. Address

21. City

22. County

23. State

24. Zip Code

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.**

25. Date

26. Signature of Candidate

**X**

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)

I, \_\_\_\_\_, do hereby accept the appointment

(Please Print or Type Name)

designated above as:     Campaign Treasurer     Deputy Treasurer.

**X**

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Campaign Treasurer or Deputy Treasurer

# How to apply for an EIN (Employer Identification Number - 2015)

Go to:

<http://www.irs.gov/Businesses/Small-Businesses-&Self-Employed/Employer-ID-Numbers-EINs>

[Help](#) | [Apply for New EIN](#) | [Exit](#)

---

### EIN Assistant

---

#### Important Information Before You Begin

Use this assistant to apply for and obtain an Employer Identification Number (EIN).  
[Do I need an EIN?](#)  
[Do I need a new EIN?](#)

For help or additional information on any topic, click the underlined key words, or view Help Topics on the right side of the screen. Make sure that pop-ups are allowed from this site.

#### About the EIN Assistant

- You must complete this application in one session, as you will not be able to save and return at a later time.
- For security purposes, your session will expire after 15 minutes of inactivity, and you will need to start over.
- You will receive your EIN immediately upon verification. When will I be able to use my EIN?
- If you wish to receive your confirmation letter online, we strongly recommend that you install Adobe Reader before beginning the application if it is not already installed.

#### Restrictions

- Effective May 21, 2012, to ensure fair and equitable treatment for all taxpayers, the Internal Revenue Service will limit Employer Identification Number (EIN) issuance to one per responsible party per day. This limitation is applicable to all requests for EINs whether online or by phone, fax or mail. We apologize for any inconvenience this may cause.
- If a third party designee (TPD) is completing the online application on behalf of the taxpayer, the taxpayer must authorize the third party to apply for and receive the EIN on his or her behalf.
- The business location must be within the United States or U.S. territories.
- Foreign filers without an Individual Taxpayer Identification Number (ITIN) cannot use this assistant to obtain an EIN.
- If you were incorporated outside of the United States or the U.S. territories, you cannot apply for an EIN online. Please call us at 267-941-1099 (this is not a toll-free number).

[Begin Application >>](#)

If you are not comfortable sending information via the Internet, download the [Form SS-4](#) PDF file and the instructions for alternative ways of applying.

**Begin by  
Clicking here**

[IRS Privacy Policy](#)

**EIN Assistant**

Your Progress:

**1. Identify**

2. Authenticate

3. Addresses

4. Details

5. EIN Confirmation

**What type of legal structure is applying for an EIN?**

Before applying for an EIN you should have already determined what type of legal structure, business, or type of organization is being established.

Choose the type you are applying for. If you don't see your type, select "View Additional Types."

- Sole Proprietor**  
Includes individuals who are in business for themselves and household employers.
- Partnerships**  
Includes partnerships and joint ventures.
- Corporations**  
Includes S corporations, personal service corporations, real estate investment trusts (REIT), regulated investment conduits (RIC), and settlement funds.
- Limited Liability Company (LLC)**  
A limited liability company (LLC) is a structure allowed by state statute and is formed by filing articles of organization with the state.
- Estate**  
An estate is a legal entity created as a result of a person's death.
- Trusts**  
All types of trusts including conservatorships, custodianships, guardianships, irrevocable trusts, revocable trusts, and receiverships.
- View Additional Types, Including Tax-Exempt and Governmental Organizations**  
If none of the above fit what you are establishing, there are several others to choose from.

**Help Topics**

-  [What if I do not know what type of legal structure or organization to choose?](#)

Click here,  
Press continue

&lt;&lt; Back

Continue &gt;&gt;

[IRS Privacy Policy](#)

**EIN Assistant**

Your Progress:

**1. Identify**

2. Authenticate

3. Addresses

4. Details

5. EIN Confirmation

**Additional Types**

Choose the type you are applying for. You can click the underlined terms for a description.

- [Bankruptcy Estate \(Individual\)](#)
- [Block/Tenant Association](#)
- [Church](#)
- [Church-Controlled Organization](#)
- [Community or Volunteer Group](#)
- [Employer/Fiscal Agent \(under IRC Sec 3504\)](#)
- [Employer Plan \(401K, Money Purchase Plan, etc.\)](#)
- [Farmer's Cooperative](#)
- [Government, Federal/Military](#)
- [Government, Indian Tribal Governments](#)
- [Government, State/Local](#)
- [Homeowners/Condo Association](#)
- [Household Employer](#)
- [IRA](#)
- [Memorial or Scholarship Fund](#)
- [National Guard](#)
- [Plan Administrator](#)
- [Political Organization](#)
- [PTA/PTO or School Organization](#)
- [REMIC](#)
- [Social or Savings Club](#)
- [Sports Teams \(community\)](#)
- [Withholding Agent](#)
- [Other Non-Profit/Tax-Exempt Organizations](#)

**Help Topics**

- [What if I still do not know what type of structure or organization to choose?](#)

Click here,  
Press continue

&lt;&lt; Back

Continue &gt;&gt;

**EIN Assistant**

<b>Your Progress:</b>	<b>1. Identify</b>	<b>2. Authenticate</b>	<b>3. Addresses</b>	<b>4. Details</b>	<b>5. EIN Confirmation</b>
-----------------------	--------------------	------------------------	---------------------	-------------------	----------------------------

**Please confirm your selection.**

Confirm your selection of **Political Organization** as the type of structure applying for an EIN.

**What it is...**

- A political organization is a party, committee, association, or fund (including a separate segregated fund described in section 527(f)(3) set up by a section 501(c) organization, or other organization).
- A political organization is organized and operated primarily for the purpose of
  - Accepting contributions, making contributions, or both
  - Influencing the selection, nomination, election, or appointment of any individual to any public office or office in a political organization.

If you need to change your type of structure, we recommend that you do so **now**, otherwise you will have to stop over and re-enter your information. Additional help may be found by reviewing [all types of organizations and structures](#) before making your selection.

[Change Type](#)

[Continue >>](#)

[IRS Privacy Policy](#)

**Press continue**

**EIN Assistant**

Your Progress:

**1. Identify**

2. Authenticate

3. Addresses

4. Details

5. EIN Confirmation

**Why is the Political Organization requesting an EIN?**

Choose one reason that best describes why you are applying for an EIN.

**Started a new business**

Select this option if you are beginning a new business.

**Hired employee(s)**

Select this option if you already have a business and need to hire employees.

**Banking purposes**

Select this option if the reason for applying for the EIN is strictly to satisfy banking requirements or local law.

**Changed type of organization**

Select this option if you are changing the type of organization you currently operate, such as changing from a sole proprietor to a partnership, changing from a partnership to a corporation, etc.

**Purchased active business**

Select this option if you are purchasing a business that is already in operation.

[Continue >>](#)

**Help Topics**

[I do not see my reason for applying here. What should I choose?](#)

[What if more than one reason applies to me?](#)

Click here,  
Press continue

**EIN Assistant**

Your Progress: **1. Identify ✓** | 2. Authenticate | 3. Addresses | 4. Details | 5. EIN Confirmation

**Who is the Responsible Party of the Political Organization?**

The responsible party can be either an individual OR an existing business.

Please choose one:

- Individual
- Existing business

[<< Back](#) |

[Continue >>](#) |

[IRS Privacy Policy](#)

**Click here,  
Press continue**

Complete the remaining requested information.



## Tax Information for Political Organizations

### FEC Filing Required for Some 527 Organizations

Overview of FEC "electioneering communications" filings required for some section 527 exempt organizations.

### Filing Requirements

Political parties; campaign committees for candidates for federal, state or local office; and political action committees are all political organizations subject to tax under IRC section 527 and may have filing requirements with the Service.

### Political Organization Filing and Disclosure

File and search for notices and reports filed with the Service under IRC section 527.

### Exemption Requirements - Political Organizations

A brief description of the requirements for exemption under IRC section 527.

### Taxable Income - Political Organizations

A brief explanation of how political organizations are taxed under IRC section 527.

### Solicitation Notice

A brief description of the solicitation notice requirements under IRC section 6113.

### Employment Taxes for Exempt Organizations

Links to information about employment taxes for tax-exempt organizations.

### Political organizations: Resource materials

Resources available on irs.gov concerning tax-exempt political organizations (section 527).

*Page Last Reviewed or Updated: 02-Nov-2012*

**Note:** Form SS-4 begins on the next page of this document.

### **Change to Domestic Employer Identification Number (EIN) Assignment by Toll-Free Phones**

Beginning January 6, 2014, the IRS will refer all domestic EIN requests received by toll-free phones to the EIN Online Assistant. You can access the Assistant by going to [www.irs.gov](http://www.irs.gov), entering "EIN" in the "Search" feature and following instructions for applying for an EIN online.

### **Attention Limit of one (1) Employer Identification Number (EIN) Issuance per Business Day**

Effective May 21, 2012, to ensure fair and equitable treatment for all taxpayers, the Internal Revenue Service (IRS) will limit Employer Identification Number (EIN) issuance to one per responsible party per day. For trusts, the limitation is applied to the grantor, owner, or trustor. For estates, the limitation is applied to the decedent (decedent estate) or the debtor (bankruptcy estate). This limitation is applicable to all requests for EINs whether online or by phone, fax or mail. We apologize for any inconvenience this may cause.

### **Change to Where to File Address and Fax-TIN Number**

There is a change to the Instructions for Form SS-4 (Rev. January 2011). On page 2, under the "Where to File or Fax" table, the address and Fax-TIN number have changed. If you are applying for an Employer Identification Number (EIN), and you have no legal residence, principal place of business, or principal office or agency in any state or the District of Columbia, file or fax your application to:

Internal Revenue Service Center  
Attn: EIN International Operation  
Cincinnati, OH 45999  
Fax-TIN: 859-669-5987

This change will be included in the next revision of the Instructions for Form SS-4.

## Do I Need an EIN?

File Form SS-4 if the applicant entity does not already have an EIN but is required to show an EIN on any return, statement, or other document.<sup>1</sup> See also the separate instructions for each line on Form SS-4.

IF the applicant...	AND...	THEN...
Started a new business	Does not currently have (nor expect to have) employees	Complete lines 1, 2, 4a-8a, 8b-c (if applicable), 9a, 9b (if applicable), and 10-14 and 16-18.
Hired (or will hire) employees, including household employees	Does not already have an EIN	Complete lines 1, 2, 4a-6, 7a-b (if applicable), 8a, 8b-c (if applicable), 9a, 9b (if applicable), 10-18.
Opened a bank account	Needs an EIN for banking purposes only	Complete lines 1-5b, 7a-b (if applicable), 8a, 8b-c (if applicable), 9a, 9b (if applicable), 10, and 18.
Changed type of organization	Either the legal character of the organization or its ownership changed (for example, you incorporate a sole proprietorship or form a partnership) <sup>2</sup>	Complete lines 1-18 (as applicable).
Purchased a going business <sup>3</sup>	Does not already have an EIN	Complete lines 1-18 (as applicable).
Created a trust	The trust is other than a grantor trust or an IRA trust <sup>4</sup>	Complete lines 1-18 (as applicable).
Created a pension plan as a plan administrator <sup>5</sup>	Needs an EIN for reporting purposes	Complete lines 1, 3, 4a-5b, 9a, 10, and 18.
Is a foreign person needing an EIN to comply with IRS withholding regulations	Needs an EIN to complete a Form W-8 (other than Form W-8ECI), avoid withholding on portfolio assets, or claim tax treaty benefits <sup>6</sup>	Complete lines 1-5b, 7a-b (SSN or ITIN optional), 8a, 8b-c (if applicable), 9a, 9b (if applicable), 10, and 18.
Is administering an estate	Needs an EIN to report estate income on Form 1041	Complete lines 1-6, 9a, 10-12, 13-17 (if applicable), and 18.
Is a withholding agent for taxes on non-wage income paid to an alien (i.e., individual, corporation, or partnership, etc.)	Is an agent, broker, fiduciary, manager, tenant, or spouse who is required to file Form 1042, Annual Withholding Tax Return for U.S. Source Income of Foreign Persons	Complete lines 1, 2, 3 (if applicable), 4a-5b, 7a-b (if applicable), 8a, 8b-c (if applicable), 9a, 9b (if applicable), 10, and 18.
Is a state or local agency	Serves as a tax reporting agent for public assistance recipients under Rev. Proc. 80-4, 1980-1 C.B. 581 <sup>7</sup>	Complete lines 1, 2, 4a-5b, 9a, 10, and 18.
Is a single-member LLC	Needs an EIN to file Form 8832, Classification Election, for filing employment tax returns and excise tax returns, or for state reporting purposes <sup>8</sup>	Complete lines 1-18 (as applicable).
Is an S corporation	Needs an EIN to file Form 2553, Election by a Small Business Corporation <sup>9</sup>	Complete lines 1-18 (as applicable).

<sup>1</sup> For example, a sole proprietorship or self-employed farmer who establishes a qualified retirement plan, or is required to file excise, employment, alcohol, tobacco, or firearms returns, must have an EIN. A partnership, corporation, REMIC (real estate mortgage investment conduit), nonprofit organization (church, club, etc.), or farmers' cooperative must use an EIN for any tax-related purpose even if the entity does not have employees.

<sup>2</sup> However, do not apply for a new EIN if the existing entity only (a) changed its business name, (b) elected on Form 8832 to change the way it is taxed (or is covered by the default rules), or (c) terminated its partnership status because at least 50% of the total interests in partnership capital and profits were sold or exchanged within a 12-month period. The EIN of the terminated partnership should continue to be used. See Regulations section 301.6109-1(d)(2)(iii).

<sup>3</sup> Do not use the EIN of the prior business unless you became the "owner" of a corporation by acquiring its stock.

<sup>4</sup> However, grantor trusts that do not file using Optional Method 1 and IRA trusts that are required to file Form 990-T, Exempt Organization Business Income Tax Return, must have an EIN. For more information on grantor trusts, see the Instructions for Form 1041.

<sup>5</sup> A plan administrator is the person or group of persons specified as the administrator by the instrument under which the plan is operated.

<sup>6</sup> Entities applying to be a Qualified Intermediary (QI) need a QI EIN even if they already have an EIN. See Rev. Proc. 2000-12.

<sup>7</sup> See also *Household employer* on page 4 of the instructions. **Note.** State or local agencies may need an EIN for other reasons, for example, hired employees.

<sup>8</sup> See *Disregarded entities* on page 4 of the instructions for details on completing Form SS-4 for an LLC.

<sup>9</sup> An existing corporation that is electing or revoking S corporation status should use its previously-assigned EIN.



**TOWN OF LAKE PARK**

**2016 Municipal Election – Tuesday, March 15, 2016**

**Town Clerk's Checklist**

**Candidate Information**

Candidate's Name:	
Candidate's Phone No.	
Candidate's Cell No.	
Candidate's Email Address:	
Candidate's Home Address:	

**Candidate Information Handbook**

Election Information Packet on CD	<ul style="list-style-type: none"> <li>• Absentee Ballot Information</li> <li>• Affidavit of Undue Burden</li> <li>• Campaign Loan Itemized Form</li> <li>• Campaign Loan Report Form</li> <li>• 2014 Candidate and Campaign Treasurer Handbook</li> <li>• 2014 Candidate Petition Handbook</li> <li>• Campaign Signage – Town Code and Florida Statues</li> <li>• Contact Information</li> <li>• Contributions Return Form</li> <li>• Designation of Poll Watchers Form and Information</li> <li>• Elections – Town Code</li> <li>• 2014 Election Laws F. S. Chapters 97 through 106</li> <li>• 2015 Florida Commission on Ethics, Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees</li> <li>• Florida Commission on Ethics Guide to Gifts Law Summary</li> <li>• 2014 Government in the Sunshine Manual</li> <li>• Information Regarding Ballot Name</li> <li>• Information Regarding Qualifying Fees</li> <li>• Map of Precincts</li> <li>• Obtaining an EIN Number</li> <li>• Palm Beach County Commission on Ethics Code and Ethics Pledge</li> <li>• Town Charter</li> <li>• Request for Return of Contribution Form</li> <li>• 2014 State of Florida Constitution</li> <li>• Waiver of Report Form</li> </ul>
Candidate's Signature: Acknowledgement of Receipt	
Date of Signature:	

### Candidate Qualifying Requirements

Public Office Seeking: (Circle One)	Mayor	Commission	
Resident of Lake Park? (6 months preceding elections)	Documentation Proof -		
Registered Voter of PBC?		Yes	No
Copy of PBC Voter Registration Card		Yes	No
PBC must verify Voter Registration	Date of verification:		
Candidate serving on Town Board?	Name of Board:	Yes	No
Resignation from Board, if applicable?		Yes	No
Candidate: Appointment of Campaign Treasurer?	Treasurer's Name:	Yes	No
	Date Signed		
Candidacy Notice for Commission	Date Signed		
Financial Disclosure Form	Date Signed		

### Candidate Using Alternate Method of Qualifying?

Using Alternate Method for Qualifying and Filing Forms?	Yes	No
If using the Alternate Method of Qualifying, the deadline to submit petitions for verification to the Palm Beach County Supervisor of Elections no later than 12:00 p.m. on the 28 <sup>th</sup> day preceding the first day of qualifying, which is Tuesday, October 27, 2015.	<b>Petitions Submitted</b>	
	Yes	No

### Election Filing Fees

Election Filing Fees Information	Mayor	Commission	Amount Paid	
Town Filing Fee = \$25.00	\$ 25.00	\$ 25.00		
Election Assessment Fee is 1% of Salary per F.S. 99.093 Municipal candidates; election assessment.	\$ 100.00	\$ 93.85		
Mayor's Salary = \$10,000.00 Commission Salary = \$ 9,385.00				
<b>Total Filing Fees</b>	<b>\$ 125.00</b>	<b>\$ 118.85</b>	Yes	No

### Candidate Qualifying Requirements

Loyalty Oath/Affidavit	Date of Oath:		
Certification for Logistics and Accuracy Testing.	Test Date: _____ <b>3:00 p.m. at 7835 Central Industrial Drive, Riviera Beach</b>	Yes	No
Will you be attending?			
Statement of Candidate (Due to <u>Town Clerk</u> within 10 days of filing for Public Office per F.S. 106)	Date Signed:		
Submit names of Poll Watchers, if applicable.  Submit to Supervisor of Elections by <b>March 1, 2016 at Noon</b> per F.S. 101.131(2)	Names of Poll Watchers: _____ _____ _____ _____ _____	Yes	No

### Campaign Treasurer's Reports Opposed Candidates

DEADLINE REPORT DUE	OPPOSED CANDIDATE	SUBMITTAL DATE / TIME:
<b>August 10, 2015 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (M7)</b>  Report covers date of Appointment of Campaign Treasurer form filed or from 7/1/2015 through 7/30/2015	
<b>September 10, 2015 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (M8)</b>  Report covers date of Appointment of Campaign Treasurer form filed or from 8/1/2015 through 8/31/2015	
<b>October 13, 2015 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (M9)</b>  Report covers date of Appointment of Campaign Treasurer form filed or from 9/1/2015 through 9/30/2015	
<b>November 10, 2015 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (M10)</b>  Report covers date of Appointment of Campaign Treasurer form filed or from 10/1/2015 through 10/31/2015	

<b>December 10, 2015 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (M11)</b> Report covers date of Appointment of Campaign Treasurer form filed or from 11/1/2015 through 11/30/2015	
<b>January 11, 2016 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (M12)</b> Report covers date of Appointment of Campaign Treasurer form filed or from 12/1/2015 through 12/31/2015	
<b>February 10, 2016 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (M1)</b> Report covers date of Appointment of Campaign Treasurer form filed or from 1/1/2016 through 1/31/2016	
<b>February, 19, 2016 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (G1)</b> Report covers period of time from 2/1/16 through 2/12/16	
<b>March 4, 2016 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (G2)</b> Report covers period of time from 2/13/16 through 2/26/16	
<b>March 11, 2016 ~ 5:00 pm</b>	<b>Campaign Treasurer's Report (G3)</b> Report covers period of time from 2/27/16 through 3/10/16	
<b>June 13, 2016 ~ 5:00 pm</b>	<b>FINAL: Campaign Treasurer's Report (TR)</b> Report covers period of time from 3/11/16 through 6/13/16	

**Campaign Treasurer's Reports  
Penalties F.S. 106.07**

**NOTE:** Campaign Treasurer's Reports must be filed with the Municipal Filing Officer/Town Clerk by the deadline(s) or must be postmarked by midnight of the deadline(s) date to avoid a fine levied against the candidate of \$50 per day for the first three (3) days. On the fourth (4<sup>th</sup>) day, \$500 shall be imposed, pursuant to Florida State Statues. 106.07.

**Contributions Deadline**  
**F.S. 106.08(3)**

<p><b>Thursday, March 10, 2016</b> <b>12:00 ~ Midnight</b></p>	<p><b>Deadline to receive contributions for Municipal Election on Tuesday, March 15, 2016. Any contributions received after this date must be returned to the contributor.</b></p>
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**Expenditure Deadline**  
**For Termination Reports**

<p><b>Monday, March 7, 2016 ~ 5:00</b> <b>p.m.</b></p>	<p><b>Unopposed Candidates Final (90 Days)</b> <b>Treasurer's Report (TR)</b> Report covers period of time from through 03-07-2016</p>
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## NOTICE OF CANDIDACY FOR TOWN COMMISSIONER

I, \_\_\_\_\_, residing at \_\_\_\_\_,  
Town of Lake Park, Palm Beach County, Florida, do hereby give notice of my  
candidacy for the office of Town Commissioner of the Town of Lake Park, Florida, in  
the forthcoming election to be held in said Town on March 15, 2016.

I do further state that I am a bona fide citizen of the United States of America and a  
resident of the Town of Lake Park; that I have resided in the Town of Lake Park for  
the six (6) months immediately preceding the date of the election to be held in the  
Town of Lake Park; that I am over the age of eighteen (18) years; that I have paid the  
qualifying fee for said office, and that I have fully satisfied all conditions precedent to  
such candidacy, pursuant to the provisions of the Charter of the Town of Lake Park.

\_\_\_\_\_  
Signature of Candidate  
Candidate for Commissioner

STATE OF FLORIDA  
COUNTY OF PALM BEACH

Before me, the undersigned authority, this day appeared \_\_\_\_\_, who,  
upon being duly sworn, deposed and said; That (s)he is the candidate referred to in the foregoing  
notice; that (s)he is familiar with the contents of said notice and that the facts and matters herein  
stated are true; and that (s)he did sign a notice for the purpose therein specified.

\_\_\_\_\_  
Candidate

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

\_\_\_\_\_  
Notary Public, State of Florida at Large

\_\_\_\_\_  
My Commission expires:

Please print or type your name, mailing address, agency name, and position below:

FOR OFFICE USE ONLY:

LAST NAME -- FIRST NAME -- MIDDLE NAME :

MAILING ADDRESS :

CITY : ZIP : COUNTY :

NAME OF AGENCY :

NAME OF OFFICE OR POSITION HELD OR SOUGHT :

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF [ ] CANDIDATE OR [ ] NEW EMPLOYEE OR APPOINTEE

\*\*\*\* BOTH PARTS OF THIS SECTION MUST BE COMPLETED \*\*\*\*

DISCLOSURE PERIOD:

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

[ ] DECEMBER 31, 2014 OR [ ] SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: \_\_\_\_\_

MANNER OF CALCULATING REPORTABLE INTERESTS:

FILERS HAVE THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). CHECK THE ONE YOU ARE USING:

[ ] COMPARATIVE (PERCENTAGE) THRESHOLDS OR [ ] DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions] (if you have nothing to report, write "none" or "n/a")

Table with 3 columns: NAME OF SOURCE OF INCOME, SOURCE'S ADDRESS, DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY

PART B -- SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions] (if you have nothing to report, write "none" or "n/a")

Table with 4 columns: NAME OF BUSINESS ENTITY, NAME OF MAJOR SOURCES OF BUSINESS' INCOME, ADDRESS OF SOURCE, PRINCIPAL BUSINESS ACTIVITY OF SOURCE

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions] (if you have nothing to report, write "none" or "n/a")

Table with 1 column for reporting real property details

FILING INSTRUCTIONS for when and where to file this form are located at the bottom of page 2.

INSTRUCTIONS on who must file this form and how to fill it out begin on page 3.

**PART D — INTANGIBLE PERSONAL PROPERTY** [Stocks, bonds, certificates of deposit, etc. - See instructions]  
 (If you have nothing to report, write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES

**PART E — LIABILITIES** [Major debts - See instructions]  
 (If you have nothing to report, write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR

**PART F — INTERESTS IN SPECIFIED BUSINESSES** [Ownership or positions in certain types of businesses - See instructions]  
 (If you have nothing to report, write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2
NAME OF BUSINESS ENTITY		
ADDRESS OF BUSINESS ENTITY		
PRINCIPAL BUSINESS ACTIVITY		
POSITION HELD WITH ENTITY		
DO I OWN MORE THAN A 5% INTEREST IN THE BUSINESS		
NATURE OF MY OWNERSHIP INTEREST		

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE

**SIGNATURE OF FILER:**

**CPA or ATTORNEY SIGNATURE ONLY**

**Signature:**

If a certified public accountant licensed under Chapter 473, or attorney in good standing with the Florida Bar prepared this form for you, he or she must complete the following statement:

I, \_\_\_\_\_, prepared the CE Form 1 in accordance with Section 112.3145, Florida Statutes, and the instructions to the form. Upon my reasonable knowledge and belief, the disclosure herein is true and correct.

**Date Signed:**

CPA/Attorney Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

**FILING INSTRUCTIONS:**

**WHAT TO FILE:**

After completing all parts of this form, **including signing and dating it**, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

**NOTE:**

**MULTIPLE FILING UNNECESSARY:**

A candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying. A candidate who files a Form 1 with a qualifying officer is not required to file with the Commission or Supervisor of Elections.

**WHERE TO FILE:**

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

**Local officers/employees** file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

**State officers or specified state employees** file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 325 John Knox Road, Building E, Suite 200, Tallahassee, FL 32303.

**Candidates** file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" instructions on page 3.

**Facsimiles will not be accepted.**

**WHEN TO FILE:**

**Initially**, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

**Candidates** for publicly-elected local office must file at the same time they file their qualifying papers.

**Thereafter**, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

**Finally**, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment. However, filing a CE Form 1F (Final Statement of Financial Interests) does **not** relieve the filer of filing a CE Form 1 if he or she was in their position on December 31, 2014.

## NOTICE

Annual Statements of Financial Interests are due July 1. If the annual form is not filed or postmarked by September 1, an automatic fine of \$25 for each day late will be imposed, up to a maximum penalty of \$1,500. [s. 112.3145, F.S. - applicable to non-judicial officials] Failure to file also can result in removal from public office or employment. [Ch. 2014-183, Laws of Florida]

In addition, failure to make any required disclosure constitutes grounds for and may be punished by one or more of the following: disqualification from being on the ballot, impeachment, removal, or suspension from office or employment, demotion, reduction in salary, reprimand, or a civil penalty not exceeding \$10,000. [s. 112.317, F.S.]

## WHO MUST FILE FORM 1:

1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.

2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies, but including judicial nominating commission members; Directors of Enterprise Florida, Scripps Florida Funding Corporation, and Workforce Florida; and members of the Council on the Social Status of Black Men and Boys; the Executive Director, Governors, and senior managers of Citizens Property Insurance Corporation; Governors and senior managers of Florida Workers' Compensation Joint Underwriting Association; board members of the Northeast Fla. Regional Transportation Commission; members of the board of Triumph Gulf Coast, Inc; members of the board of Florida Is For Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, and the local Boards of Trustees and Presidents of state universities.

4) Persons elected to office in any political subdivision (such as municipalities, counties, and special districts) and any person appointed to fill a vacancy in such office, unless required to file Form 6.

5) Appointed members of the following boards, councils, commissions, authorities, or other bodies of county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; community college or junior college district boards of trustees; boards having the power to enforce local code provisions; boards of adjustment; planning or zoning boards having the power to recommend, create, or modify land planning or zoning within a political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards; pension or retirement boards empowered to invest pension or retirement funds or determine entitlement to or amount of pensions or other retirement benefits.

6) Any appointed member of a local government board who is required to file a statement of financial interests by the appointing authority or the enabling legislation, ordinance, or resolution creating the board.

7) Persons holding any of these positions in local government: mayor, county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or

municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$20,000 for the local governmental unit.

8) Officers and employees of entities serving as chief administrative officer of a political subdivision.

9) Members of governing boards of charter schools operated by a city or other public entity.

10) Employees in the office of the Governor or of a Cabinet member who are exempt from the Career Service System, excluding secretarial, clerical, and similar positions.

11) The following positions in each state department, commission, board, or council: Secretary, Assistant or Deputy Secretary, Executive Director, Assistant or Deputy Executive Director, and anyone having the power normally conferred upon such persons, regardless of title.

12) The following positions in each state department or division: Director, Assistant or Deputy Director, Bureau Chief, Assistant Bureau Chief, and any person having the power normally conferred upon such persons, regardless of title.

13) Assistant State Attorneys, Assistant Public Defenders, criminal conflict and civil regional counsel, and assistant criminal conflict and civil regional counsel, Public Counsel, full-time state employees serving as counsel or assistant counsel to a state agency, administrative law judges, and hearing officers.

14) The Superintendent or Director of a state mental health institute established for training and research in the mental health field, or any major state institution or facility established for corrections, training, treatment, or rehabilitation.

15) State agency Business Managers, Finance and Accounting Directors, Personnel Officers, Grant Coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$20,000.

16) The following positions in legislative branch agencies: each employee (other than those employed in maintenance, clerical, secretarial, or similar positions and legislative assistants exempted by the presiding officer of their house); and each employee of the Commission on Ethics.

## INSTRUCTIONS FOR COMPLETING FORM 1:

### INTRODUCTORY INFORMATION (At Top of Form):

If your name, mailing address, public agency, and position are already printed on the form, you do not need to provide this information unless it should be changed. To change any of this information, write the correct information on the form, and contact your agency's financial disclosure coordinator. Your coordinator is identified in the financial disclosure portal on the Commission on Ethics website: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

**NAME OF AGENCY:** This should be the name of the governmental unit which you serve or served, by which you are or were employed, or for which you are a candidate.

**OFFICE OR POSITION HELD OR SOUGHT:** Use the title of the office or position you hold, are seeking, or held during the disclosure period even if you have since left that position. If you are a candidate for office or are a new employee or appointee, check the appropriate box.

**PUBLIC RECORD:** The disclosure form and everything attached to it is a public record. Your Social Security Number is not required and you should redact it from any documents you file. If you are an active or former officer or employee listed in Section 119.071(4)(d), F.S., whose home address is exempt from disclosure, the Commission is required to maintain the confidentiality of your home address if you submit a written request for confidentiality. Persons listed in Section 119.071(4)(d), F.S., are encouraged to provide an address other than their home address.

**DISCLOSURE PERIOD:** The tax year for most individuals is the calendar year (January 1 through December 31). If that is the case for you, then your financial interests should be reported for the calendar year 2014; just check the box and you do not need to add any information in this part of the form. However, if you file your IRS tax return based on a tax year that is not the calendar year, you should specify the dates of your tax year in this portion of the form and check the appropriate box. This is the time frame or "disclosure period" for your report.

## MANNER OF CALCULATING REPORTABLE INTEREST

As noted on the form, filers have the option of reporting based on either thresholds that are comparative (usually, based on percentage values) or thresholds that are based on absolute dollar values. The instructions on the following pages specifically describe the different thresholds. Check the box that reflects the choice you have made. You must use the type of threshold you have chosen for each part of the form. In other words, if you choose to report based on absolute dollar value thresholds, you cannot use a percentage threshold on any part of the form.

### **IF YOU HAVE CHOSEN DOLLAR VALUE THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY**

#### **PART A — PRIMARY SOURCES OF INCOME**

[Required by s. 112.3145(3)(a)1 or (b)1, F.S.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the amount of income received, and you need not list your public salary from serving in the position(s) which requires you to file this form. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded \$2,500 of gross income received by you in your own name or by any other person for your use or benefit.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony, but not child support.

Examples:

— If you were employed by a company that manufactures computers and received more than \$2,500, then you should list the name of the company, its address, and its principal business activity (computer manufacturing).

— If you were a partner in a law firm and your distributive share of partnership gross income exceeded \$2,500, then you should list the name of the firm, its address, and its principal business activity (practice of law).

— If you were the sole proprietor of a retail gift business and your gross income from the business exceeded \$2,500, then you should list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than \$2,500, rather than aggregating all of your investment income.

— If more than \$2,500 of your gross income was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the purchaser's principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed simply as "sale of (name of company) stock," for example.

— If more than \$2,500 of your gross income was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

#### **PART B — SECONDARY SOURCES OF INCOME**

[Required by s. 112.3145(3)(a)2 or (b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as "Primary Sources of Income," if it meets the reporting threshold. You will **not** have anything to report **unless**, during the disclosure period:

(1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) during the disclosure period more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**

(2) You received more than \$5,000 of your gross income during the disclosure period from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

Examples:

— You are the sole proprietor of a dry cleaning business, from which you received more than \$5,000. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

#### **PART C — REAL PROPERTY**

[Required by s. 112.3145(3)(a)3 or (b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of 5% of the property's value. You are not required to list your residences and vacation homes.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

#### **PART D — INTANGIBLE PERSONAL PROPERTY**

[Required by s. 112.3145(3)(a)3 or (b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than \$10,000 and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you, Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product *contained* in a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CDs and savings accounts with the same bank. Property owned as tenants by the entirety or as joint tenants with right of survivorship should be valued at 100%. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number found on the lease document).

## PART E — LIABILITIES

[Required by s. 112.3145(3)(a)4 or (b)4, F.S.]

List the name and address of each creditor to whom you owed more than \$10,000 at any time during the disclosure period. The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. You are not required to list the amount of any debt. You do not have to disclose credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability.

## PART F — INTERESTS IN SPECIFIED BUSINESSES

[Required by s. 112.3145(5), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage

licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, you must indicate that fact and describe the nature of your interest.

**(End of Dollar Value Thresholds Instructions.)**

## IF YOU HAVE CHOSEN COMPARATIVE (PERCENTAGE) THRESHOLDS THE FOLLOWING INSTRUCTIONS APPLY

### PART A — PRIMARY SOURCES OF INCOME

[Required by s. 112.3145(3)(a)1 or (b)1, F.S.]

Part A is intended to require the disclosure of your principal sources of income during the disclosure period. You do not have to disclose the amount of income received, and you need not list your public salary received from serving in the position(s) which requires you to file this form, but this amount should be included when calculating your gross income for the disclosure period. The income of your spouse need not be disclosed; however, if there is joint income to you and your spouse from property you own jointly (such as interest or dividends from a bank account or stocks), you should include all of that income when calculating your gross income and disclose the source of that income if it exceeded the threshold.

Please list in this part of the form the name, address, and principal business activity of each source of your income which exceeded 5% of the gross income received by you in your own name or by any other person for your benefit or use during the disclosure period.

"Gross income" means the same as it does for income tax purposes, even if the income is not actually taxable, such as interest on tax-free bonds. Examples include: compensation for services, income from business, gains from property dealings, interest, rents, dividends, pensions, IRA distributions, social security, distributive share of partnership gross income, and alimony, but not child support.

#### Examples:

- If you were employed by a company that manufactures computers and received more than 5% of your gross income (salary, commissions, etc.) from the company, you should list the name of the company, its address, and its principal business activity (computer manufacturing).
- If you were a partner in a law firm and your distributive share of partnership gross income exceeded 5% of your gross income, then you should list the name of the firm, its address, and its principal business activity (practice of law).
- If you were the sole proprietor of a retail gift business and your gross income from the business exceeded 5% of

your total gross income, then you should list the name of the business, its address, and its principal business activity (retail gift sales).

— If you received income from investments in stocks and bonds, you are required to list only each individual company from which you derived more than 5% of your gross income, rather than aggregating all of your investment income.

— If more than 5% of your gross income was gain from the sale of property (not just the selling price), then you should list as a source of income the name of the purchaser, the purchaser's address, and the purchaser's principal business activity. If the purchaser's identity is unknown, such as where securities listed on an exchange are sold through a brokerage firm, the source of income should be listed as "sale of (name of company) stock," for example.

— If more than 5% of your gross income (or, alternatively, \$2,500) was in the form of interest from one particular financial institution (aggregating interest from all CD's, accounts, etc., at that institution), list the name of the institution, its address, and its principal business activity.

### PART B — SECONDARY SOURCES OF INCOME

[Required by s. 112.3145(3)(a)2 or (b)2, F.S.]

This part is intended to require the disclosure of major customers, clients, and other sources of income to businesses in which you own an interest. It is not for reporting income from second jobs. That kind of income should be reported as a "Primary Source of Income," if it meets the reporting threshold. You will **not** have anything to report **unless** during the disclosure period:

- (1) You owned (either directly or indirectly in the form of an equitable or beneficial interest) more than 5% of the total assets or capital stock of a business entity (a corporation, partnership, LLC, limited partnership, proprietorship, joint venture, trust, firm, etc., doing business in Florida); **and**
- (2) You received more than 10% of your gross income from that business entity; **and**
- (3) You received more than \$1,500 in gross income from that business entity.

If your interests and gross income exceeded these thresholds, then for that business entity you must list every source of income to the business entity which exceeded 10% of the business entity's gross income (computed on the basis of the business entity's most recently completed fiscal year), the source's address, and the source's principal business activity.

**Examples:**

— You are the sole proprietor of a dry cleaning business, from which you received more than 10% of your gross income—an amount that was more than \$1,500. If only one customer, a uniform rental company, provided more than 10% of your dry cleaning business, you must list the name of the uniform rental company, its address, and its principal business activity (uniform rentals).

— You are a 20% partner in a partnership that owns a shopping mall and your partnership income exceeded the thresholds listed above. You should list each tenant of the mall that provided more than 10% of the partnership's gross income, the tenant's address and principal business activity.

## **PART C — REAL PROPERTY**

[Required by s. 112.3145(3)(a)3 or (b)3, F.S.]

In this part, list the location or description of all real property in Florida in which you owned directly or indirectly at any time during the previous tax year in excess of 5% of the property's value. You are not required to list your residences and vacation homes.

Indirect ownership includes situations where you are a beneficiary of a trust that owns the property, as well as situations where you are more than a 5% partner in a partnership or stockholder in a corporation that owns the property. The value of the property may be determined by the most recently assessed value for tax purposes, in the absence of a more current appraisal.

The location or description of the property should be sufficient to enable anyone who looks at the form to identify the property. A street address should be used, if one exists.

## **PART D — INTANGIBLE PERSONAL PROPERTY**

[Required by s. 112.3145(3)(a)3 or (b)3, F.S.]

Describe any intangible personal property that, at any time during the disclosure period, was worth more than 10% of your total assets, and state the business entity to which the property related. Intangible personal property includes things such as cash on hand, stocks, bonds, certificates of deposit, vehicle leases, interests in businesses, beneficial interests in trusts, money owed you, Deferred Retirement Option Program (DROP) accounts, the Florida Prepaid College Plan, and bank accounts. Intangible personal property also includes investment products held in IRAs, brokerage accounts, and the Florida College Investment Plan. Note that the product *contained in* a brokerage account, IRA, or the Florida College Investment Plan is your asset—not the account or plan itself. Things like automobiles and houses you own, jewelry, and paintings are not intangible property. Intangibles relating to the same business entity may be aggregated; for example, CD's and savings accounts with the same bank.

**Calculations:** In order to decide whether the intangible property exceeds 10% of your total assets, you will need to total the fair market value of all of your assets (including real property, intangible property, and tangible personal property such as jewelry, furniture, etc.). When making this calculation, do not subtract any liabilities (debts) that may relate to the property. Multiply the total figure by 10% to arrive at the disclosure threshold. List only the intangibles that exceed this threshold amount. The value of a leased vehicle is the vehicle's present value minus the lease residual (a number which can be found on the lease document). Property that is only jointly owned property should be valued according to the percentage of your joint ownership. Property owned as tenants by the entirety or as joint tenants with right of survivorship should be valued at 100%. None of your calculations or the value of the property have to be disclosed on the form.

**Example:**

You own 50% of the stock of a small corporation that is worth \$100,000, the estimated fair market value of your home and other property (bank accounts, automobile, furniture, etc.) is \$200,000. As your total assets are worth \$250,000, you must disclose intangibles worth over \$25,000. Since the value of the stock exceeds this threshold, you should list "stock" and the name of the corporation. If your accounts with a particular bank exceed \$25,000, you should list "bank accounts" and bank's name.

## **PART E — LIABILITIES**

[Required by s. 112.3145(3)(a)4 or (b)4, F.S.]

List the name and address of each creditor to whom you owed any amount that, at any time during the disclosure period, exceeded your net worth. You are not required to list the amount of any debt or your net worth. You do not have to disclose: credit card and retail installment accounts, taxes owed (unless reduced to a judgment), indebtedness on a life insurance policy owed to the company of issuance, or contingent liabilities. A "contingent liability" is one that will become an actual liability only when one or more future events occur or fail to occur, such as where you are liable only as a guarantor, surety, or endorser on a promissory note. If you are a "co-maker" and have signed as being jointly liable or jointly and severally liable, then this is not a contingent liability.

**Calculations:** In order to decide whether the debt exceeds your net worth, you will need to total all of your liabilities (including promissory notes, mortgages, credit card debts, judgments against you, etc.). The amount of the liability of a vehicle lease is the sum of any past-due payments and all unpaid prospective lease payments. Subtract the sum total of your liabilities from the value of all your assets as calculated above for Part D. This is your "net worth." You must list on the form each creditor to whom your debt exceeded this amount unless it is one of the types of indebtedness listed in the paragraph above (credit card and retail installment accounts, etc.). Joint liabilities with others for which you are "jointly and severally liable," meaning that you may be liable for either your part or the whole of the obligation, should be included in your calculations at 100% of the amount owed.

**Examples:**

— You owe \$15,000 to a bank for student loans, \$5,000 for credit card debts, and \$60,000 (with spouse) to a savings and loan for a home mortgage. Your home (owned by you and your spouse) is worth \$80,000 and your other property is worth \$20,000. Since your net worth is \$20,000 (\$100,000 minus \$80,000), you must report only the name and address of the savings and loan.

## **PART F — INTERESTS IN SPECIFIED BUSINESSES**

[Required by s. 112.3145(5), F.S.]

The types of businesses covered in this disclosure include: state and federally chartered banks; state and federal savings and loan associations; cemetery companies; insurance companies; mortgage companies; credit unions; small loan companies; alcoholic beverage licensees; pari-mutuel wagering companies, utility companies, entities controlled by the Public Service Commission; and entities granted a franchise to operate by either a city or a county government.

You are required to disclose in this part of the form the fact that you owned during the disclosure period an interest in, or held any of certain positions with, particular types of businesses listed above. You are required to make this disclosure if you own or owned (either directly or indirectly in the form of an equitable or beneficial interest) at any time during the disclosure period more than 5% of the total assets or capital stock of one of the types of business entities listed above. You also must complete this part of the form for each of these types of businesses for which you are, or were at any time during the disclosure period, an officer, director, partner, proprietor, or agent (other than a resident agent solely for service of process).

If you have or held such a position or ownership interest in one of these types of businesses, list the name of the business, its address and principal business activity, and the position held with the business (if any). If you own(ed) more than a 5% interest in the business, you must indicate that fact and describe the nature of your interest.

**(End of Percentage Thresholds Instructions.)**

# AFFIDAVIT OF UNDUE BURDEN

(Section 99.097(4), Florida Statutes)

**IMPORTANT: (1) Paying signature gatherers will preclude or invalidate the filing of an undue burden oath.** Section 99.097(6), Florida Statutes, provides: (a) If any person is paid to solicit signatures on a petition, an undue burden oath may not subsequently be filed in lieu of paying the fee to have signatures verified for that petition. (b) If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted to the supervisor of elections and any submitted thereafter shall be paid by the candidate, person, or organization that submitted the undue burden oath. If contributions as defined in s. 106.011 are received, any monetary contributions must first be used to reimburse the supervisor of elections for any signature verification fees that were not paid because of the filing of the undue burden oath. [Note: The second sentence in (b) applies only when payment is made to a signature gatherer after an undue burden oath had been filed.]

**(2) Upon a candidate terminating the campaign,** any candidate who qualified by the petition process and who has surplus funds, must first apply the surplus funds to the reimbursement of the signature verification fee (if applicable) and thereafter to the election assessment. See s. 106.141(6), Florida Statutes.

\*\*\*\*\*

I certify under oath that I intend to qualify as a candidate for the office of \_\_\_\_\_ and that I am unable to pay the fee for verification of petition signatures for that office without imposing an undue burden on my personal resources or on resources otherwise available to me.

X

<b>Signature of Candidate</b>		<b>Print Candidate's Name</b>
<b>Address</b>		<b>City</b>
		(     )
<b>State</b>	<b>Zip</b>	<b>Telephone Number</b>

State of Florida  
 County of \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_  
 by \_\_\_\_\_.

Personally Known: \_\_\_\_\_ or

Produced Identification: \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

\_\_\_\_\_  
**Signature of Notary Public – State of Florida**  
 Print, Type or Stamp Commissioned Name of  
 Notary Public

**CANDIDATE OATH -  
CANDIDATE WITH NO PARTY AFFILIATION**

**OFFICE USE ONLY**

**OATH OF CANDIDATE**

(Section 99.021, Florida Statutes)

I, \_\_\_\_\_  
(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT \* - NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate with no party affiliation for the office of \_\_\_\_\_, \_\_\_\_\_  
(office) (district #)  
\_\_\_\_\_ County, Florida;  
(circuit #) (group or seat #); I am a qualified elector of \_\_\_\_\_

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

**X**

( )

Signature of Candidate

Telephone Number

Email Address

Address

City

State

Zip Code

Candidate's Florida Voter Registration Number (located on your voter information card): \_\_\_\_\_

\* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):  
\_\_\_\_\_

**STATE OF FLORIDA**

**COUNTY OF** \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Personally Known: \_\_\_\_\_ or

Produced Identification: \_\_\_\_\_

Type of Identification Produced: \_\_\_\_\_

\_\_\_\_\_  
**Signature of Notary Public**

Print, Type, or Stamp Commissioned Name of Notary Public

# INSTRUCTIONS: INSERTING PHONETIC SPELLING OF CANDIDATE'S NAME FOR AUDIO BALLOT

Use the PRONUNCIATION KEY below to provide pronunciations for ambiguous first names and surnames. Capitalize STRESSED syllables, use lower case for unstressed syllables. Use dashes (-) to separate syllables. You should also add any notes such as rhyming examples, silent letters, *etc.*

### Samples:

PRONUNCIATION KEY Stressed Vowel Sounds	
EE	(FEET) <i>feet</i>
I	(FIT) <i>fit</i>
E	(BED) <i>bed</i>
A	(KAT) <i>cat</i> (KAD) <i>cad</i>
AH	(FAH-thur) <i>father</i> (PAHR) <i>par</i>
AH	(HAHT) <i>hot</i> (TAH-dee) <i>toddy</i>
UH	(FUHJ) <i>fudge</i> (FLUHD) <i>flood</i>
UH	(CHUHRCH) <i>church</i>
AW	(FAWN) <i>fawn</i>
U	(FUL) <i>full</i>
OO	(FOOD) <i>food</i>
OU	(FOUND) <i>found</i>
O	(FO) <i>foe</i>
EI	(FEIT) <i>fight</i>
AI	(FAIT) <i>fate</i>
OI	(FOIL) <i>foi</i>
YOO	(FYOOR-ee-uhs) <i>furious</i>

NAME ON BALLOT	PRONOUNCED AS
Mishaud	mee-SHO ('d' is silent)
Jahn	HAHN (rhyme: fawn)
Beauprez	boo-PRAI (rhyme: hooray)
Maniscalco	man-uh-SKAL-ko
Tangipahoa	TAN-ji-pah-HO-uh
Monte	Mahn-TAI
Tanya	TAWN-yuh (not TAN)

Unstressed Vowel Sounds	
uh	(SO-fuh) <i>sofa</i> (FING-guhr) <i>finger</i>

Certain Vowel Sounds with R	
AHR	(PAHR) <i>par</i>
ER	(PER) <i>pair</i>
IR	(PIR) <i>peer</i>
OR	(POR) <i>pour</i>
OOR	(POOR) <i>poor</i>
UHR	(PUHR) <i>purr</i>

Consonant Sounds			
B	(BED) <i>bed</i>	TS	(ITS) <i>its</i> (PITS-feeld) <i>Pittsfield</i>
D	(DET) <i>debt</i>	TH	(THEI) <i>Thigh</i>
F	(FED) <i>fed</i>	TH	(THEI) <i>Thy</i>
G	(GET) <i>get</i>	ZH	(A-zuhr) <i>azure</i> (Vi-zuhn) <i>vision</i>
H	(HED) <i>head</i>	Z	(GOODZ) <i>goods</i> (HUH-buhz-tuhn) <i>Hubbardston</i>
HW	(HWICH) <i>which</i>		
J	(JUHG) <i>jug</i>		
K	(KAD) <i>cad</i>		
L	(LAIM) <i>lame</i>		
M	(MAT) <i>mat</i>		
N	(NET) <i>net</i>		
NG	(SING-uhr) <i>singer</i>		
P	(PET) <i>pet</i>		
R	(RED) <i>red</i>		
S	(SET) <i>set</i>		
T	(TEN) <i>ten</i>		
V	(VET) <i>vet</i>		
Y	(YET) <i>yet</i>		
W	(WICH) <i>witch</i>		
CH	(CHUCRCH) <i>church</i>		
SH	(SHEEP) <i>sheep</i>		

**NOTE:** This page should not be submitted to the filing officer.

**CANDIDATE OATH -  
WRITE-IN CANDIDATE**

(Not for use by Judicial or  
School Board Candidates)

**OFFICE USE ONLY**

**OATH OF CANDIDATE**

(Section 99.021, Florida Statutes)

I, \_\_\_\_\_  
(PLEASE PRINT NAME)

am a write-in candidate for the office of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_,  
(office) (district #) (circuit #)  
\_\_\_\_\_ ; I am a qualified elector of \_\_\_\_\_ County, Florida; I am qualified  
(group or seat #)

under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

**X**

( )

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Email Address

\_\_\_\_\_  
Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): \_\_\_\_\_

**STATE OF FLORIDA**

**COUNTY OF** \_\_\_\_\_

Sworn to (or affirmed) and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Personally Known: \_\_\_\_\_ or

Produced Identification: \_\_\_\_\_

Type of Identification Produced:  
\_\_\_\_\_

\_\_\_\_\_  
Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public

# CANDIDATE PETITION

**Notes:** - All information on this form becomes a public record upon receipt by the Supervisor of Elections.  
- It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes]  
- If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.

I, \_\_\_\_\_ the undersigned, a registered voter  
(print name as it appears on your voter information card)

in said state and county, petition to have the name of \_\_\_\_\_  
placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]

Nonpartisan  No party affiliation  \_\_\_\_\_ Party candidate for the office of

\_\_\_\_\_  
(insert title of office and include district, circuit, group, seat number, if applicable)

Date of Birth or Voter Registration Number  
(MM/DD/YY)

Address

City

County

State

Zip Code

Signature of Voter

Date Signed (MM/DD/YY)  
[to be completed by Voter]

**DE 86-06 - May 1, 1986**

**Ballot Name;  
Use of Nickname  
Section 99.021, Florida Statutes**

*To: Honorable Ann Robinson, Supervisor of Elections, Indian River County, 1840 - 25th Street, Suite N-109, Vero Beach, Florida 32960-3394*

*Prepared by: Division of Elections*

This is in response to your request for an advisory opinion pursuant to Section 106.23(2), Florida Statutes, regarding the use by a candidate as defined by the Florida Election Code, Chapters 97-106, Florida Statutes, of his or her proper name or nickname for appearance on the ballot.

Section 99.021, Florida Statutes, requires each candidate to include in his or her oath of candidacy the name as the candidate wishes it to appear on the ballot and directs certification of the name by the qualifying officer to the appropriate supervisor of elections so that the name may thus be printed on the ballot. Under common law principles, not abrogated by Florida law, a name consists of one Christian or given name and one surname, patronymic or family name; therefore, the name printed on the ballot ordinarily should be the Christian or given name and surname, 29 C.J.S. Elections §161. In Florida, a person's legal name is his Christian or given name and family surname, Carlton vs. Phalan, 100 Fla. 1164, 131 So. 117 (1930).

However, it has been determined that any name by which a candidate is known is sufficient on a ballot, and a person is legally permitted to have printed on the ballot the name which the candidate has adopted and under which he or she transacts private and official business, 29 C.J.S. Elections §161.

With regard to the use of nicknames, the Florida Attorney General determined many years ago that there appears to be no objection to including the nickname of a candidate by which he or she is generally known, along with the candidate's name, on the ballot.

Descriptive information such as a title (for example, Dr. or M.D.), although not part of a person's name, is permissible only when two persons of the same name or whose names are so similar as to reasonably cause confusion, seek the same office. See State vs. Murphy, 122 Ohio St. 620, 174 N.E. 252 (1930).

Election officials, however, may be justified in refusing to print on the ballot a candidate's nickname when it is not shown that the nickname ever was used by the candidate as part of his legal name, and such officials may be equally justified in refusing to print on the ballot a candidate's choice of a name which has not been adopted by him or her and under which the candidate has not transacted private and official business. See C.J.S. Elections §161.

In summary, ordinarily a candidate must use his or her Christian or given name and surname, unless it

**can be shown that the candidate is known by another name which he or she has adopted and under which he or she transacts private and official business. In addition, a candidate may use a legitimate nickname and, where confusion would result, the candidate may use a descriptive designation.**



## FLORIDA DEPARTMENT *of* STATE

**CHARLIE CRIST**  
Governor

**KURT S. BROWNING**  
Secretary of State

July 15, 2009

Ms. Priscilla A. Thompson  
City of Miami  
Office of the City Clerk  
3500 Pan American Drive  
Miami, Florida 33133

RE: DE 09-05  
Qualifying – Role of Qualifying Officer;  
Candidate nickname; §§ 99.021(1), 99.061(7),  
100.3605(1), and 104.011(1), Florida Statutes

Dear Ms. Thompson:

This letter responds to your request for an advisory opinion. You are the City Clerk for the City of Miami and serve as the filing officer for municipal candidates submitting qualification paperwork for Miami's municipal elections; therefore, the Division has the authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2008).

You ask essentially the following questions:

1. Does the filing officer have the authority to reject qualification papers which on their face appear in proper order and which comply with applicable qualifying requirements if an opposing candidate challenges the veracity of the documents' contents?
2. What level of scrutiny must a filing officer apply to ascertain whether a prospective candidate legitimately has a nickname that is eligible for placing on the ballot?

You also ask a third question: "Is the City Clerk, when acting as both the election officer and notary, compelled to ascertain the veracity of the statements sworn to by the prospective candidate before she notarizes the candidate's documents?" To the extent that this question asks about a notary public's duty, the Division of Elections does not have the authority to respond because an answer would involve an interpretation of chapter 117, Florida Statutes (2008). The Division's authority is limited to provide advisory opinions about Florida's Election Code (chapters 97 - 106, Florida Statutes). If your third question is not adequately addressed in the Division's response to Question #1, you may wish to request an opinion from Florida's Attorney

General regarding a notary public's duty to verify the accuracy of the information being notarized.

With regard to Question #1, the short answer is "no."

Your letter states that a candidate asked you to disqualify an opposing candidate because the opposing candidate had filed an affidavit of financial hardship "despite [his] ownership in a home conservatively valued at \$750,000 as evidenced in his Statement of Financial Interests."

Under section 99.061(7), Florida Statutes (2008), in order for a candidate to be qualified for office, certain items must be received by the filing officer before the qualifying period ends. Such items include the candidate oath required by s. 99.021(1), Florida Statutes (2008), in which the candidate must appear before an officer authorized to administer oaths, and either swear or affirm, among other statements, "that he or she is qualified to hold the office to which he or she desires to be nominated or elected." Prior opinions by the Division of Elections,<sup>1</sup> the Attorney General,<sup>2</sup> and the Florida Supreme Court<sup>3</sup> consistently state that a filing officer to whom candidates submit their qualifying papers performs a purely ministerial function and that the filing officer must accept completed qualifying papers submitted under oath or affirmation. The most relevant and succinct pronouncements come from the Florida Supreme Court which has twice addressed the Secretary of State's role as the filing officer for candidates for the Florida House of Representatives (which we believe is analogous to the role of other filing officers for candidates under the Election Code). First, the court stated:

[T]he Secretary of State is without authority to pass judgment on questions de hors<sup>4</sup> the filing instruments concerning the qualifications of candidates. That is a question that can only be decided by a court of competent jurisdiction.<sup>5</sup>

Thereafter, the court stated:

Once the candidate states his compliance, under oath, the Secretary's ministerial determination of eligibility for the office is at an end. Any challenge to the correctness of the candidate's statement of compliance is for appropriate judicial determination upon any challenge properly made. . . .<sup>6</sup>

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<sup>1</sup> *Division of Elections Opinion* 04-05 (May 27, 2004); *Division of Elections Opinion* 00-09 (August 22, 2000); *Division of Elections Opinion* 82-22 (August 31, 1982); *Division of Elections Opinion* 80-27 (August 21, 1980); and *Division of Elections Opinion* 78-305 (August 3, 1978).

<sup>2</sup> *Op. Att'y Gen.* Fla. 76-130 (1976); *Op. Att'y Gen.* Fla. 74-293 (1974); *Op. Att'y Gen.* Fla. 72-224 (1972); and *Op. Att'y Gen.* Fla. 58-231 (1958).

<sup>3</sup> *Shevin v. Stone*, 279 U.S. 17 (Fla. 1972); *Cherry v. Stone*, 265 So. 2d. 56 (Fla. 1972); *Hall v. Hildebrand*, 168 So. 531 (Fla. 1936); and *Davis v. Crawford*, 116 So. 41 (Fla. 1928).

<sup>4</sup> "Dehors" is a French term used to mean "outside" or "beyond the scope of." *Black's Law Dictionary* (8<sup>th</sup> ed. 2004).

<sup>5</sup> *Cherry v. Stone*, 265 So. 2d 56, 58 (Fla. 1972).

<sup>6</sup> *Shevin v. Stone*, 279 So. 2d 17, 22 (Fla. 1972).

We adhere to these opinions. A filing officer governed by Florida's Election Code may not reject qualifying documents when they appear complete on their face and are properly executed under oath or affirmation. An opposing candidate's recourse to question the correctness of an opposing candidate's qualifications is to challenge the qualifications in a competent court of law.

The rationale explained above would not allow you as the qualifying officer to go beyond the four corners of the financial hardship affidavit submitted as part of the candidate's qualifying paperwork in determining the veracity of the underlying facts in the affidavit. However, our response to Question #1 is necessarily limited to the application of the Election Code and may not cover the particular duties of a municipal filing officer specified by a municipal charter or ordinance. Section 100.3605, Florida Statutes (2008), permits a municipality to change the applicability of any provision of the Election Code that does not expressly apply to municipalities. Section 100.3605(1) states:

The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision. No charter or ordinance provision shall be adopted which conflicts with or exempts a municipality from any provision in the Florida Election Code that expressly applies to municipalities.

As an attachment to your request, you included provisions of Miami's municipal charter and code. The Division of Elections has no authority to interpret provisions of a municipal charter or code; therefore, the Division does not render an opinion regarding whether your charter and code impose any greater duty on you than that placed upon a filing officer governed solely by Florida's Election Code.

Regarding Question #2, the short answer is that a filing officer may require a candidate to make a satisfactory showing that the candidate has been generally known by the nickname or the candidate has used the nickname as part of the candidate's legal name.

Your request for an advisory opinion states that a candidate had listed his name on the candidate oath form as he desired it to appear with "Ambassador" between his first and last names, with the candidate indicating that "Ambassador" was his nickname, not a title. An opposing candidate questioned the appropriateness of this nickname being included on the ballot alleging that you had no proof before you that the candidate used this nickname.

The Election Code and Florida case law are silent regarding the definition or the wording of a candidate's name, except section 99.021, Florida Statutes (2008), which instructs the candidate as part of the candidate's oath to "please print name as you wish it to appear on the ballot." This statement seemingly provides the candidate with freedom to determine how he or she wants the name to appear. However, we believe the definition of "name" in the statute should be given its ordinary and usual meaning, that is, the designation by which the person is commonly known and

others call him or her.<sup>7</sup> Therefore, the name should not be one made up solely for purposes of the election.<sup>8</sup>

In *Division of Elections Opinion 86-06* (May 1, 1986), we opined that

it has been determined that any name by which a candidate is known is sufficient on a ballot, and a person is legally permitted to have printed on the ballot the name which the candidate has adopted and under which he or she transacts private and official business, 29 C.J.S. Elections §161.

*With regard to the use of nicknames*, the Florida Attorney General determined many years ago that *there appears to be no objection to including the nickname of a candidate by which he or she is generally known, along with the candidate's name, on the ballot.* [*Op. Att'y Gen. Fla. 51-343 (1951).*] . . .

*Election officials, however, may be justified in refusing to print on the ballot a candidate's nickname when it is not shown that the nickname ever was used by the candidate as part of his legal name*, and such officials may be equally justified in refusing to print on the ballot a candidate's choice of a name which has not been adopted by him or her and under which the candidate has not transacted private and official business. See C.J.S. Elections §161.

In summary, ordinarily a candidate must use his or her Christian or given name and surname, unless it can be shown that the candidate is known by another name which he or she has adopted and under which he or she transacts private and official business. In addition, *a candidate may use a legitimate nickname . . . .* [*Emphasis supplied.*]

We adhere to these statements. Notwithstanding the historical view that the filing officer performs a ministerial function, the 1986 opinion recognized that a filing officer may require a candidate to make a satisfactory showing that he or she is generally known by the nickname or that the candidate has used the nickname as part of his or her legal name. As discussed with respect to Question #1, a municipality may by charter or ordinance prescribe more specific duties for the filing officer in municipal elections regarding the verifications of nicknames. See § 100.3605(1), Fla. Stat. (2008).

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<sup>7</sup> 26 Am. Jur. 2d *Elections* § 293 (2009).

<sup>8</sup> See, e.g., *Planas v. Planas*, 937 So. 2d 745 (Fla. 3DCA 2006), where the court disqualified a candidate when he chose a name for ballot designation that was similar to the name by which the incumbent was widely known and which name had not been adopted or used by the candidate to transact private and official business. The court held that a candidate's use of "a stratagem clearly intended to deceive and confuse voters with the incumbent ... simply cannot be permitted."

Ms. Priscilla A. Thompson  
July 15, 2009  
Page 5 of 5

SUMMARY

A filing officer governed by Florida's Election Code may not reject qualifying documents when they appear complete on their face and are executed under oath or affirmation. An opposing candidate's recourse to question the correctness of an opposing candidate's qualifications when the opponent has sworn or affirmed that he or she is qualified to hold the office is to challenge the qualifications in a competent court of law.

Before a candidate's nickname is printed on the ballot, a filing officer may require a candidate to make a satisfactory showing that the candidate has been generally known by the nickname or the candidate has used the nickname as part of the candidate's legal name.

Notwithstanding the above statements, a municipality may by charter or ordinance under section 100.3605(1), Florida Statutes (2008), prescribe more specific duties for the municipal filing officer regarding the verification of a candidate's qualifying papers or use of a nickname in its elections.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Palmer', with a long horizontal line extending to the right.

Donald L. Palmer  
Director, Division of Elections



## FLORIDA DEPARTMENT *of* STATE

CHARLIE CRIST  
Governor

DAWN K. ROBERTS  
Interim Secretary of State

### IMPORTANT NOTICE

TO: All Candidates Qualifying with the Division of Elections

FROM: Donald L. Palmer, Director  
Division of Elections *DP*

DATE: May 11, 2010

SUBJECT: Use of Nickname on Ballot

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### NOTICE TO CANDIDATES QUALIFYING WITH THE DIVISION OF ELECTIONS<sup>1</sup>

The candidate oath form that must be filed during the qualifying period requires you to designate your "name as you wish it to appear on ballot." Case law and Division of Elections Opinions 86-06 and 09-05 permit a nickname to be printed on the ballot along with one's surname when the nickname is one by which the person is generally known or one that the person has used as part of his or her legal name. For example, if John Jones is generally known as Bo Jones, permissible designations on the ballot may be John "Bo" Jones, John (Bo) Jones, Bo Jones, or John Jones. The Division of Elections opinions recognize that a qualifying officer may require the candidate to make a satisfactory showing that the candidate is generally known by the nickname or the nickname has been used as part of the candidate's legal name before a nickname is printed on the ballot.

If you plan to designate a nickname on your candidate oath form other than a generally recognized shortened version of your legal name (e.g., "Rob" or "Bob" for Robert, "Bill" for William, "DJ" for David Joseph, *etc.*), you should provide notice of your intention to the Division of Elections well in advance of the qualifying period and make a satisfactory showing that you are generally known by the nickname or that you have used the nickname as part of your legal name. Failure to provide such information in advance may result in

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<sup>1</sup> If you are a candidate who does not qualify with the Division of Elections and you desire to have your nickname printed on the ballot, you should contact your qualifying officer well in advance of the qualifying period to find out what the qualifying officer's requirements are to allow your nickname to be printed on the ballot.

All Candidates Qualifying with the Division of Elections

May 11, 2010

Page 2

**the Division not having sufficient time during the qualifying period to determine if the nickname may be printed the ballot.**

Attached to this Notice is an example of an Affidavit that also mentions supporting documentation that you may consider submitting to the Division of Elections in advance to show that the nickname is legitimate.

**NOTE:** Division of Elections Opinion 86-06 states: Descriptive information such as a title (for example, Dr. or M.D.), although not part of a person's name, is permissible only when two persons of the same name or whose names are so similar as to reasonably cause confusion, seek the same office." Therefore, ordinarily, even if a candidate is commonly referred to as "Doctor," "Professor," or "Colonel," those titles would not be allowed as a nickname or as a part of a nickname unless such descriptive information is reasonably necessary to avoid confusion among candidates.

KRB/kfg

Sample Affidavit for Use of Nickname on Ballot  
**AFFIDAVIT OF (Insert legal name of candidate)**

STATE OF FLORIDA  
COUNTY OF \_\_\_\_\_

BEFORE ME, the undersigned authority, personally appeared (insert legal name of candidate), who being first duly sworn or placed under affirmation, says:

1. My legal name is \_\_\_\_\_. I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

2. I am a candidate for the office of \_\_\_\_\_.

3. My nickname is \_\_\_\_\_. I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. I plan to designate this nickname on my candidate oath as the name I wish to have printed on the ballot when I submit the candidate oath form during the qualifying period for the above office.

4. Attached are (insert #) documents that show that my nickname is one by which I am generally known or is one that I have used as a part of my legal name: (list the title of any documents or affidavits from other persons reflecting that the candidate is generally known by the nickname or that it has been used as part of the candidate's legal name).

Further, affiant sayeth not.

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Printed/Typed Name of Affiant

Sworn to and subscribed before me this \_\_\_\_ day of \_\_\_\_\_ 20\_\_ by (insert legal name of candidate).

(SEAL)

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Printed Name

Personally known \_\_\_\_\_ or Produced Identification \_\_\_\_\_

Type of Identification Produced \_\_\_\_\_

**TOWN OF LAKE PARK**



**RECEIPT OF NOTICE FOR TESTING OF EQUIPMENT**

**I, \_\_\_\_\_, a candidate for the office of  
Town Commissioner in the Town of Lake Park, Florida,  
hereby acknowledge the receipt of the written notice prepared  
by the Town Clerk of the Town of Lake Park advising the date  
and location for testing of computer electronics system  
tabulation equipment to be used in the General Election to be  
held on March 15, 2016.**

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

Witness:  
  
\_\_\_\_\_

OFFICE USE ONLY

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

I, \_\_\_\_\_,

candidate for the office of \_\_\_\_\_;

have been provided access to read and understand the requirements of

Chapter 106, Florida Statutes.

X

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).



**DESIGNATION OF POLL WATCHERS – Continuation Page**  
**(Enter Page Number on Bottom of Page)**

This form becomes a public record when submitted to the Supervisor of Elections.

1. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
2. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
3. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
4. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
5. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
6. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
7. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
8. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	
9. Printed Name: _____	Date of Birth (mm/dd/yy): _____
Address: _____	
Location of Polling Room or Early Voting Site: _____	

Select Year:  

## The 2014 Florida Statutes

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[Title IX](#)

## ELECTORS AND ELECTIONS

[Chapter 101](#)

## VOTING METHODS AND PROCEDURE

[View Entire Chapter](#)**101.131** **Watchers at polls.**—

(1) Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. The poll watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. The poll watchers shall pose any questions regarding polling place procedures directly to the clerk for resolution. They may not interact with voters. Each poll watcher shall be a qualified and registered elector of the county in which he or she serves.

(2) Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing to the supervisors of elections, on a form prescribed by the division, before noon of the second Tuesday preceding the election poll watchers for each polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the supervisor of elections, on a form prescribed by the division, before noon at least 14 days before early voting begins. The poll watchers for polling rooms shall be approved by the supervisor of elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the supervisor of elections no later than 7 days before early voting begins. The supervisor shall furnish to each election board a list of the poll watchers designated and approved for such polling rooms or early voting areas. Designation of poll watchers shall be made by the chair of the county executive committee of a political party, the chair of a political committee, or the candidate requesting to have poll watchers.

(3) No candidate or sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher.

(4) All poll watchers shall be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated if the number of poll watchers at any particular polling place does not exceed the number provided in this section.

(5) The supervisor of elections shall provide to each designated poll watcher, no later than 7 days before early voting begins, a poll watcher identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while in the polling room or early voting area.

**History.**—s. 3-D, ch. 22018, 1943; s. 5, ch. 26870, 1951; s. 18, ch. 29934, 1955; s. 6, ch. 65-380; s. 13, ch. 77-175; s. 3, ch. 87-184; s. 14, ch. 87-363; s. 18, ch. 89-338; s. 555, ch. 95-147; s. 61, ch. 2001-40; s. 28, ch. 2005-277; s. 27, ch. 2011-40.

**Note.**—Former s. 100.45.



Dates to remember for the March 15, 2016 Municipal Election:

As soon as possible	Appointment of a Campaign Treasurer – this will allow a resident to be a candidate for the 2016 election.
October 27, 2015	Alternate method of qualifying – Candidate Petition – due to the Town Clerk’s Office. The petitions would then be forwarded to the Palm Beach County Supervisor of Election for verification of signatures.
November 18, 2015	If the Commission chooses to have a ballot question on the 2016 municipal ballot, first reading of the Ordinance language must appear no later than this date.
December 2, 2015	Second reading of the ballot question Ordinance, if applicable.
November 24, 2015 Noon	Qualifying for Commissioner of the Town of Lake Park begins.
December 8, 2015 Noon	Qualifying for Commissioner of the Town of Lake Park ends.
March 1, 2016	List of Poll Watchers due to the Town Clerk’s Office. The list would then be forwarded to the Palm Beach County Supervisor of Elections for verification.

2015 Calendar of Campaign Treasurer’s Report reporting dates: These reports begin as soon as a person becomes a candidate for the 2016 election.

Covered Period	Report Code	Due Date
June 1, 2015 – June 30, 2015	M 6	July 10, 2015
July 1, 2015 – July 30, 2015	M 7	August 10, 2015
August 1, 2015 – August 31, 2015	M 8	September 10, 2015
September 1, 2015 – September 30, 2015	M 9	October 13, 2015
October 1, 2015 – October 31, 2015	M 10	November 10, 2015
November 1, 2015 – November 30, 2015	M 11	December 10, 2015
December 1, 2015 – December 31, 2015	M 12	January 11, 2016
January 1, 2016 – January 31, 2016	M 1	February 10, 2016
February 1, 2016 – February 29, 2016	M 2	March 10, 2016

# CAMPAIGN TREASURER'S REPORT SUMMARY

(1) \_\_\_\_\_  
Name

(2) \_\_\_\_\_  
Address (number and street)

\_\_\_\_\_  
City, State, Zip Code

Check here if address has changed

(3) ID Number: \_\_\_\_\_

(4) Check appropriate box(es):

Candidate Office Sought: \_\_\_\_\_

Political Committee (PC)

Electioneering Communications Org. (ECO)

Party Executive Committee (PTY)

Independent Expenditure (IE) (also covers an individual making electioneering communications)

Check here if PC or ECO has disbanded

Check here if PTY has disbanded

Check here if no other IE or EC reports will be filed

OFFICE USE ONLY

### (5) Report Identifiers

Cover Period: From \_\_\_ / \_\_\_ / \_\_\_ To \_\_\_ / \_\_\_ / \_\_\_ Report Type: \_\_\_\_\_

Original       Amendment       Special Election Report

### (6) Contributions This Report

Cash & Checks      \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Loans      \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Total Monetary      \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

In-Kind      \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

### (7) Expenditures This Report

Monetary Expenditures      \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Transfers to Office Account      \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

Total Monetary      \$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

### (8) Other Distributions

\$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

### (9) TOTAL Monetary Contributions To Date

\$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

### (10) TOTAL Monetary Expenditures To Date

\$ \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_

### (11) Certification

**It is a first degree misdemeanor for any person to falsify a public record (ss. 839.13, F.S.)**

I certify that I have examined this report and it is true, correct, and complete:

(Type name)

Individual (only for IE or electioneering comm.)       Treasurer       Deputy Treasurer

**X** \_\_\_\_\_  
Signature

(Type name)

Candidate       Chairperson (only for PC and PTY)

**X** \_\_\_\_\_  
Signature

### Instructions for Campaign Treasurer's Report Summary

(1) **Name:** full name of the candidate, political committee, party executive committee, electioneering communications organization, or individual making an independent expenditure or electioneering communication.

(2) **Address:** the full address or post office box, city, state, and zip code.  
 Check the box if the address has changed since the last report filed.

(3) **ID Number:** identification number assigned by the filing officer.

(4) **Check the appropriate box(es).**

(5) **Report Identifiers**

**Cover Period:** the dates this report covers (i.e., From 1/1/15 To 1/31/55). **Important:** use the appropriate cover period dates as published by the filing officer.

**Report Type:** refer to the filing officer's calendar of reporting dates for the correct codes to be used for each reporting period. If report is for a **special election** add "S" in front of the report code (i.e., SG3).

**Check one of the appropriate boxes:**

Original: first report filed for this reporting period.

Amendment: must summarize only contributions/fund transfers and expenditures/distributions being reported as additions or deletions. Read instructions for sequence numbers and amendment types on the back of Forms DS-DE 13A and 14A.

Special Election Report: **Important:** once a special election report is filed, the entity is required to file all remaining reports due for the special election.

(6) **Contributions This Report:**

Cash and Checks: total amount for this reporting period.

Loans: total amount for this reporting period.

Total Monetary: sum of Cash and Checks and Loans.

In-Kind: the fair market value of the in-kind contribution at the time it is given for this reporting period.

(7) **Expenditures This Report:**

Monetary Expenditures: total amount of monetary expenditures for this reporting period.

Transfers to Office Account: total amount transferred to an office account by elected candidates only.

Total Monetary: sum of Monetary Expenditures and Transfers to Office Account.

(8) **Other Distributions:** the total amount of goods and services contributed to a candidate or other committee by a PC, ECO, or PTY.

(9) **TOTAL Monetary Contributions To Date:** the amount of total monetary contributions to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.

(10) **TOTAL Monetary Expenditures To Date:** the amount of total monetary expenditures to date. Candidates keep cumulative totals from the time the campaign depository is opened through the termination report.

(11) **Type or print the required officer's name and have them sign the report:**

Candidate report: treasurer and candidate must sign.

PC report: treasurer and chairperson must sign.

PTY report: treasurer and chairperson must sign.

ECO report: organization's treasurer must sign.

IE or EC report: individual must sign (this applies when an individual acts alone to make these expenditures)

**AMENDMENT REPORTS:** An amendment report summary should summarize only contributions, expenditures, distributions, & fund transfers being reported as additions or deletions. Read the instructions for the sequence number & amendment type fields on the back of forms DS-DE 13, 14, 14A and 94.

## CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

(1) Name \_\_\_\_\_ (2) I.D. Number \_\_\_\_\_

(3) Cover Period \_\_\_\_ / \_\_\_\_ / \_\_\_\_ through \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (4) Page \_\_\_\_ of \_\_\_\_

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Contributor		(9) Contribution	(10) In-kind	(11) Amendment	(12) Amount
(6) Sequence Number		Type	Occupation	Type	Description		
/ /							
/ /							
/ /							
/ /							
/ /							
/ /							

## INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT – ITEMIZED CONTRIBUTIONS

- (1) Candidate's full name or name of the political committee (PC), electioneering communications organizations (ECO) or party executive committee (PTY).
- (2) The identification number assigned by the filing officer.
- (3) Cover period dates (e.g., 1/1/15 through 1/31/15). (See filing officer's reporting dates calendar for appropriate year and cover periods.)
- (4) Page numbers (e.g., 1 of 3).
- (5) Date contribution was RECEIVED (Month/Day/Year).
- (6) **Sequence Number** – Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting amendments.  
For example, a M1 report having 75 contributions would use sequence numbers 1 through 75. The next report (M2), comprised of 40 contributions would use sequence numbers 1 through 40. Contributions on amended M1 reports would begin with sequence number 76 and on amended M2 reports would begin with sequence number 41. See the *Amendment Type* instructions below.
- (7) Type full name and address of contributor (including city, state and zip code).
- (8) Enter the type of contributor using one of the following codes:  
Occupation of contributor for **contributions over \$100 only**. (If a business, please indicate nature of business.)

I	Individual	
B	Business	(also includes corporations, organizations, groups, etc.)
E	Electioneering Communications Organizations	
F	Political Committee	(federal or state)
P	Political Parties	(includes federal, state and county executive committees)
O	Other	(e.g., candidate surplus funds to party, etc.)
S	Candidate to Self	

- (9) Enter Contribution Type using one of the following codes:  
**NOTE: Cash includes cash and cashier's checks.**

Code	Description
CAS	Cash or Cashier's Check
CHE	Check
COF	Carryover Funds from Previous Campaign
INK	In-Kind
INT	Interest
LOA	Loan
MO	Money Order
MUC	Multiple Uniform Contributions
RCT	Other Receipts
REF	Refund (Negative Amount Only)

- (10) Type the description of any in-kind contribution received. **Candidate's Only – If in-kind contribution is from a party executive committee and is allocable toward the contribution limits, type an "A" in this box. If contribution is not allocable, type an "N".**
- (11) **Amendment Type** (required on amended reports) – To add a new (previously unreported) contribution for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.
- The sequence number for contributions with amendment type "ADD" will start at one plus the number of contributions in the original report. For example, amending an original M1 report that had 75 contributions means the sequence number of the first contribution having amendment type "ADD" will be 76; the second "ADD" contribution would be 77, etc. When amending an original M2 report that had 40 contributions, the sixth "ADD" contribution would have sequence number 46.
- To correct a previously submitted contribution use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the contribution to be corrected. In combination with the report number being amended, this sequence number will identify the contribution to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.
- (12) Type amount of contribution received. **Political Committees ONLY:** Multiple uniform contributions from the same person, aggregating NMT \$250 per calendar year, collected by an organization that is the affiliated sponsor of a PC, may be reported by the PC in an aggregate amount listing the number of contributors together with the amount contributed by each and the total amount contributed during the reporting period. The identity of each person making such uniform contribution must be reported to the filing officer by July 1 of each calendar year, or, in a general election year, NLT the 60th day immediately preceding the primary election.

## CAMPAIGN TREASURER'S REPORT – ITEMIZED EXPENDITURES

(1) Name \_\_\_\_\_

(2) I.D. Number \_\_\_\_\_

(3) Cover Period \_\_\_\_ / \_\_\_\_ / \_\_\_\_ through \_\_\_\_ / \_\_\_\_ / \_\_\_\_

(4) Page \_\_\_\_ of \_\_\_\_

(5) Date	(7) Full Name (Last, Suffix, First, Middle) Street Address & City, State, Zip Code	(8) Purpose (add office sought if contribution to a candidate)	(9) Expenditure Type	(10) Amendment	(11) Amount
(6) Sequence Number					
/ /					
/ /					
/ /					
/ /					
/ /					
/ /					

## INSTRUCTIONS FOR CAMPAIGN TREASURER'S REPORT - ITEMIZED EXPENDITURES

- (1) Candidate's full name or name of the political committee (PC), electioneering communications organization (ECO), or party executive committee (PTY).
- (2) Identification number assigned by the filing officer.
- (3) Cover period dates (01/01/15 through 01/31/15). (See filing officer's reporting dates calendar for appropriate cover periods.)
- (4) Page numbers (e.g., 1 of 3).
- (5) Date of expenditure (Month/Day/Year).
- (6) **Sequence Number** - Each detail line shall have a sequence number assigned to it. Sequence numbers are to be assigned within each reporting period and for each type of detail line. Thus the report type, detail line type, and sequence number will combine to uniquely identify a specific contribution, expenditure, distribution or fund transfer. This method of unique identification is required for responding to requests from the filing officer and for reporting requirements.

For example, a M1 report having 40 expenditures would use sequence numbers 1 through 40. The next report (M2), comprised of 30 expenditures would use sequence numbers 1 through 30. Expenditures on amended M1 reports would begin with sequence number 41 and on amended M2 reports would begin with sequence number 31. See *Amendment Type* instructions below.

- (7) Full name and address of entity receiving payment (including city, state and zip code).
- (8) Purpose of expenditure (if expenditure is a contribution to a candidate, also type the office sought by the candidate). **PLEASE NOTE:** This column does not apply to candidate expenditures, as candidates cannot contribute to other candidates from campaign funds. However, PCs (supporting candidates) and party executive committees contributing to candidates must report office sought (Section 106.07, F.S.).
- (9) Enter Expenditure Type using one of the following codes:

Code	Description
CAN	Candidate Expense
DIS	Disposition of Funds
DFC	Disposition of Funds to Future Campaign (effective 11/1/13)
DPP	Disposition of Funds to Political Party (effective 11/1/13)
DPV	Disposition of Funds to Petition Verification (effective 11/1/13)
ECC	Electioneering Communication
IEC	Independent Expenditure Regarding a Candidate
IEI	Independent Expenditure Regarding an Issue
MON	Monetary (Not to a Candidate)
PCW	Petty Cash Withdrawn
PCS	Petty Cash Spent
PPD	Pre-paid Distribution
REF	Refund (Negative Amount Only)
RMB	Reimbursements
TOA	Transfer to Office Account (Disposition of Funds)

- (10) **Amendment Type** (required on amended reports) - To add a new (previously unreported) expenditure for the reporting period being amended, enter "ADD" in amendment type on a line with ALL of the required data.

The sequence number for expenditures with amendment type "ADD" will start at one plus the number of expenditures in the original report. For example, amending an original M1 reports that had 75 expenditures, means the sequence number of the first expenditure having amendment type "ADD" will be 76; the second "ADD" expenditure would have sequence number 39.

To correct a previously submitted expenditure use the following drop/add procedure. Enter "DEL" in amendment type on a line with the sequence number of the expenditure to be corrected. In combination with the report number being amended, this sequence number will identify the expenditure to be dropped from your active records. On the next line enter "ADD" in amendment type and ALL of the required data with the necessary corrections thus replacing the dropped data. Assign the sequence number as described above.

(11) Amount of expenditure.

# WAIVER OF REPORT

(Section 106.07(7), F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

Name

Office Sought

Address

City

State

Zip Code

Candidate

Political Committee

Party Executive Committee

NOTE: This form does not apply to an electioneering communications organization (ECO). An ECO must file a report (not a waiver) that no reportable contributions or expenditures were made during the reporting period (s. 106.0703(6), F.S.).

Check here if address has changed since last report.

Check here if PC has DISBANDED and will no longer file reports.

## TYPE OF REPORT (Check Appropriate Box and Complete Applicable Line beneath Box)

MONTHLY REPORT

PRIMARY ELECTION

GENERAL ELECTION

OTHER REPORT TYPE

Indicate report #

M \_\_\_\_\_

Indicate report #

P \_\_\_\_\_

Indicate report #

G \_\_\_\_\_

Indicate report type and #  
as applicable:

\_\_\_\_\_

TERMINATION REPORT

SPECIAL ELECTION

## NOTIFICATION OF NO ACTIVITY IN CAMPAIGN ACCOUNT FOR THE REPORTING PERIOD OF

\_\_\_\_\_ THROUGH \_\_\_\_\_

X

Signature

Date

X

Signature

Date

### REQUIRED SIGNATURES FOR:

#### Candidates:

Candidate and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

#### Political Committees:

Chairman and Campaign Treasurer or Deputy Treasurer (s. 106.07(5), F.S.)

#### Party Executive Committees:

Treasurer and Chairman (s. 106.29(2), F.S.)

Except as noted above for an ECO, in any reporting period when there has been no activity in the account (no funds expended or received) the filing of the required report is waived. However, the filing officer must be notified in writing on the prescribed reporting date that no report is being filed.

**CONTRIBUTIONS RETURNED**

(Section 106.07(4)(b), F.S.)

(PLEASE TYPE)

**OFFICE USE ONLY**

This report applies only to contributions received by any candidate, committee, or organization but returned to the contributor before being deposited in the campaign account.

Candidate

Committee or Organization

Full Name: \_\_\_\_\_

Full Address: \_\_\_\_\_

Full Name and Address of Contributor:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount of Contribution: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Full Name and Address of Contributor:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount of Contribution: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Full Name and Address of Contributor:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount of Contribution: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Returned: \_\_\_\_\_

Full Name and Address of Contributor:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Amount of Contribution: \$ \_\_\_\_\_

Date Received: \_\_\_\_\_

Date Returned: \_\_\_\_\_

**I CERTIFY THAT I HAVE EXAMINED THIS REPORT AND IT IS TRUE, CORRECT AND COMPLETE.**

\_\_\_\_\_  
Type or Print Name of Candidate, Treasurer or Chairman

**X** \_\_\_\_\_  
Signature

# REQUEST FOR RETURN OF CONTRIBUTION

(Section 106.021, F.S.)

(PLEASE TYPE)

I, \_\_\_\_\_,  
hereby request that the pro rata share of my contribution to the  
campaign of \_\_\_\_\_ as a  
candidate for the office of \_\_\_\_\_  
be returned to me pursuant to Section 106.021(1)(a), Florida Statutes.

**X**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City

\_\_\_\_\_  
State

\_\_\_\_\_  
Zip Code

# CAMPAIGN LOANS REPORT

(Section 106.075, F.S.)

(PLEASE TYPE)

OFFICE USE ONLY

This report applies to all candidates ELECTED to office who had loans exceeding \$500 in value, which were accepted and used for campaign purposes within the 12 months preceding the election. All such loans must be reported to the filing officer within 10 days after the candidate's election to office.

Full Name of Newly Elected Official

Office

Mailing Address

City

State

Zip Code

I CERTIFY THAT I HAVE EXAMINED THIS REPORT  
AND IT IS TRUE, CORRECT AND COMPLETE.

Type or Print Name of Newly Elected Official

X

Signature

# CAMPAIGN LOANS REPORT ITEMIZED

Page \_\_\_\_\_ of \_\_\_\_\_

(PLEASE TYPE)

FULL NAME AND ADDRESS OF LENDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCCUPATION: \_\_\_\_\_

AMOUNT OF LOAN: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

FULL NAME AND ADDRESS OF LENDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCCUPATION: \_\_\_\_\_

AMOUNT OF LOAN: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

FULL NAME AND ADDRESS OF LENDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCCUPATION: \_\_\_\_\_

AMOUNT OF LOAN: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

FULL NAME AND ADDRESS OF LENDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCCUPATION: \_\_\_\_\_

AMOUNT OF LOAN: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

FULL NAME AND ADDRESS OF LENDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCCUPATION: \_\_\_\_\_

AMOUNT OF LOAN: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

FULL NAME AND ADDRESS OF LENDER:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

OCCUPATION: \_\_\_\_\_

AMOUNT OF LOAN: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_

Select Year:

## The 2014 Florida Statutes

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[Title IX](#)  
ELECTORS AND ELECTIONS

[Chapter 106](#)  
CAMPAIGN FINANCING

[View Entire Chapter](#)

### **106.143 Political advertisements circulated prior to election; requirements.—**

(1)(a) Any political advertisement that is paid for by a candidate, except a write-in candidate, and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. “Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)”; or

2. “Paid by (name of candidate), (party affiliation), for (office sought).”

(b) Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. “Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought)”; or

2. “Paid by (name of candidate), write-in candidate, for (office sought).”

(c) Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:

1. Be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.”

2. State the name and address of the persons paying for the advertisement.

3. State whether the advertisement and the cost of production is paid for or provided in kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement.

(d) Any political advertisement made pursuant to s. [106.021\(3\)\(d\)](#) must prominently state the name and address of the political committee or political party paying for the advertisement.

(2) Political advertisements made as in-kind contributions from a political party must prominently state:

“Paid political advertisement paid for in-kind by (name of political party). Approved by (name of person, party affiliation, and office sought in the political advertisement).”

(3) Any political advertisement of a candidate running for partisan office shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If the candidate for partisan office is running as a candidate with no party affiliation, any political advertisement of the candidate must state that the candidate has no party affiliation. A political advertisement of a candidate running for nonpartisan office may not state the candidate’s political party affiliation. This section does not prohibit a political advertisement from stating the candidate’s partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.

(4) It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this subsection does not apply to:

(a) Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

(b) Publication by a party committee advocating the candidacy of its nominees.

(5)(a) Any political advertisement not paid for by a candidate, including those paid for by a political party or affiliated party committee, other than an independent expenditure, offered on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate, unless the political advertisement is published, displayed, or circulated in compliance with subparagraph (1)(a)2., and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.

(b) Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.

(6) No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word "re-elect." Additionally, such advertisement must include the word "for" between the candidate's name and the office for which the candidate is running, in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

(7) Political advertisements paid for by a political party or an affiliated party committee may use names and abbreviations as registered under s. 103.081 in the disclaimer.

(8) This section does not apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

(9) Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by this section in the language used in the advertisement.

(10) This section does not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

(a) Designed to be worn by a person.

(b) Placed as a paid link on an Internet website, provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with subsection (1).

(c) Placed as a graphic or picture link where compliance with the requirements of this section is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with subsection (1).

(d) Placed at no cost on an Internet website for which there is no cost to post content for public users.

(e) Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A candidate or political committee may prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee. A website or account may not be marked as official without prior approval by the candidate or political committee.

(f) Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.

(g) Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that

complies with subsection (1).

(h) Sent by a third-party user from or through a campaign or committee's website, provided the website complies with subsection (1).

(i) Contained in or distributed through any other technology-related item, service, or device for which compliance with subsection (1) is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with subsection (1) impracticable.

(11) Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in s. [106.265](#).

**History.**—s. 8, ch. 26870, 1951; s. 1, ch. 61-145; s. 21, ch. 65-379; s. 57, ch. 71-136; s. 30, ch. 73-128; s. 52, ch. 77-175; s. 30, ch. 81-304; s. 16, ch. 89-256; s. 35, ch. 90-315; s. 16, ch. 91-107; s. 646, ch. 95-147; s. 17, ch. 97-13; s. 18, ch. 99-318; s. 5, ch. 2004-252; s. 46, ch. 2007-30; s. 18, ch. 2010-167; ss. 17, 30, ch. 2011-6; s. 66, ch. 2011-40; HJR 7105, 2011 Regular Session; s. 9, ch. 2012-5.

**Note.**—Former s. 104.37.

# Town of Lake Park

## Sec. 70-103. - Permitted signs.

All permanent signs shall be part of the architectural concept and character of the site. Lighting, materials, size, color, lettering, location and arrangement shall be harmonious with the building design.

### 1. Residential signage.

- (a) Residential nameplate signs. Signs with one or two faces and wall-mounted signs with one face that identify a house, apartment, or individual buildings in a multifamily complex shall be permitted subject to the following restrictions:
  - (1) Permitted content: The name of the occupant or the building name, and the address of the residential unit to which the sign is accessory. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
  - (2) Maximum area: One square foot per face.
  - (3) Maximum number: One per individual dwelling unit. Building units may have up to four such signs if needed to be identified from separate entrances or parking lots for the buildings as determined by the community development director
  - (4) Location: On the same lot as the residential unit or building which the sign identifies.
  - (5) Maximum height:
    - a. Freestanding, four feet;
    - b. If wall-mounted, no higher than the wall on which it is mounted.
- (b) Residential development permanent identification signs. Signs with one or two faces that identify the development or complex shall be permitted subject to the following restrictions:
  - (1) Permitted content: The name, logo, and address (if applicable) of the residential development may be identified. Types of residential developments, which may be so identified, include subdivisions, condominiums, cooperatives, planned unit developments, and apartments. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
  - (2) Maximum area: Sixteen square feet per face or 32 square feet if only one sign face per entrance is displayed.
  - (3) Maximum number: One double faced sign per entrance to the development or two single faced signs if the sign faces are detached and are positioned on each side of the entrance as determined necessary by the community development director.
  - (4) Location: Within 100 feet of the entrance of the development which it identifies.
  - (5) Minimum setbacks:
    - a. Twenty feet from the lot line of any property located outside the development;
    - b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet if one or more sign faces not placed parallel to street;
    - c. In an intersection of a street with other streets and with access drive, as required by subsection 70-61(d).
  - (6) Maximum height:
    - a. If freestanding, four feet;
    - b. If wall-mounted, no higher than the wall on which it is mounted.

- (7) The town's code compliance division shall regularly inspect signage on residential development for compliance with the requirements of this section, and may take appropriate enforcement action to obtain compliance. It shall be the responsibility of the developer, property owner. The owner of the sign, the community association, or any other person or entity responsible for the maintenance of the particular residential property on which the signage is located such as a property maintenance company to ensure compliance with the requirements of this section. If the signage is in violation of this section and is not corrected upon notification by the town, the town may remove and dispose of the illegal signage in accordance with the provisions of section 70-64
- (c) Garage sale and yard sale signs. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsections 70-102(9), (22). Signs with one or two faces, and wall-mounted signs with one face shall be permitted subject to the following restrictions:
  - (1) Permitted content: Type of sale, the address, dates and hours of the sale, directional information and other related information.
  - (2) Required content: The property owner shall provide the address of the site of the garage or yard sale and the date of same. Any sign posted without an address or date shall be subject to immediate removal by the town's code compliance officers.
  - (3) Maximum area: Four square feet per face.
  - (4) Maximum number: No limit.
  - (5) Placement of signs:
    - a. An offsite garage sale or yard sale sign may be placed in the public swale.
    - b. No sign shall be placed on private property without the owner's permission.
    - c. No sign shall be posted on any utility pole or column, fence, or similar structure or object. Such signs will be subject to immediate removal and a fine of \$50.00 will be assessed.
  - (6) Maximum height:
    - a. If freestanding, four feet;
    - b. If wall-mounted, no higher than the wall on which it is mounted.
  - (7) Sign removal:
    - a. Weekend sales. All approved signs shall be removed by 8:00 a.m. on the Monday following the sale.
    - b. Weekday sales. All approved signs shall be removed by 8:00 a.m. on the day immediately following the date of the sale.

Signs not removed by the required time shall be subject to immediate removal and a fine of \$50.00 may be assessed to the person or property owner responsible for the permit for the garage or yard sale.
  - (8) The town may remove signs not in compliance with this section in accordance with the provisions of section 70-64
2. Parking and directional signage.
  - (a) Parking area identification signs. Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions:
    - (1) Permitted content: Designation of entrance and exit points, including directional arrows.
    - (2) Maximum area: Four square feet per sign face.

- (3) Maximum number: As determined to be reasonably necessary by the community development director.
  - (4) Location: On the same lot as the parking area to which it is accessory.
  - (5) Minimum setbacks:
    - a. Two feet from lot line of another lot;
    - b. Five feet from a public right-of-way;
    - c. Placement within the clear visibility triangle is strictly prohibited.
  - (6) Maximum height:
    - a. Low freestanding, four feet;
    - b. Twelve feet if wall-mounted.
- (b) Parking area instructional and related signs. Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions:
- (1) Permitted content: The direction of traffic flow within a parking or loading area, areas where no parking is permitted, identification of parking spaces reserved for other specific groups or for individuals, and other similar information.
  - (2) Maximum area: Not larger than is necessary to be visible to motorists on the site where they are located and subject to site plan approval.
  - (3) Maximum number: As determined to be reasonably necessary by the community development director in order to regulate traffic flow, parking, loading, handicapped and reserved parking, and subject to site plan approval.
  - (4) Location: On the same lot as the parking and other vehicular circulation areas to which the sign is accessory.
  - (5) Minimum setbacks:
    - a. From the lot line of another lot subject to development approval;
    - b. From the public right-of-way is subject to development approval;
  - (6) Maximum height:
    - a. If wall-mounted, no higher than the wall on which is mounted;
    - b. If freestanding, six feet.
- (c) Directional signs. Directional signs are limited to four feet in height and four square feet, giving directions to motorists regarding the location of parking areas and access drives shall be permitted as permanent accessory signs on all parcels and shall not be counted as part of an occupancy's allowable sign area.
3. Temporary signage.
- (a) Temporary signs erected during the development stage of residential and nonresidential uses. Signs with one or two faces and wall-mounted signs with one face shall be permitted subject to the following restrictions:
    - (1) Permitted content: Identification of homes or home sites, condominiums, apartments, for sale, rent, or lease in a residential development under construction, and/or identification of nonresidential development under construction. Signs may include identification of developers, contractors, architects, engineers, real estate agents and other related information.
    - (2) Maximum area: Two hundred square feet per face.
    - (3) Maximum number: One per 500 feet or fraction thereof of each street frontage.

- (4) Location: Within 100 feet of the entrance to the development, which it identifies, or in another suitable location as determined by the community development director.
  - (5) Minimum setbacks: Twenty feet from lot line of any property located outside the development.
  - (6) Maximum height: Twelve feet.
  - (7) Prior to the issuance of a certificate of occupancy of a completed residential or nonresidential structure, all such signs shall be removed.
  - (8) Illegally placed temporary signs shall be removed by the town at the sole expense of the property owner, and/or sign owner, and/or the individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine, together with an assessment of the town's administrative costs.
  - (9) Maximum height of 12 feet and minimum of 20 feet from the public right-of-way. Such distance and height may be altered if unique physical conditions exist as determined by the community development director.
- (b) Temporary real estate signs. Signs with one or two faces and wall-mounted signs with one face shall be permitted only for the purpose of advertising the land or building for sale, rent or lease, and shall relate only to the premises upon which the sign is located. No sign permit shall be required for temporary residential real estate signs that do not exceed six square feet. However, such signs shall be subject to the following restrictions:
- (1) Permitted content: The name, logo, address and telephone number of the real estate agent or owner, offering the property on which it is located for sale, lease, or rent and other related information.
  - (2) Maximum area:
    - a. For residential uses, six square feet per sign;
    - b. For nonresidential uses, 16 square feet per sign face.
  - (3) Maximum number:
    - a. One residential sign per lot. In addition, during an open house one additional open house sign may be displayed during the hours of the open house only. In no case may an open house sign be displayed for more than two days in any given week.
    - b. One nonresidential real estate sign per 500 feet or fraction thereof of each street frontage.
  - (4) Location: On the lot advertised for sale.
  - (5) Minimum setbacks:
    - a. Twenty feet from the lot line of another lot and five feet from a public right-of-way;
    - b. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d).
  - (6) Maximum height: Six feet.
  - (7) Time limit: Signs advertising the sale, lease or rental of vacant land shall be removed immediately upon the sale, lease or rental of the property, or within six months from the issuance of a temporary sign permit unless such sign permit is properly renewed.
  - (8) Real estate signs shall not be placed within public right-of-way.

- (9) Illegally placed temporary signs shall be removed by the town or at the sole expense of the property owner, sign owner, and/or the individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine, together with an assessment of the town's administrative costs.
  - (10) Temporary real estate signs are not permitted for businesses engaged in the rental or lease of facilities on an ongoing basis.
- (c) Temporary political signs pertaining to specific elections.
- (1) Permitted content: Any message urging the election or defeat of any candidate seeking any political office, or urging the passage or defeat of any ballot measure, advertising a candidate, or stating a position regarding an issue upon which the voters of the town will vote.
  - (2) Maximum area: The maximum area for a temporary political sign shall be four square feet.
  - (3) Maximum number: One sign on each street side of any residential or commercial property for each candidate or ballot item; for a total of no more than four such signs per property.
  - (4) Location: Only on lots where the property owner has given permission. The placing of temporary political signs anywhere on public property is prohibited. Temporary political signs located on public property shall be deemed to be public property and shall be summarily removed by the town.
  - (5) Maximum height:
    - a. If freestanding, three feet;
    - b. If wall-mounted, no higher than the building wall on which it is mounted.
  - (6) Time limit: Signs permitted pursuant to this section shall be installed no sooner than 30 days prior to an election and shall be removed within 48 hours after the day of the election to which the sign may apply.
  - (7) Permit requirements: No permit required.
  - (8) A temporary political sign shall not be placed within a public right-of-way.
  - (9) Candidates shall be held responsible for the size and placement of political signs. An illegally sized or placed temporary political sign may be removed by or at the expense of the political candidate responsible for the illegal placement. An attempt to notify such candidate by phone to remove the sign may be made. A notice shall be posted on or near the noncomplying sign which advises as to the manner of noncompliance and shall allow one day to comply. If said sign is not removed within that time, the town may utilize the provisions of section 9-71, alternative code enforcement procedures and standards, and issue a citation if the sign is not removed within the 24 hours. For purposes of this section, the citation shall be issued to the candidate whose sign is deemed illegally sized or placed. Further, for purposes of the notice requirements of section 9-71, 24 hours notice as provided above shall be considered reasonable.
- (d) Temporary signs for special noncommercial events of public interest. All types of signs announcing and promoting special noncommercial events of public interest may be established pursuant to a special event sign plan submitted by the sponsor of the event and provided that no such signs shall be placed more than 15 days prior to the beginning of the event and provided further that all such signs shall be removed within 48 hours after the event. Special event sign plans shall be approved by the director prior to the issuance of a permit under the provisions of this section.

- (e) Temporary signs for commercial special events. Temporary signs and displays announcing and promoting a special business event such as a sale, introduction of a new product, store liquidation, etc., may be permitted in addition to those permanent signs which have been previously approved provided they are placed on the lot where the business promoting a special event is located. Temporary signs are permitted to be placed on the property for no more than 14 consecutive days prior to the start of the approved special event. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsection 70-102 (2), (9), (13), (15), (16) and (19). Application for temporary event sign shall be accompanied by a special event application, as applicable.
- (1) Permitted content: Any message identifying the event including the type of sale, the address, dates and hours of the sale, directional information and other related event information.
  - (2) Maximum number: One per 200 feet or fraction thereof of each street frontage.
  - (3) Location: Only within the boundaries of the event site. The placement of a temporary special event sign on public property is subject to the approval of the recreation director.
  - (4) Minimum setbacks: Five feet from any property line, provided however that signs are not permitted within visibility triangles as described in Section 78-253(c)(9).
  - (5) Maximum height: Twelve feet or five feet below the highest point on the building facade whichever is higher.
  - (6) Upon completion of the event, such sign shall be removed within 48 hours. In no case shall a temporary event sign stay in place longer than 14 consecutive days preceding the start of the event with the exception of grand opening or business change signage as provided for in subsection 70-103.3(e)(10).
  - (7) Illegally placed temporary signs shall be removed by the candidate or by the town failing the timely removal of the sign as required herein at the sole expense of the property owner, sign owner, and/or individual responsible for the illegal placement. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together an assessment of the town's administrative costs.
  - (8) Large displays such as inflatable balloons announcing a grand opening or anniversary event may be permitted through the special event application process with the approval of the community development director or designee.
  - (9) All temporary signage must be professionally produced.
  - (10) Temporary signs and displays announcing the opening of a new business or the change in ownership of an established business or the change of location of a business with a current Lake Park address to another Lake Park address. Temporary signs and displays announcing the opening of a new business or the change of ownership of an established business shall be permitted in addition to other signs which may be permitted on the lot where located. Temporary signage announcing the change of location of an existing Lake Park business to another local in-town address shall be permitted to be placed at the old address with the property owner's permission. Such signs shall not remain in place for more than 60 days. Signs established pursuant to this section shall not be subject to the prohibition of portable signs set forth in subsections 70-102 (2), (9), (13), (15), (16) and shall be exempt from any permit fee, however a signage application is still required. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine together with an assessment of the town's administrative costs.

- (f) Temporary construction signs. A construction sign shall be permitted only while construction is actually in progress and shall be removed within 30 days following completion or abandonment of work. Such signs shall not exceed 32 square feet per sign face in area with an aggregate area of 64 square feet. One sign per company is permitted per construction site. Failure to remove such signs shall result in the imposition of a fine in an amount established by resolution of the town commission but not to exceed \$250.00 for the first violation, together with an assessment of the town's administrative costs; repeat violations are subject to the imposition of a \$500.00 fine, together with an assessment of the town's administrative costs.
  - (g) Temporary signs preceding the installation of permanent signage. In the event that an existing sign needs replacement or repair and a replacement sign or the required repairs are not available at the time the old sign is taken down a temporary sign may be used in place of the old sign for a period not to exceed 45 consecutive days. Any such sign must be approved and permitted by the community development department prior to being erected and must be located in the same area as the sign that was removed.
4. Miscellaneous signage.
- (a) Bulletin board for houses of worship. In addition to signs permitted pursuant to this section, freestanding bulletin boards with one or two faces and wall-mounted bulletin boards with one face shall be permitted for houses of worship subject to the following restrictions:
    - (1) Permitted content: Any information related directly or indirectly to the activities of the house of worship. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
    - (2) Maximum area: Twenty square feet per face.
    - (3) Maximum number: One per lot.
    - (4) Location: On the same lot as the use to which it is accessory.
    - (5) Minimum setbacks:
      - a. Twenty feet from the lot line of another lot;
      - b. Five feet from a public right-of-way, if all sign faces placed parallel to street and five feet, if one or more sign faces not placed parallel to street;
      - c. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d).
    - (6) Maximum height: Six feet.
  - (b) Signs on a marquee. Notwithstanding the limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on marquees subject to the following restrictions:
    - (1) The sign shall be affixed flat to the face of the marquee, projecting not more than three inches therefrom;
    - (2) The sign shall not extend above or below the structure of the marquee;
    - (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the marquee projects; and
    - (4) All signs on a marquee for a building which contains more than one occupant shall be the same size and shape.
  - (c) Signs on a canopy or awning. Notwithstanding limitations of this chapter on the projection of signs from the wall of a building, signs shall be permitted on canopies and awnings subject to the following restrictions:

- (1) Permitted content shall include the name or logo of the building, or the name or logo of the principal occupant of the building, the address and telephone number; words describing the nature of the business provided that the letters are 50% or less of the height of the letters depicting the name.
  - (2) The sign shall be professionally painted or printed directly on the canopy or awning;
  - (3) The sign shall be counted in determining the area of wall-mounted signs permitted on the wall from which the canopy or awning projects.
- (d) Time and temperature signs. Signs giving time and temperature information shall be permitted when attached to or made part of an otherwise permitted sign and shall be limited to the display of time and temperature in commercial and industrial zoning districts only. Such signs shall not be larger than 25 percent of the permitted area of the sign to which they are attached. Such signs shall be counted as part of the permitted area of the sign to which they are attached.
- (e) Menu board signs. Signs in a menu type format for the display of the type and price of food and beverage sold at a restaurant. Sign shall be mounted no higher than six feet from the ground on a wall, in a window, or on a pole and be a maximum of four square feet in size. A-Frame style signs are prohibited.
5. Commercial/nonresidential signage.
- (a) Wall-mounted signs in commercial and mixed commercial and light industrial districts.
- (1) Content: The name, logo and address of the business to which the sign is accessory and other business related information. In addition, signs permitted pursuant to this section may contain any noncommercial message which has not been declared by a court of competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
  - (2) No sign shall be mounted at a distance measured perpendicular to the surface of a building greater than 18 inches from the surface of the building to the face of the sign. The total square footage of all wall signs on any front wall shall not exceed in surface area or sign area one and one-half times the length of the exterior wall of the individual business establishment to which it is attached.
  - (3) For side and rear wall signage:
    - a. Side wall or rear wall signage shall not exceed 50 percent of the maximum square footage of allowable sign as calculated pursuant to paragraph (2) of this subsection.
    - b. Side wall or rear wall signage adjacent to residential parcels shall not exceed 25 percent of the maximum square footage as calculated pursuant to paragraph (2) of this subsection.
  - (4) There shall be a minimum separation of three feet between wall signs. No wall sign shall cover wholly or partially any required wall opening.
  - (5) No projecting sign may be erected on a wall containing a wall sign.
  - (6) Signs located on the building shall be considered wall signs. The maximum height of a wall sign shall be six inches below the roof at the location of the sign.
  - (7) Wall signs may be painted directly onto the building provided it meets the following standards:
    - a. The sign shall be painted by a professional sign painter.
    - b. A full color rendition of the painted sign must be approved by the community development director prior to issuance of the permit.

- c. The sign must contain a logo or other graphic elements in addition to the name and address and shall be in proportion to the existing/available sign space and harmonious in design.
- (8) Auto repair and similar facilities may have one wall sign up to six square feet per garage door bay identifying the function of the bay (e.g. brakes, batteries, air conditioning, etc.). Banners are prohibited.
- (b) Freestanding sign in commercial and mixed commercial/light industrial districts.
  - (1) Permitted content: The name, logo and address of the building occupant. Only one such freestanding sign shall be permitted per building. In addition, signs permitted pursuant to this section may contain any business related noncommercial message which has not been declared by a court of a competent jurisdiction to be obscene, defamatory or otherwise contrary to law.
  - (2) Maximum sum total area of freestanding signs along front street: One square foot for every one and one-half feet of front street frontage of the lots on which located.
  - (3) Minimum setbacks:
    - a. Five feet from any public right-of-way line;
    - b. Eight feet from utility electrical transmission lines;
    - c. In an intersection of a street with other streets and with access drives, as required by subsection 70-61(d);
    - d. There shall be a minimum of a 48-foot separation between signs, including between signs on adjacent parcels, except that all parcels shall be entitled to at least one freestanding sign, unless prohibited by other sections of this Code.
  - (4) Multiple signs: More than one freestanding sign shall be permitted per street frontage if all above provisions are met.
  - (5) Maximum height: Ten feet above ground where located except as noted below.
  - (6) Multi-store/unit complexes where two or more businesses are located in a single building or within attached buildings or within a cluster of buildings sharing a common vehicular entrance and exit shall be allowed a site identification sign with a maximum height of 14 feet. The sign may display the name of the complex. Individual businesses within the site or complex may be identified by a sign appendage not to exceed 12 square feet. Variations in size and design may be approved by the community development director only when a sign plan is submitted for all business units in the complex. Signs in the complex must be harmonious throughout the entire complex in some manner such as but not limited to, background board, trim, mounting brackets, color, architectural design, etc.
  - (7) Monument signs shall have a solid base with such base having a minimum width of six feet. The monument sign bases shall be constructed of materials that are different from the sign face. Such bases shall have texture and relief.
  - (8) Pole and pylon signs are prohibited.
- (c) Automobile and boat signage at a dealership. Signs placed on stationary automobiles or boats on the grounds of a dealership for the purpose of advertising them for sale or lease.
  - (1) Permitted content: Any information related directly to the sale of the vehicle; the signage may include information about price, year of manufacture, special sale, etc.
  - (2) Placement area: Signage may ONLY be placed on the front, side or rear window of a vehicle or a boat. Open hood/door/trunk/signage is prohibited.

- (3) Maximum area of sign: The size of the sign shall be limited to 50 percent of the window area to which it is attached.
  - (4) Maximum number of signs per vehicle or boat: One sign (vehicle prep sheets are exempt).
  - (5) Signs or other attachments designed to draw attention to the vehicle or boat may not extend or protrude beyond the plane of the window. (American Flags are excluded from this requirement.)
  - (6) Pennants, balloons and other such items intended to attract attention to the merchandise is prohibited.
- (d) Gasoline price and essential directional signs for service stations in addition to identifying signage.
- (1) Gasoline price signs: One streetside gasoline price sign shall be permitted per gasoline station to provide the price of gasoline only and shall be attached to permanent structures. The sign shall not exceed 16 square feet in area per side. The sign shall be affixed to a permanent sign structure or to a building and shall not be located closer than 20 feet to any side property line. The price sign shall not be included in the total area of signage otherwise permitted.
  - (2) Essential directional signs: Signs providing information needed for motorists to locate the proper service station pump site shall be permitted. Such signs shall include those identifying the type and price of fuel sold at individual service pumps, the location of full service and self-service pump islands and other similar information. Such signs shall be of a size which can be seen by motorists once on the site but shall not be sized to attract attention of motorists on public rights-of-way.
- (e) Window signs. Signs placed in or on a window, and which include plastic signs, signs made of vinyl letters, painted or neon signs, signs that are painted on, applied to, attached to, or projected upon or within the exterior or interior of a building glass area, including doors, or located within 15 feet of the interior of a building glass area, including doors, or any interior illuminated signs or exposed unshielded light source.
- (1) Permitted content: Business name, logo, address, telephone number, signs denoting hours, open or closed, credit cards or a similar message that provides a customer with information about the store's operation and messages regarding goods and services for sale.
  - (2) Maximum area of sign: the size of the sign(s) shall be limited to 25 percent of any single window panel or pane to which it is attached and shall be included with all other business signs when calculating the allowable square footage for the business.
  - (3) Stand alone lettering shall be discouraged. Lettering that incorporates graphic elements, borders, backgrounds shall be encouraged. Placement and design must be consistent, harmonious, and unified throughout all windows.
  - (4) Paper, cardboard and hand-written signs are prohibited.
  - (5) One generic massed produced neon sign such as neon "OPEN" sign and one other neon merchandise sign limited to six square feet is allowed per business. All such neon signs shall be included with all other business signs when calculating the allowable square footage for the business.
  - (6) "OPEN" flags are prohibited unless approved as a temporary sign associated with the opening of a new or remodeled business.
  - (7) Any plastic lettering applied directly to a window is considered a sign and must obtain a permit and be approved by the community development department prior to placement in the window.

(Code 1978, § 24-53; Ord. No. 11-1990, § 2, 6-20-1990; Ord. No. 22-1990, § 2, 10-31-1990; Ord. No. 8-1993, § VIII, 3-3-1993; Ord. No. 5-2002, § II, 2-20-2002; Ord. No. 11-2008, § 4, 8-6-2008; Ord. No. 07-2010, § 2, 8-18-2010; Ord. No. 01-2011, § 2, 3-2-2011; Ord. No. 16-2013, § 2, 12-18-2013)





## FLORIDA DEPARTMENT of STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 18, 2013

Ms. Cynthia S. Bonham  
City Clerk, City of Winter Park  
401 Park Avenue South  
Winter Park, FL 32789

RE: DE 13-04 Candidate Qualifying; Qualifying Fees;  
Election Assessment – check drawn upon campaign  
account -- §§ 100.3605, 99.093 and 99.061, Florida  
Statutes

Dear Clerk Bonham:

This letter responds to a request for an advisory opinion submitted by the City Attorney on your behalf. You are the City Clerk for the City of Winter Park and serve as the filing officer for municipal candidates submitting qualification paperwork for the Winter Park municipal elections; therefore, the Division has the authority to issue you an opinion pursuant to section 106.23(2), Florida Statutes (2012).

Your attorney states that you recently instructed a candidate for City Commission that the election assessment must be paid with a check drawn upon the candidate's campaign account. Your attorney essentially posed the following question:

Must municipal candidates pay the election assessment required in section 99.093, Florida Statutes (2012), with a check drawn upon that candidate's campaign account in order for the City Clerk to qualify the candidate?

The short answer is "Yes" to the extent that an applicable special act, charter, or ordinance provision affecting the municipality does not provide otherwise.

### ANALYSIS

Section 100.3605(1), Florida Statutes (2012), provides, "The Florida Election Code, chapters 97-106, shall govern the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision." Your attorney states that no applicable special act, charter, or ordinance provision exists for Winter Park. If this is correct, the candidate qualifying



R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399  
Telephone: (850) 245-6500 • Facsimile: (850) 245-6125 [www.dos.state.fl.us](http://www.dos.state.fl.us)  
*Commemorating 500 years of Florida history* [www.fla500.com](http://www.fla500.com)



Ms. Cynthia S. Bonham

March 18, 2013

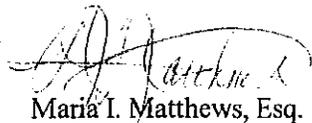
Page 2 of 2

requirements in section 99.061 governs your municipal candidate qualifying.<sup>1</sup> Unless the municipal candidate files an oath of undue burden regarding the payment of the election assessment, the Election Code requires each candidate to pay at the time of qualifying a municipal election assessment equal to 1% of the annual salary of the office sought.<sup>2</sup> The election assessment is part of the qualifying fee that each candidate must pay at the time of filing his or her qualifying papers.<sup>3</sup> In order to qualify as a candidate, the Election Code expressly mandates that the candidate must pay the qualifying fee with a “check drawn upon the candidate’s campaign account.”<sup>4</sup> Therefore, in the absence of a special act, charter or ordinance provision providing otherwise, a municipal candidate, in order to qualify for the office sought, must pay the election assessment required by section 99.093 with a check drawn upon the candidate’s campaign account. If the candidate fails to pay with a check drawn upon the candidate’s campaign account, then the filing officer should not qualify the candidate.<sup>5</sup>

### SUMMARY

In the absence of an applicable special act, charter, or ordinance provision providing otherwise, a municipal candidate, in order to qualify, must pay the election assessment required by section 99.093, Florida Statutes (2012), with a check drawn upon the candidate’s campaign account.

Respectfully,



Maria I. Matthews, Esq.  
Director, Division of Elections

cc: Usher L. Brown, Esq., City Attorney, City of Winter Park

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<sup>1</sup> This opinion is necessarily limited to the application of the Florida Election Code and does not analyze applicable special acts or provisions of local law that may apply or opine as to the application of any such laws to your situation. The Division has no authority to interpret those provisions. Therefore, this opinion applies only to the extent a special act or local law does not provide otherwise.

<sup>2</sup> § 99.093, Fla. Stat. (2012).

<sup>3</sup> § 99.092, Fla. Stat. (2012).

<sup>4</sup> § 99.061(7)(a)1., Fla. Stat. (2012).

<sup>5</sup> See *Weeks v. Detzner*, No. 2012-CA-1858, at 5 (Fla. 2nd Jud. Cir. Aug. 7, 2012) (order granting summary judgment)(upholding the Secretary of State’s determination that a candidate did not qualify because he did not submit a properly executed check drawn upon the candidate’s campaign account). It is worth noting that a filing officer’s function is ministerial and as such, the officer lacks authority to determine the truth or accuracy of the contents of qualifying papers. See *id.*; § 99.061(7)(c), Fla. Stat.; see also e.g., *State ex rel. Shevin v. Stone*, 279 So. 2d 17 (Fla. 1973); *Division of Elections Opinion 78-30* (Aug. 3, 1978); see also e.g., *Division of Elections Opinion 09-05* (Jul. 15, 2009) (analyzing qualifying officer’s duty and collecting cases and opinions).

## Absentee Ballot Instructions

Any qualified Palm Beach County voter is entitled to vote an absentee ballot. An absentee ballot may be requested in person at one of our offices, in writing, over the telephone or by completing the [online application](#). Telephonic, written or facsimile requests should be directed to:

**Supervisor of Elections**

P.O. Box 22309

West Palm Beach, Florida 33416-2309

Telephone: (561) 656-6200

Facsimile: (561) 656-6220

When requesting an absentee ballot, the voter must provide the following information:

- Name
- Residence address
- Address where the ballot is to be mailed\*

\*Effective Jan. 1, 2014, a request for a ballot to be mailed to an address other than the voter's address on file in the Florida Voter Registration System (FVRS), must be in writing and signed by the voter. Absentee uniformed service members and overseas voters are exempt from this requirement.

- Date of birth
- Local Telephone Number
- Out of Town Telephone Number
- Voter's signature

**Notify the elections office immediately should your residence or mailing address change.**

**Absentee ballots are not forwardable by the U.S. Postal Service.**

If a member of the voter's immediate family makes the request for the voter's ballot to be mailed to the voter's address on file in the Florida Voter Registration System, the requester must provide the voter's information listed above, as well as:

- Requester's name (if other than the voter)
- Requester's relationship to the voter (a member of the voter's immediate family\*)

\*F.S. 101.62(4)(c)4 defines immediate family as: spouse, child, parent, grandparent, sibling, spouse's child, spouse's parent, spouse's grandparent or spouse's sibling.

- Requester's address
- Requester's driver's license number (if available)
- Requester's signature (written requests only)

A designee may pick up an absentee ballot for a voter beginning on the Thursday five (5) days before and including Election Day.

**Please note: Florida Statute 101.62(4)(b)(4) limits pickups of absentee ballots by a designee to two (2) absentee ballots per election, other than their own or immediate family.**

Designees **must** provide:

- Written authorization signed by the voter
- Valid picture identification
- A signed affidavit containing the required information from the voter and designee



Download Affidavit to Pick-Up Absentee Ballot for a Voter Form (DS-DE 37)

Florida Statute 101.62(4)(c)5 allows for the delivery of an absentee ballot to an elector or an elector's immediate family member on the day of the election **ONLY** in the case of an emergency, to the extent that the elector will be unable to go to his or her assigned polling place. The elector or his or her designee shall execute an affidavit affirming to the facts which allow for delivery of the absentee ballot.



[Download Election Day Absentee Ballot Delivery Form \(DS-DE 136\)](#)

A voter **must** personally vote his or her own ballot unless assistance is required due to blindness, disability, or inability to read or write. A signature as Power of Attorney will not be accepted and the ballot will not be counted. Detailed instructions on how to mark your absentee ballot are provided with your absentee ballot packet.

In order for your ballot to be counted, the Voter's Certificate Envelope **must** contain your signature or legal mark.

Florida Statutes requires the County Canvassing Board to **reject as illegal** any absentee ballot that is not signed. Effective January 1, 2014, Florida Statute 101.63(4)(b) allows an absentee voter who returned an absentee ballot without the voter's signature to complete and submit an affidavit and a copy of his/her identification to rectify their absentee ballot. The deadline to rectify an absentee ballot **missing the voter's signature** is 5 p.m. on the day before an election.

**Please follow the instructions on the form carefully, as failure to follow these instructions may cause your ballot not to count.**



[Download Omitted Signature Affidavit for Absentee Ballot & Instructions \(DS-DE 139\)](#)

Your voted and signed absentee ballot **must be received at** the Main Office of the Supervisor of Elections by 7:00 p.m. on Election Day in order to be counted. Branch offices close at 5:00 p.m. on Election Day.

**VOTED ABSENTEE BALLOTS TO BE INCLUDED IN THE COUNT CANNOT BE ACCEPTED AT THE POLLS OR AT EARLY VOTING SITES!**



Office of the  
Town Clerk

## ELECTION CONTACT INFORMATION: QUESTIONS AND COMPLAINTS

**Municipal election process, deadlines, and general election information:**  
Town Clerk's Office – [townclerk@lakeparkflorida.gov](mailto:townclerk@lakeparkflorida.gov) or (561) 881-3311

**Town Code requirements for political signs:**  
Community Development Department – (561) 881-3318

**How to vote, absentee ballots, poll workers/watcher, and voter registration, including change of address:**  
Palm Beach County Supervisor of Elections – (561) 656-6200.

**Interpretation of Florida Statutes and requests for legal opinions:**  
Florida Attorney General's Office – (850) 414-3300.

**Voter fraud or violations of voting system standards, provisional ballots, the voter registration database, or mail-in registrations:**  
State of Florida Department of State Division of Elections. Complaint forms and directions can be found at <http://election.dos.state.fl.us>. The Division also maintains a toll-free voter fraud hotline at (877) 868-3737.

**Violations of only Chapters 104 (Election Code) and 106 (Campaign Financing):**  
Florida Elections Commission (FEC). The FEC is not permitted to give advisory opinions; and, it does not have jurisdiction over candidate qualifying issues, how elections are run, or how votes get counted. Complaint forms and instructions may be found at: [www.fec.state.fl.us](http://www.fec.state.fl.us).

**Violations of the State Code of Ethics:**  
Florida Commission on Ethics – (850) 488-7864. Complaint form and instructions may be found at: [www.ethics.state.fl.us](http://www.ethics.state.fl.us).

**Violations of the Palm Beach County Code of Ethics:**  
Palm Beach County Commission on Ethics (877) 766-5920. Complaint form and instruction may be found at: [www.palmbeachcountyethics.com](http://www.palmbeachcountyethics.com).

535 Park Avenue  
Lake Park, FL 33403  
Phone: (561) 881-3311  
Fax: (561) 881-3314

[www.lakeparkflorida.gov](http://www.lakeparkflorida.gov)

Select Year:  

## The 2014 Florida Statutes

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Title X  
PUBLIC OFFICERS, EMPLOYEES,  
AND RECORDS

Chapter 112  
PUBLIC OFFICERS AND EMPLOYEES:  
GENERAL PROVISIONS

View Entire  
Chapter

### **112.3148 Reporting and prohibited receipt of gifts by individuals filing full or limited public disclosure of financial interests and by procurement employees.—**

(1) The provisions of this section do not apply to gifts solicited or accepted by a reporting individual or procurement employee from a relative.

(2) As used in this section:

(a) “Immediate family” means any parent, spouse, child, or sibling.

(b)1. “Lobbyist” means any natural person who, for compensation, seeks, or sought during the preceding 12 months, to influence the governmental decisionmaking of a reporting individual or procurement employee or his or her agency or seeks, or sought during the preceding 12 months, to encourage the passage, defeat, or modification of any proposal or recommendation by the reporting individual or procurement employee or his or her agency.

2. With respect to an agency that has established by rule, ordinance, or law a registration process for persons seeking to influence decisionmaking or to encourage the passage, defeat, or modification of any proposal or recommendation by such agency or an employee or official of the agency, the term “lobbyist” includes only a person who is required to be registered as a lobbyist in accordance with such rule, ordinance, or law or who was during the preceding 12 months required to be registered as a lobbyist in accordance with such rule, ordinance, or law. At a minimum, such a registration system must require the registration of, or must designate, persons as “lobbyists” who engage in the same activities as require registration to lobby the Legislature pursuant to s. [11.045](#).

(c) “Person” includes individuals, firms, associations, joint ventures, partnerships, estates, trusts, business trusts, syndicates, fiduciaries, corporations, and all other groups or combinations.

(d) “Reporting individual” means any individual, including a candidate upon qualifying, who is required by law, pursuant to s. 8, Art. II of the State Constitution or s. [112.3145](#), to file full or limited public disclosure of his or her financial interests or any individual who has been elected to, but has yet to officially assume the responsibilities of, public office. For purposes of implementing this section, the “agency” of a reporting individual who is not an officer or employee in public service is the agency to which the candidate seeks election, or in the case of an individual elected to but yet to formally take office, the agency in which the individual has been elected to serve.

(e) “Procurement employee” means any employee of an officer, department, board, commission, council, or agency of the executive branch or judicial branch of state government who has participated in the preceding 12 months through decision, approval, disapproval, recommendation, preparation of any part of a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, or auditing or in any other advisory capacity in the procurement of contractual services or commodities as defined in s. [287.012](#), if the cost of such services or commodities exceeds or is

expected to exceed \$10,000 in any fiscal year.

(f) "Vendor" means a business entity doing business directly with an agency, such as renting, leasing, or selling any realty, goods, or services.

(3) A reporting individual or procurement employee is prohibited from soliciting any gift from a vendor doing business with the reporting individual's or procurement employee's agency, a political committee as defined in s. 106.011, or a lobbyist who lobbies the reporting individual's or procurement employee's agency, or the partner, firm, employer, or principal of such lobbyist, where such gift is for the personal benefit of the reporting individual or procurement employee, another reporting individual or procurement employee, or any member of the immediate family of a reporting individual or procurement employee.

(4) A reporting individual or procurement employee or any other person on his or her behalf is prohibited from knowingly accepting, directly or indirectly, a gift from a vendor doing business with the reporting individual's or procurement employee's agency, a political committee as defined in s. 106.011, or a lobbyist who lobbies the reporting individual's or procurement employee's agency, or directly or indirectly on behalf of the partner, firm, employer, or principal of a lobbyist, if he or she knows or reasonably believes that the gift has a value in excess of \$100; however, such a gift may be accepted by such person on behalf of a governmental entity or a charitable organization. If the gift is accepted on behalf of a governmental entity or charitable organization, the person receiving the gift shall not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift.

(5)(a) A vendor doing business with the reporting individual's or procurement employee's agency; a political committee as defined in s. 106.011; a lobbyist who lobbies a reporting individual's or procurement employee's agency; the partner, firm, employer, or principal of a lobbyist; or another on behalf of the lobbyist or partner, firm, principal, or employer of the lobbyist is prohibited from giving, either directly or indirectly, a gift that has a value in excess of \$100 to the reporting individual or procurement employee or any other person on his or her behalf; however, such person may give a gift having a value in excess of \$100 to a reporting individual or procurement employee if the gift is intended to be transferred to a governmental entity or a charitable organization.

(b) However, a person who is regulated by this subsection, who is not regulated by subsection (6), and who makes, or directs another to make, an individual gift having a value in excess of \$25, but not in excess of \$100, other than a gift that the donor knows will be accepted on behalf of a governmental entity or charitable organization, must file a report on the last day of each calendar quarter for the previous calendar quarter in which a reportable gift is made. The report shall be filed with the Commission on Ethics, except with respect to gifts to reporting individuals of the legislative branch, in which case the report shall be filed with the Office of Legislative Services. The report must contain a description of each gift, the monetary value thereof, the name and address of the person making such gift, the name and address of the recipient of the gift, and the date such gift is given. In addition, if a gift is made which requires the filing of a report under this subsection, the donor must notify the intended recipient at the time the gift is made that the donor, or another on his or her behalf, will report the gift under this subsection. Under this paragraph, a gift need not be reported by more than one person or entity.

(6)(a) Notwithstanding the provisions of subsection (5), an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, a county, a municipality, an airport authority, or a school board may give, either directly or indirectly, a gift having a value in excess of \$100 to any reporting individual or procurement employee if a public purpose can be shown for the gift; and a direct-support organization specifically authorized by law to support a governmental entity may give such a gift to a reporting individual or procurement employee who is an officer or employee of such governmental entity.

(b) Notwithstanding the provisions of subsection (4), a reporting individual or procurement employee may accept a gift having a value in excess of \$100 from an entity of the legislative or judicial branch, a department or commission of the executive branch, a water management district created pursuant to s. 373.069, South Florida Regional Transportation Authority, a county, a municipality, an airport authority, or a school board if a public purpose can be shown for the gift; and a reporting individual or procurement employee who is an officer or employee of a governmental entity supported by a direct-support organization specifically authorized by law to support such governmental entity may accept such a gift from such direct-support organization.

(c) No later than March 1 of each year, each governmental entity or direct-support organization specifically authorized by law to support a governmental entity which has given a gift to a reporting individual or procurement employee under paragraph (a) shall provide the reporting individual or procurement employee with a statement of each gift having a value in excess of \$100 given to such reporting individual or procurement employee by the governmental entity or direct-support organization during the preceding calendar year. Such report shall contain a description of each gift, the date on which the gift was given, and the value of the total gifts given by the governmental entity or direct-support organization to the reporting individual or procurement employee during the calendar year for which the report is made. A governmental entity may provide a single report to the reporting individual or procurement employee of gifts provided by the governmental entity and any direct-support organization specifically authorized by law to support such governmental entity.

(d) No later than July 1 of each year, each reporting individual or procurement employee shall file a statement listing each gift having a value in excess of \$100 received by the reporting individual or procurement employee, either directly or indirectly, from a governmental entity or a direct-support organization specifically authorized by law to support a governmental entity. The statement shall list the name of the person providing the gift, a description of the gift, the date or dates on which the gift was given, and the value of the total gifts given during the calendar year for which the report is made. The reporting individual or procurement employee shall attach to the statement any report received by him or her in accordance with paragraph (c), which report shall become a public record when filed with the statement of the reporting individual or procurement employee. The reporting individual or procurement employee may explain any differences between the report of the reporting individual or procurement employee and the attached reports. The annual report filed by a reporting individual shall be filed with the financial disclosure statement required by either s. 8, Art. II of the State Constitution or s. 112.3145, as applicable to the reporting individual. The annual report filed by a procurement employee shall be filed with the Commission on Ethics. The report filed by a reporting individual or procurement employee who left office or employment during the calendar year covered by the report shall be filed by July 1 of the year after leaving office or employment at the same location as his or her final financial disclosure statement or, in the case of a former procurement employee, with the Commission on Ethics.

(7)(a) The value of a gift provided to a reporting individual or procurement employee shall be determined using actual cost to the donor, less taxes and gratuities, except as otherwise provided in this subsection, and, with respect to personal services provided by the donor, the reasonable and customary charge regularly charged for such service in the community in which the service is provided shall be used. If additional expenses are required as a condition precedent to eligibility of the donor to purchase or provide a gift and such expenses are primarily for the benefit of the donor or are of a charitable nature, such expenses shall not be included in determining the value of the gift.

(b) Compensation provided by the donee to the donor, if provided within 90 days after receipt of the gift, shall be deducted from the value of the gift in determining the value of the gift.

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(c) If the actual gift value attributable to individual participants at an event cannot be determined, the total costs shall be prorated among all invited persons, whether or not they are reporting individuals or procurement employees.

(d) Transportation shall be valued on a round-trip basis unless only one-way transportation is provided. Round-trip transportation expenses shall be considered a single gift. Transportation provided in a private conveyance shall be given the same value as transportation provided in a comparable commercial conveyance.

(e) Lodging provided on consecutive days shall be considered a single gift. Lodging in a private residence shall be valued at the per diem rate provided in s. 112.061(6)(a)1, less the meal allowance rate provided in s. 112.061(6)(b).

(f) Food and beverages which are not consumed at a single sitting or meal and which are provided on the same calendar day shall be considered a single gift, and the total value of all food and beverages provided on that date shall be considered the value of the gift. Food and beverage consumed at a single sitting or meal shall be considered a single gift, and the value of the food and beverage provided at that sitting or meal shall be considered the value of the gift.

(g) Membership dues paid to the same organization during any 12-month period shall be considered a single gift.

(h) Entrance fees, admission fees, or tickets shall be valued on the face value of the ticket or fee, or on a daily or per event basis, whichever is greater.

(i) Except as otherwise specified in this section, a gift shall be valued on a per occurrence basis.

(j) The value of a gift provided to several individuals may be attributed on a pro rata basis among all of the individuals. If the gift is food, beverage, entertainment, or similar items, provided at a function for more than 10 people, the value of the gift to each individual shall be the total value of the items provided divided by the number of persons invited to the function, unless the items are purchased on a per person basis, in which case the value of the gift to each person is the per person cost.

(k) The value of a gift of an admission ticket shall not include that portion of the cost which represents a charitable contribution, if the gift is provided by the charitable organization.

(8)(a) Each reporting individual or procurement employee shall file a statement with the Commission on Ethics not later than the last day of each calendar quarter, for the previous calendar quarter, containing a list of gifts which he or she believes to be in excess of \$100 in value, if any, accepted by him or her, for which compensation was not provided by the donee to the donor within 90 days of receipt of the gift to reduce the value to \$100 or less, except the following:

1. Gifts from relatives.
2. Gifts prohibited by subsection (4) or s. 112.313(4).
3. Gifts otherwise required to be disclosed by this section.

(b) The statement shall include:

1. A description of the gift, the monetary value of the gift, the name and address of the person making the gift, and the dates thereof. If any of these facts, other than the gift description, are unknown or not applicable, the report shall so state.

2. A copy of any receipt for such gift provided to the reporting individual or procurement employee by the donor.

(c) The statement may include an explanation of any differences between the reporting individual's or procurement employee's statement and the receipt provided by the donor.

(d) The reporting individual's or procurement employee's statement shall be sworn to by such person as being a true, accurate, and total listing of all such gifts.

(e) Statements must be filed not later than 5 p.m. of the due date. However, any statement that is postmarked by the United States Postal Service by midnight of the due date is deemed to have been filed in a timely manner, and a certificate of mailing obtained from and dated by the United States Postal Service at the time of the mailing, or a receipt from an established courier company, which bears a date on or before the due date constitutes proof of mailing in a timely manner.

(f) If a reporting individual or procurement employee has not received any gifts described in paragraph (a) during a calendar quarter, he or she is not required to file a statement under this subsection for that calendar quarter.

(9) A person, other than a lobbyist regulated under s. [11.045](#), who violates the provisions of subsection (5) commits a noncriminal infraction, punishable by a fine of not more than \$5,000 and by a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the reporting individual or procurement employee to which the gift was given in violation of subsection (5), for a period of not more than 24 months. The state attorney, or an agency, if otherwise authorized, may initiate an action to impose or recover a fine authorized under this section or to impose or enforce a limitation on lobbying provided in this section.

(10) A member of the Legislature may request an advisory opinion from the general counsel of the house of which he or she is a member as to the application of this section to a specific situation. The general counsel shall issue the opinion within 10 days after receiving the request. The member of the Legislature may reasonably rely on such opinion.

**History.**—s. 2, ch. 89-380; s. 8, ch. 90-502; s. 9, ch. 91-85; s. 7, ch. 91-292; s. 6, ch. 94-277; s. 1411, ch. 95-147; s. 2, ch. 96-328; s. 8, ch. 98-136; s. 4, ch. 2000-243; s. 32, ch. 2000-258; s. 8, ch. 2003-159; s. 6, ch. 2006-275; s. 4, ch. 2012-51; s. 12, ch. 2013-36; s. 29, ch. 2013-37; s. 3, ch. 2013-235.

# TAB 6



**Town of Lake Park Town Commission**

**Agenda Request Form**

**Meeting Date:** July 1, 2015

**Agenda Item No.** Tab 6

**Agenda Title:** Lea Davis Settlement Agreement

- SPECIAL PRESENTATION/REPORTS
  - BOARD APPOINTMENT
  - PUBLIC HEARING ORDINANCE ON \_\_\_\_ READING
  - NEW BUSINESS
  - OTHER: \_\_\_\_\_
- CONSENT AGENDA
  - OLD BUSINESS

**Approved by Town Manager**  **Date:** 6.26-15

**John O. D'Agostino**

Name/Title

<b>Originating Department:</b> <b>Lake Park Marina</b>	Costs: \$ 8,000 Funding Source: Acct. # <input checked="" type="checkbox"/> Finance _____	<b>Attachments:</b> <b>Proposed Settlement Agreement</b>
<b>Advertised:</b> Date: _____ Paper: _____ <input type="checkbox"/> Not Required	All parties that have an interest in this agenda item must be notified of meeting date and time. The following box must be filled out to be on agenda.	Yes I have notified everyone _____ or Not applicable in this case JOD _____ <b>Please initial one.</b>

**Summary Explanation/Background:**

Lea Davis was an employee of the Lake Park Marina. She was terminated from her employment by former Town Manager Dale Sugerman. Ms. Davis hired an attorney and threatened to file suit against the town. Upon review of the circumstances involving her termination, legal counsel and Town Manager John O. D'Agostino agreed to initiate settlement discussions. Ms. Davis' initial demand for settlement was for back wages, damages loss of income, attorney fees and loss of income from insurance. The initial request for settlement totaled \$13,018. If the lawsuit was filed, the cost of defending the suit would be substantially greater than \$8,000. The town's insurance deductible for such claims is \$25,000.

The Town is recommending to the Commission to enter into a proposed settlement agreement with former Marina employee Lea Davis in the amount of \$8,000. This agreement will represent a complete settlement between the parties of all issues, claims, demands, suits etc. and no other statement, promises or understanding of either party will alter the terms and conditions of the agreement. The payment of \$8,000 shall not be construed as or deemed to be evidence of any admission of liability whatsoever on the part of the town or the former town manager. The execution of the proposed settlement agreement through a vote of the Town Commission to permit Town Manager John O. D'Agostino to sign the settlement agreement on behalf of the Town of Lake Park Town Commission, the agreement will then become public.

**Recommended Motion:** Move to authorize the town manager to sign the Agreement and Release between the Town of Lake Park and Lea Davis.

RECEIVED  
MAR 16 2015

THE LAW OFFICE OF  
Cathleen Scott & Associates, P.A.  
EMPLOYMENT | HEALTHCARE

BY: *LR*.....

Sender's Email: LWagner@csapalaw.com

March 12, 2015

**VIA U.S. MAIL**

Town of Lake Park  
Attn: Bambi McKibbon-Turner  
535 Park Avenue  
Lake Park, FL 33403

Dear Ms. McKibbon-Turner,

Our firm has the pleasure of representing Ms. Lea Davis as it pertains to her previous employment with the Town of Lake Park. Ms. Davis has employed our firm to assist in correcting her claims for inappropriate termination. We believe that Ms. Davis was ultimately terminated because the good faith reliance she placed on her supervisor. Additionally, Ms. Davis can show that similarly situated males, engaging in two different positions without filing proper paperwork, still work for the Town without incident. Prior to engaging in further legal remedies, Ms. Davis is interested in pursuing all efforts to resolve this matter outside of litigation. Please address all responses to our office. **This letter is submitted strictly for settlement purposes only.**

By way of background, Ms. Davis began her employment for the Town of Lake Park in October 13, 2013. Throughout her employment, she received positive reviews from her supervisor. Upon initial hire as a part time employec, she was not offered insurance. However, as her work days grew longer, regularly working more than 30 hours a week, she was informed by Human Resources that she was eligible for health, dental and vision insurance on September 9, 2014. Ms. Davis enrolled immediately.

However, from the moment her supervisor, Paul Flemming learned of her enrollment in benefits, he began to treat her differently and targeted her. Mr. Flemming made comments to Ms. Davis about whether her pet rock she had on the dock would be eligible for insurance, and taunted her in a condescending way that Ms. Davis thought everyone should get insurance. Mr. Flemming then told Ms. Davis that her insurance benefits would not last long, as he intended to reduce her hours, because the department did not want to pay for her approved insurance. Ms. Davis sought and received permission from Mr. Flemming to seek secondary employment, to assist with the anticipated loss of income she would receive from the reduction of hours. Ms. Davis then applied for a job with Freedom Boat Club. After receiving approval from Mr. Flemming for this position, Ms. Davis relied upon that approval when she accepted a position at Freedom Boat Club. With the understanding of pre-approval, Ms. Davis submitted her paperwork to Mr. Flemming and he signed the paperwork. Subsequently, she learned that her approval was not given by Dale Sugarman, Town Manager and ultimately, she was terminated due to alleged conflict of interest offense and incomplete documentation as outlined in §5.10 of the Employee Handbook.

.....  
Cathleen Scott, Esq.  
Board Certified Employment & Labor Attorney

Telephone (561) 653-0008  
Facsimile (561) 653-0020  
Toll Free (877) 907-2688  
Jupiter Gardens 250 S. Central Blvd., Ste. 104  
Jupiter, Florida 33458  
Locations in West Palm Beach & Jupiter, Florida

www.CSAPALAW.com



This action violates implied contract law as well as Title VII gender discrimination. Specifically, Davis, a young employee, relied in good faith on permission from her supervisor when she accepted the position at Freedom Boat Club. As a result of relying on this representation, she was detrimentally harmed when her employment was terminated after she was informed that she should have known better than to rely on the advice of her supervisor.

Additionally, Ms. Davis intends to proceed with a claim for gender discrimination. Specifically, she was subject to disparate treatment regarding her termination, as she is aware of male employees who have been permitted to continue to work with the Town with dual employment, and without the requirement of paperwork and approval, while she was subjected to different treatment as a female.

Based on the forgoing, our client has instructed us to move forward with litigation, as well as a charge of discrimination with the Equal Employment Opportunities Commission/Florida Commission on Human Relations. Prior to doing so, we are reaching out to inquire if there are opportunities for pre-litigation resolution. At this time, we have authority to resolve for the following:

- Immediate reinstatement.
- Inclusion of a letter to Ms. Davis' file that the termination has been revoked.
- Damages in the amount of \$10,018 (Calculations are derived as follows: back pay in the amount of \$6018 as of February 27, 2015 increasing thereafter. Amount formulated from quarterly average weekly wage of \$354 x 17 week. Lost income in the form of insurance costs of \$4000 approximately \$1000 a month for four months).
- Attorney fees in the amount of \$3000

I appreciate your prompt response to this letter within fifteen (15) days of your receipt of this correspondence. Thank you in advance for your prompt response. I hope that we can resolve this matter efficiently and look forward to hearing from you.

The contents herein for settlement purposes only and therefore confidential under Florida and Federal law. The contents herein may not be used for any other purpose, including limiting our client's claims should we proceed to trial. If you have any documents that would refute the claims at hand, please send them to our office immediately for evaluation.

Sincerely,

*Lindsey Wagner*

LINDSEY WAGNER

LW:jh:kh

.....  
Cathleen Scott, Esq.  
Board Certified Employment & Labor Attorney

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## AGREEMENT AND RELEASE

This Agreement and Release (hereinafter the "Agreement") is made and entered into this \_\_\_ day of June, 2015 by and between the Town of Lake Park (hereinafter the "Town") and Lea Davis (hereinafter referred to as "Davis").

### RECITALS

WHEREAS, Lea Davis was employed by the Town until the former Town Manager, Dale Sugarman took action to terminate her employment by the Town; and

WHEREAS, pursuant to Article V, Section 4 of the Charter and § 2-81 of the Town's Code, the Town Manager has full control and responsibility for the administration service of employees of the Town; and

WHEREAS, the parties hereto desire to settle fully and finally resolve all disputes and potential litigation between them arising out of the former Town Manager's termination of Davis' employment with the Town.

NOW THEREFORE, the parties agree to the following:

1. In consideration of the promises made herein by Davis, the Town shall pay the sum of \$8,000 as set forth in paragraph 7, below, and within 7 days of full execution of this agreement.
2. In consideration of this payment by the Town, Davis on her own behalf and on the behalf of her executors, agents, heirs, personal representatives, and assigns and each of them, hereby releases and forever discharges the Town, the former Town Manager, Dale Sugarman, and any and all other employees or official of Town, whether appointed or elected (collectively "the Town") from any and all claims, actions, demands and causes of action in law or in equity which Davis may have had or may now have, which are based on or are in any way related to the employment of Davis by Town. Such causes of action, include, but are not limited to, actions arising under the Gender Discrimination in Employment Act, Title VII of the Civil Rights Act of 1964, as amended, actions under state statutes, and any and all actions Davis may have had or may now have in tort or contract.
3. Similarly, and in consideration for Davis' release, the Town agrees to release and forever Davis actions, demands and causes of action in law or in equity which the Town may have had or may now have, which are based on or are in any way related to the employment of Davis by Town.
4. Davis promises and agrees not to file, cause to be filed, and/or join in the filing of any grievance, charge, claim or action as an individual or as a member of a class in any federal, state or local court or agency, relating to her employment with Town and she waives any right or legal or equitable relief which might be claimed on her behalf by any class representative or government agency with respect to

her employment with Town. This release does not apply to any actions by the Town, the Town Manager in his official capacity, or Davis to enforce the terms of this Agreement.

5. Davis acknowledges that this Agreement is and upon its execution will be a public record and that the Town has the legal obligation to make it available upon request to any person for inspection and copying. As such, the Parties agree that this Agreement speaks for itself regarding any potential claims or administrative actions either Davis or Town may have had with respect to the termination of Davis' employment by the Town.
6. Davis acknowledges that she has consulted with an attorney of her choice prior to executing this Agreement.
7. This Agreement including specifically the Town's payment of \$8,000 shall not be construed as, or deemed to be, evidence of any admission of any liability whatsoever on the part of the Town or the former Town Manager, Dale Sugarman.
8. This Agreement contains the entire Agreement and represents a complete settlement by the Parties of all issues, claims, demands, suits, etc, and no other statements, promises or understandings of either Party may alter the plain meaning of the terms of this Agreement.
9. The Town's payment of \$8,000 shall be made by check made payable to Cathleen Scott & Associates, P.A., Trust Account. The Town shall provide to the firm a 1099 form marked "other income."

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Lea Davis

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John D'Agostino, Town Manager  
For the Town