



REGULAR TOWN COUNCIL MEETING

Monday, March 4, 2024 at 7:30 pm

1. CALL TO ORDER, PRAYER AND PLEDGE
2. ROLL CALL
3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES
4. CONSENT AGENDA

a. Approve Minutes of RTCM of 02/05/2024

Exhibit: Agenda Report Number 4.a.

Attachments:

- **Agenda Report Number 4.a.** (Agenda_Report_Number_4.a..pdf)

b. Approve Minutes of STCM of 02/26/2024

Exhibit: Agenda Report Number 4.b.

Attachments:

- **Agenda Report Number 4.b.** (Agenda_Report_Number_4.b..pdf)

c. Code Enforcement Case Activity Report as of 02/28/2024

Exhibit: Agenda Report Number 4.c.

Attachments:

- **Agenda Report Number 4.c.** (Agenda_Report_Number_4.c..pdf)

d. Fire Department Surplus Request

Exhibit: Agenda Report Number 4.d.

Attachments:

- **Agenda Report Number 4.d.** (Agenda_Report_Number_4.d..pdf)

e. Town Organization Chart

Exhibit: Agenda Report Number 4.e.

Attachments:

- **Agenda Report Number 4.e.** (Agenda_Report_Number_4.e..pdf)

5. PROCLAMATIONS

a. Irish American Heritage Month

Exhibit: Agenda Report Number 5.a.

Attachments:

- **Agenda Report Number 5.a.** (Irish_American_Heritage_Month_2024.pdf)

6. ATTORNEY REPORT

7. BCSO REPORT

8. BOARD / COMMITTEE REPORTS

a. T&G Committee

Exhibit: Agenda Report Number 8.a.

Attachments:

- **Agenda Report Number 8.a.** (Agenda_Report_Number_8.a..pdf)

b. Park & Recreation Board

Exhibit: Agenda Report Number 8.b.

Attachments:

- **Agenda Report Number 8.b.** (Agenda_Report_Number_8.b..pdf)

c. Planning & Zoning Board

Exhibit: Agenda Report Number 8.c.

Attachments:

- **Agenda Report Number 8.c.** (Agenda_Report_Number_8.c..pdf)

9. STAFF REPORTS

a. Manager

Exhibit: Agenda Report Number 9.a.

Attachments:

- **Agenda Report Number 9.a.** (Agenda_Report_Number_9.a..pdf)

b. Clerk

Exhibit: Agenda Report Number 9.b.

Attachments:

- **Agenda Report Number 9.b.** (Agenda_Report_Number_9.b..pdf)

10. PUBLIC COMMENTS

Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)

Five (5) Minute Limit per Speaker

11. PUBLIC HEARINGS / SPECIAL ORDERS

a. FIRST READING - Amending Chapter 6, Section 6-1 of the Code of Ordinance to include the 2023 8th Edition of the Florida Building Code (Ordinance 2024-01)

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BUILDING CODES; AMENDING CHAPTER 6, SECTION 6-1 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR ADOPTION OF CERTAIN MODEL BUILDING AND CONSTRUCTION CODES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 11.a.

Attachments:

- **Agenda Report Number 11.a.** (Agenda_Report_Number_11.a..pdf)

12. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO RESIDENTS PRESENT AT MEETING

(RECOMMENDATIONS FROM BOARDS, HOA REQUESTS, RESIDENT GRIEVANCES)

13. ACTION ITEMS

ORDINANCES: 0

RESOLUTIONS: 3

MISCELLANEOUS: 1

a. Appoint Lindsey Wilson to the Parks and Recreation Board (Resolution 02-2024)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF LINDSEY WILSON TO THE MALABAR PARKS AND RECREATION BOARD AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 13.a.

Attachments:

- **Agenda Report Number 13.a.** (Agenda_Report_Number_13.a..pdf)

b. Acceptance of a Temporary Easement and Road Payback for Candy Lane (Resolution 03-2024)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR ACCEPTANCE OF A TEMPORARY EASEMENT FOR PUBLIC USE AS DESCRIBED HEREIN AND CERTIFICATION OF COSTS IN CONSTRUCTING CANDY LANE FOR A DISTANCE OF 1332 FEET+/- SOUTH OF ATZ ROAD IN SECTION 12, TOWNSHIP 29, RANGE 37; PROVIDING FOR THE ROAD PAYBACK AS DESCRIBED IN SECTION 13-42 OF THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 13.b.

Attachments:

- **Agenda Report Number 13.b.** (Agenda_Report_Number_13.b..pdf)

c. Acceptance of Right of Way Dedication and a Temporary Easement for Kramer Lane (Resolution 04-2024)

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE DEDICATION AND ACCEPTANCE OF RIGHT OF WAY TO EXTEND KRAMER LANE NORTH FOR 315 FEET IN SECTION 12, TOWNSHIP 29, RANGE 37; PROVIDING FOR THE ACCEPTANCE OF A TEMPORARY EASEMENT ALONG THE KRAMER LANE RIGHT OF WAY FOR PUBLIC USE; AND PROVIDING AN EFFECTIVE DATE.

Exhibit: Agenda Report Number 13.c.

Attachments:

- **Agenda Report Number 13.c.** (Agenda_Report_Number_13.c..pdf)

COUNCIL CHAIR MAY EXCUSE ATTORNEY AT THIS TIME

14. DISCUSSION/POSSIBLE ACTION

a. Amend Meeting Time for RTCMs

Exhibit: Agenda Report Number 14.a.

Attachments:

- **Agenda Report Number 14.a.** (Agenda_Report_Number_14.a..pdf)

b. Discussion of Quiet Zones - Tabled

Exhibit: Agenda Report Number 14.b.

Attachments:

- **Agenda Report Number 14.b.** (Agenda_Report_Number_14.b..pdf)

c. Form 6 Litigation

Exhibit: Agenda Report Number 14.c.

Attachments:

- **Agenda Report Number 14.c.** (Agenda_Report_Number_14.c..pdf)

d. Town Hall and Historical House Location Discussion

CM Vail

Exhibit: Agenda Report Number 14.d.

Attachments:

- **Agenda Report Number 14.d.** (Agenda_Report_Number_14.d..pdf)

15. PUBLIC COMMENTS

General Items (Speaker Card Required)

16. REPORTS - MAYOR AND COUNCIL MEMBERS

17. ANNOUNCEMENTS

(2) Vacancies on the Trails and Greenways Committee; (2) Vacancies on the Parks and Recreation Board, (2) Vacancy on the Planning and Zoning Board; and (1) Vacancy on the Board of Adjustment.

18. ADJOURNMENT

If an individual decides to appeal any decision made by this board with respect to any matter

considered at this meeting, a verbatim transcript may be required, and the individual may need to ensure that a verbatim transcript of the proceedings is made (Florida Statute 286.0105).

The Town does not provide this service. In compliance with F.S. 86.26 and the Americans with Disabilities Act (ADA), anyone who needs a special accommodation for this meeting should contact the Town's ADA Coordinator at 321-727-7764 at least 48 hours in advance of this meeting.

Contact: Richard Kohler (townclerk@townofmalabar.org 321-727-7764) | Agenda published on 02/29/2024 at 3:23 PM

TOWN OF MALABAR

Regular Town Council Meeting

AGENDA ITEM NO: 4.a.
Meeting Date: March 4th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Approve Minutes of 2/05/2024 STCM Minutes

BACKGROUND/HISTORY:

Summary of actions at Town Council Meetings

ATTACHMENTS:

- Draft Minutes of the STCM of 2/05/2024

ACTION OPTIONS:

Review

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
February 05th, 2024, 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER:

Council Chair Mayor Patrick T. Reilly called meeting to order at 7:30 pm. CM Clevenger led P&P.

2. ROLL CALL:

CHAIR:	MAYOR PATRICK T. REILLY
VICE CHAIR:	DAVID SCARDINO
COUNCIL MEMBERS:	MARISA ACQUAVIVA
	BRIAN VAIL
	JIM CLEVINGER
	MARY HOFMEISTER - EXCUSED
TOWN ATTORNEY:	KARL BOHNE
TOWN MANAGER:	LISA MORRELL
TOWN CLERK:	RICHARD KOHLER

Also present at the meeting is Fire Chief Anthony Giantonio, and Town Treasurer Makayla Austin.

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES: None

4. CONSENT AGENDA:

4.a. Approve Minutes of 1/08/2023 RTCM

Exhibit: Agenda Report Number 4.a.

MOTION: CM Scardino/CM Vail to approve Consent Agenda as presented.

Vote: All Ayes (4-0).

5. PRESENTATION:

5.a. Dana Investment

Presented by: Dave Mazza & Greg Peters

Mr. Peters thanked Council for allowing him to present this evening. He explained that his company is employee owned, and they had about \$6.6 billion in assets. They work to customize their products for their clients. They also won "Best Place to Work" award from a national magazine.

Mr. Mazza introduced himself, and thanked Council for allowing him to present, and for the Town's investment with Dana. At the end of 2023 the portfolio had 1.23 million, which is a growth of 4.79%. He reported that the portfolio yield is 5.1, and the effective duration is short term. He highlighted that investment rates are trending up, but it has created an inverted yield curve. He also indicated that he expects the rates to begin dropping soon. He feels the Town's portfolio is very well situated to increase its position. He also stated that the last pages of the presentation show the Town's portfolio in detail. Some of the proceeds from the recent loan have also been invested, with over \$900,000.00 invested to help pay for the debt service payments. Mayor Reilly thanked Mr. Mazza for the presentation.

6. ATTORNEY REPORT: None.

7. BCSO REPORT: Deputy Thomas reported that there were 293 calls for service in January. He provided specific statistics including 14 suspicious persons, 33 traffic stops, and one stolen vehicle. CM Scardino asks how many sex offender live in Malabar? Deputy Thomas states they responded to 8 sex offender address verification in January.

CM Acquaviva asks about the fatality on Malabar Road. Deputy states there was one crash with injuries, but he has no further data available. CM Vail asks if FHP responds to those type of incidents. Deputy Thomas states yes, they do. CM Vail states he has seen an increase in patrols around Town.

8. BOARD/COMMITTEE REPORTS:

8.a. Trails and Greenways Committee

Exhibit: Agenda Report Number 8.a.

8.b. Parks and Recreation Board

Exhibit: Agenda Report Number 8.b.

8.c. Planning and Zoning Board

Exhibit: Agenda Report Number 8.c.

9. STAFF REPORTS:

9.a. Town Manager – TM Morrell began by providing an update on the NDPEs permit, FDEP OSTDS report, and the JLAC audit report. She also informed Council that the ITB for Rocky Point Road closed and all bids were rejected. A rebid has been issued and will close on February 16th. We are hoping to piggyback VA Paving's contract in March or April. She believes she can accomplish the Rocky Point Road area, Corey and Benjamin, and Briar Creek. All open positions in the Town have been filled. Chief Foley is still on leave, and Interim Giantonio is still serving in his role. Eschenberg Park Pavilion is slated for installation on April 15th. The Weir Street drainage project will begin again in March. Staff has ordered about \$12,000.00 of pipe to complete the project. She is hoping to use the ARPA funds for this project. She is preparing an ARPA fund explanation for a future meeting. The Court resurfacing project should be completed in the next few weeks. FD did respond to the Hall Road mulch fire. She sent a Certified Letter, but we did not receive any communication from them. Staff has submitted a complaint to FDACs.

9.b. Fire Chief

Exhibit: Agenda Report Number 9.b.

Chief Giantonio read his written report to Council. He thanked Staff for their showing of support at the service last week. CM Acquaviva thanked Chief for accepting her grandchildren for public education. She also asked if having a light on Malabar Road would decrease the response time? Chief Giantonio states it is a concern, but they have policies in place.

9.c. Public Works Director

Exhibit: Agenda Report Number 9.c.

Town Manager Morrell states the PW Department is working well and making improvements. They have complimented the new slope mower. CM Acquaviva thanked staff for preparing the report. CM Vail thanked staff for improving the aprons along dirt roads.

9.d. Town Clerk

Exhibit: Agenda Report Number 9.d.

Clerk Kohler states that the Space Coast League of Cities is scheduled for March 11th at Up the Creek Farms. The Town will pay for all of Council to attend. Any members wishing to bring their spouses will be responsible for purchasing their ticket for \$35. Please notify the Town Clerk before March 1st if you plan on attending.

Included in the written report is information from the January Vision Zero Meeting. Some notable examples are that serious injury crashes are trending up, 19% involved a bicyclist

or pedestrian, 20% involved a motorcycle, and 61% were all others, mostly cars. In the 4-year period of 2018-2022, there were 2,744 killed or injured on Brevard County roadways. There is an Action Plan review included in the report.

Staff also received notice from Florida Commerce that they did not receive the required Evaluation and Appraisal Notification Letter regarding our Comprehensive Plan. The Comprehensive Plan was most recently updated in 2019, and staff is in the process of rectifying the issue.

Also, Staff has created a Frequently Asked Questions form to be posted to the Town's website and Facebook.

CM Acquaviva states she likes the FAQ report.

10. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required) – None

11. PUBLIC HEARINGS/SPECIAL ORDERS: 0

12. UNFINISHED BUSINESS/GENERAL ORDERS MAY INCLUDE ITEMS DIRECTLY RELATED TO TOWN APPOINTED BOARDS/COMMITTEES: 0

13. ACTION ITEMS:

ORDINANCES for FIRST READING: 0

RESOLUTIONS: 0

MISCELLANEOUS: 4

13.a. Request for Parcel 29-37-03-01-*-1.01 to contract or deannex property from the Town of Malabar

Exhibit: Agenda Report Number 13.a.

Applicant: Not Present

Staff: Attorney Bohne states the Town will have to perform a feasibility study in the next 6 months. We have been down this road before with previous applicants. One of the things to review is the application and submission process by the applicant. One can only contract property from a town if it can be subject to annexation. CM Acquaviva states the application stated they were seeking the annexation to seek flexibility in future development. Have they been denied a site plan by Planning and Zoning? Attorney Bohne states they have not, but they still have the right to make the request. If we deny it, we must state the reason for the denial.

MOTION: CM Scardino/CM Acquaviva to direct Staff to undertake a feasibility study of the property in question.

Discussion: None

VOTE: All Ayes (4-0)

13.b. Approve Temporary Placement of a Travel Trailer while Constructing SFR at 1880 Sandy Creek Lane.

Exhibit: Agenda Report Number 13.b.

Applicant: Mr. Bonnett states he hopes to live in his fifth wheel while he builds his house on Sandy Creek Lane. He is in receipt of the building permit.

Staff: Clerk Kohler states Mr. Bonnett has filed the required paperwork and paid the \$500.00 bond.

MOTION: CM Acquaviva/CM Vail to approve temporary Trailer placement.

Discussion: CM Clevenger asks if the applicant has a time frame? Applicant states he hopes to complete it in 6-8 months.

Vote: All Ayes (4-0)

13.c. Connex Container Discussion

Exhibit: Agenda Report Number 13.c.

Staff: TM Morrell states this item was discussed at the January Planning and Zoning meeting. The recommended unanimously to leave the Code as is, allowing Connex materials for dwellings.

MOTION: CM Scardino/CM Vail to direct Staff to create an Ordinance to limit development from connex containers.

Discussion: Mayor Reilly asks if Staff agrees with the recommendation from P&Z. TM Morrell states Staff is agnostic to the details. The permitting process will be very expensive for a build of this type. Mayor Reilly states that in table 1-3.3(A) there are allowable uses of less than 1500 sq feet. He is opposed to these type of dwellings. He has had poor experiences with them in his past. CM Scardino states he agrees, and feels they will be a nuisance. Mayor Reilly states he feels we have had a bad experience in Malabar with them already. CM Clevenger states he is also against it, but would denying it open the Town up to a lawsuit? TM Morrell states no. CM Vail states he has seen some nice ones. Mayor states Planning and Zoning stated they felt the minimum square footage would hinder development. TM Morrell states the agenda includes options to allow or disallow these types of dwellings. Mayor Reilly states he feels we should prohibit it. CM Scardino agrees. TM Morrell suggests if Council wishes to deny these types, to make a motion to include the Polk County code.

VOTE: All Ayes (4-0)

13.d. Cancel Second RTCM of February 2024

Exhibit: Agenda Report Number 13.d.

Staff: Clerk states that Council has traditionally considered the need for a second meeting in February. Staff would like to request a meeting be held on February 26th to accept the ITB.

MOTION: CM Vail/CM Acquaviva to cancel the second meeting of February 2024 to hold a Special Council Meeting on February 26th.

Discussion: None.

VOTE: All Ayes (4-0)

14. DISCUSSION/POSSIBLE ACTION: 5

14.a. Town Hall and Historical House Location Discussion – CM Vail

Exhibit: Agenda Report Number 14.a.

Discussion: CM Vail states that currently, the new Town Hall is proposed to go in the same area where the historical house will go. He would like to see it placed along the north or south side of the road to the playground. The building will meet all ADA requirements. TM Morrell states she wished to discuss this as we appear to have conflicting plans. CM Vail also requests Council waive the permit fees for the rehabilitation. There will be permits pulled for the construction, plumbing, electrical, and the pouring of the concrete slab. Mayor Reilly asks what the purpose of this building is? CM Vail states we could rent it out for parties, or have Board meetings, or rent to the boy scouts. In total, it will be about 800 sq foot structure. In the future, it could be used as a concession stand. Mayor Reilly asks if the building would be suitable in between the bridge and the baseball field. CM Vail states he hopes to keep it near the front of the park to prevent potential vandalism. CM Vail states another option would be behind the baseball backstop. CM Scardino states he feels waiving the fees should be easy, but he is unsure of where the building would go. He would like to see a final decision made once we know what the Town Hall plan is. CM Acquaviva states that she recently saw a historical house restored in a park in Jacksonville. She supports the building being at the park and being visible. CM Scardino suggests waiving the fees, but not selecting a final location at this time. CM Clevenger states he believes CM Vail is looking for a safe place for the building. Is there a

space that would have it be viewed and maintained? CM Scardino asks who will pay for the slab? CM Vail states he has funded a lot of the project personally, and he has hosted a few fundraisers. He has also applied for a Home Depot grant, as the Palm Bay location is one of the best. TM Morrell states she is thrilled this discussion is taking place. Mayor Reilly suggests placing it outside the third base line. CM Vail states he hopes to tap into the Fire House septic system. CM Scardino asks if we could develop a conceptual plan for where Town Hall will go. TM Morrell suggests waiting until budget season to create a conceptual site plan for Council's review. She also states Staff will have an item to waive the fees at a future meeting.

14.b. Springfest and Parks Discussion – CM Acquaviva

Exhibit: Agenda Report Number 14.b.

Discussion: CM Acquaviva states that she sees the Parks and Rec Board is hoping for an October 19th Trunk or Treat event. She would like to see increased notices about the events. Clerk Kohler states an application has been submitted for membership. TM Morrell states staff is excited to have a date selected. CM Vail states he would be happy to donate supplies. CM Acquaviva states she is thrilled to see it move forward and hopes to encourage more volunteer participation.

14.c. Table 1-3.3(A) to be reviewed by the Planning and Zoning Board – Mayor Reilly

Exhibit: Agenda Report Number 14.c.

Discussion: Mayor Reilly states that he requested the Planning and Zoning Board review this table in November. He has noted more deficiencies and would like a motion to send it to P&Z for review. Mayor Reilly states that there were footnotes included in the original Ordinance, and he feels they were not codified.

MOTION: CM Scardino/CM Acquaviva to request Planning and Zoning Board review table 1-3.3(A).

Staff: TM Morrell states Staff will research this and provide PZ with the appropriate information.

VOTE: (4-0) All Ayes.

14.d. Discussion of Quiet Zones – Tabled

Exhibit: Agenda Report Number 14.d.

Item Remained Tabled until full Council is present.

14.e. State Legislative Session Update

Exhibit: Agenda Report Number 14.e.

Discussion: TM Morrell states the Live Local Act is a preemption of local zoning laws. A County official in Pinellas County found loopholes to the bill, and some tax breaks for developers. State legislators are working to close them, but she wanted to bring this to Council's attention. She also included a summary from Ms. Casey Cook on active legislation.

15. PUBLIC COMMENTS: General Items (Speaker Card Required)

16. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: States that she is thinking of if she will continue to serve due to the Form 6 requirement. She is conflicted by this, and feels the State is continually chipping away the Town's authority.

CM Vail: None

CM Clevenger: None

CM Scardino: None

CM Hofmeister: Excused

Mayor Reilly: None

16. **ANNOUNCEMENTS:** (2) Vacancy on the Planning & Zoning Board; (3) Vacancies on the Parks and Recreation Board; (2) Vacancy on the Board of Adjustment; (2) Vacancy on the Trails and Greenways Committee.
17. **ADJOURNMENT:** There being no further business to discuss and without objection, the meeting was adjourned at 9:12 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Town Clerk

Date Approved: 03/04/2024

DRAFT

TOWN OF MALABAR

Regular Town Council Meeting

AGENDA ITEM NO: 4.b.

Meeting Date: March 4th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Approve Minutes of 2/26/2024 STCM Minutes

BACKGROUND/HISTORY:

Summary of actions at Town Council Meetings

ATTACHMENTS:

- Draft Minutes of the STCM of 2/26/2024

ACTION OPTIONS:

Review

**MALABAR TOWN COUNCIL
REGULAR MEETING MINUTES
February 26th, 2024, 7:30 PM**

This meeting of the Malabar Town Council was held at Town Hall at 2725 Malabar Road.

1. CALL TO ORDER:

Council Vice-Chair David Scardino called meeting to order at 7:30 pm. CM Scardino led P&P.

2. ROLL CALL:

CHAIR:

MAYOR PATRICK T. REILLY (EXCUSED)

VICE CHAIR:

DAVID SCARDINO

COUNCIL MEMBERS:

MARISA ACQUAVIVA

BRIAN VAIL

JIM CLEVINGER

MARY HOFMEISTER

TOWN MANAGER:

LISA MORRELL

TOWN ATTORNEY:

KARL BOHNE (EXCUSED)

TOWN CLERK:

RICHARD KOHLER

3. APPROVAL OF AGENDA - ADDITIONS/DELETIONS/CHANGES:

4. PUBLIC COMMENTS: Comments at this point may address items NOT on the Agenda. Comments related to subsequent Agenda Items may be made as those items come up. Public comments do not require a Council response. (Speaker Card is Required)

Five (5) Minute Limit per Speaker.

5. ACTION ITEMS:

5.a. Award of Bid - ITB 24-01 Rebid 23-01 Rocky Point Road Shoreline Restoration

Exhibit: Agenda Report Number 5.a.

Staff Comments: TM Morrell states she has provided a short synopsis of the events in the agenda report. Staff is hoping to revert the shoreline in the 4 failed areas. 5 bids were received, and in an ITB, the lowest bidder should be awarded the contract bearing any issues with negotiations. She also included fund information and requests a motion to reallocate the funds. We will also request a FEMA extension, as the deadline in June 1st, and the project will likely take 150 work days. Eventually, we will reimburse the fund it was taken from.

MOTION: CM Vail/CM Hofmeister to approve the award of ITB 24-01 Rebid 23-01 Rocky Point Road Shoreline Restoration to Custom Built Marine Construction, Inc located 3119 Hammond Road, Fort Pierce, FL 34946 and authorize the Town Manager to execute a contract for construction services. Failure by the low bidder to execute a contract and all requirements within 14 days, the Town Manager is authorized to award contract with second lowest bidder for ITB 24-01."

Discussion: VC Scardino asked what would happen if a hurricane came mid project? TM states that the project would be bonded but an act of God could be considered a force majeure. CM Acquaviva asks if FEMA would reimburse us for any expenses in that scenario. TM states in that hypothetical, it is certainly possible. CM Acquaviva also asks if the delay was caused by many of these types of projects needing to be completed. TM states that it is a factor. She has done her best to get the project moving forward. CM Hofmeister asks if the Town will have issues with FEMA. TM states she is doing her best to ensure that this project will be covered. VC Scardino asks if we can add a financial incentive to get the contractor to work faster. TM states the contractor bid 150 work days, and the suggested time frame was 270.

VOTE: All Ayes, 5-0.

MOTION: CM Vail/CM Acquaviva to transfer \$350,000 from Streets & Roads Construction in Progress fund balance to fund the shoreline restoration project and await reimbursement from FEMA to refund funding source origin, 541.6400.

Discussion: CM Vail states he supports this and is looking forward to having the funds back from FEMA.

VOTE: All Ayes 5-0.

5.b. Scheduled Form 6 Meeting

Exhibit: Agenda Report Number 5.b.

Staff Comments: Clerk Kohler states that Mr. Steven Zuilkowski, the Deputy Executive Director and General Council of the Florida Commission on Ethics will be at a Form 6 meeting in Cocoa on March 18th. Form 6's are to be filed by all elected officials by July 1st and are filed online directly to the Commission on Ethics. Staff is seeking direction on how many elected officials are interested in attending this event, and if Council wishes to reschedule or cancel their 3/18/2024 RTCM to allow for greater attendance at the event.

Discussion: CM Acquaviva states she is uninterested in attending. CM Clevenger, Vail and Scardino agree. CM Hofmeister states she would rather do Town Work instead of attending a meeting. CM Acquaviva states that the Form 6 requirement will be a major drawback for volunteer municipal officials. TM Morrell states that the intent of the bill is that it takes hundreds of votes to pass the state budget, but only 3 to pass municipal budgets. The hope is to provide additional transparency to the process. Consensus is reached that the March 18th RTCM will be held as scheduled.

6. PUBLIC COMMENTS: General Items (Speaker Card Required)

Patty Dial, 2580 Rocky Point Road – States she is thrilled this project is moving forward. She is curious as to why one contractor plans to move so quickly? VC Scardino states that many contractors have few workers or are low on products. This contractor appears to be ready. TM Morrell states we requested the max to be 270 days, one was for 150, and one was for 90. The major component of this process is the lowest bidder gets the contract.

7. REPORTS – MAYOR AND COUNCIL MEMBERS

CM Acquaviva: None

CM Vail: None

CM Clevenger: None

CM Hofmeister: Thanked Staff for seeing this project through.

CM Scardino: None

Mayor Reilly: Excused

8. ANNOUNCEMENTS: (2) Vacancy on the Planning & Zoning Board; (2) Vacancy on the Parks & Recreation Board; (1) Vacancy on Board of Adjustment.

9. ADJOURNMENT: There being no further business to discuss and without objection, the meeting was adjourned at 7:58 P.M.

BY: _____
Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard Kohler
Town Clerk

Date Approved: 3/4/2024

DRAFT

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 4.C.
Meeting Date March 4, 2024

Prepared By: Lisa Morrell, Town Manager

SUBJECT: Code Enforcement Case Activity Report as of 2/28/2024

BACKGROUND/HISTORY:

Case Number	Case Date	Parcel	Property Address	Description	Status
16	10/20/2020	29 3702-00-514	2240 DUNCIL LN MALABAR FL 32950	Boat ROW	Open
23	12/15/2020	28-38-31-54-B-1.02	2425 MALABAR RD	LDC OI Land Use & Junk Vehicles	Open
27	3/4/2021	29 3711-00-755	2970 COREY RD MALABAR FL 32950	Driveway Culvert Failed	Pending
53	6/10/2021	28-38-31-26-10.2	1150 Highway 1	Collapsed Garage on property	Open
73	1/31/2022	29-37-03-00-757	2175 Wilson Lane	Overgrown property line	Open
77	4/12/2022	29 3701-00-41	1865 ELAINE LN MALABAR FL 32950	Storage of Junk Vehicles	Pending
93	8/18/2023	29 3701-00-35	1820 ELAINE LN MALABAR FL 32950	Old Trailer from Fire, over a month, time to clean it up.	Pending
95	8/18/2023	28 3831-76-*-10	2940 CENTURY OAKS CIR MALABAR FL 32950	Unsecured Mobile home	Pending
98	8/21/2023	28 3831-50-A-8.04	1376 MARSHALL DR	Resident states side lot of above address has come to resemble a junk yard.	Pending
102	8/21/2023	29 3712-00-261	1925 ATZ RD MALABAR FL 32950	possible vehicle garage repair business out of residence in RR-65 Zoning	Pending
105	8/21/2023	29-37-12-00-540	Vacant Beekeeper Lot	Beekeeper storage of junk, const activity w/o permit or access	Open
111	2/12/2024	29 3702-00-80	1825 EVA LN MALABAR FL 32950	Solid Waste Service Terminated.	Pending
112	2/16/2024	28 3831-76-*-11	2944 CENTURY OAKS CIR MALABAR FL 32950	Unpermitted Activity	Pending

ACTION OPTIONS:

Per Town Council Discussion and Direction.

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 4.d.
Meeting Date March 4, 2024

Prepared By: Lisa Morrell, Town Manager
Through: Anthony Gianantonio, Interim Fire Chief

SUBJECT: Sale of Surplus Equipment

BACKGROUND/HISTORY:

The Fire Department has evaluated the need for older equipment stored at the fire station. Most of the equipment identified either has exceeded its life span or no longer meets safety compliance for use as firefighting equipment. Fire department staff and personnel had conducted a survey to determine the items for surplus.

The Fire Department will post these items for the public to bid using government items auction online service, Gov Deals, with starting bids and reserves to be met per item posted. The revenues generated from the sale of each surplus item will return to the general fund balance, the original fund source pursuant to state statute.

ATTACHMENTS:

FD surplus Items

FINANCIAL IMPACT:

Estimated Revenue \$54,500

1989 M817/5-Ton Military 6x6 - \$8,000
2007 Ford F-550 Diesel Firefighting Vehicle - \$15,000
2004 Power hawk Rescue System - \$2,000
1997 E-One American Eagle Fire Truck - \$8,000
Assorted Mobile & Portable Radios - \$500
Observatory Dome Building - \$8,000
Hurst Tools and T-N-T Pump - \$2,500
Assorted Ancillary Equipment - \$500
24 Air Bottles & 13 Scott Air Packs with Regulators - \$10,000

ACTION OPTIONS:

Motion to approve the listed items for surplus activity.

Wildland Fire Apparatus Converted Military Unit

Vehicle description: VIN# NL00B2C13310523

- 1989 M817 5-Ton military 6x6.
- Vehicle Mileage: 9415 – Vehicle Hours: 595.03
- Fuel Type: Diesel
- Pump: Briggs & Stratton Vanguard 250 GPM (unleaded gas)
- Tank Size: 2000 Gallons
- Manual Transmission with High and Low Gearing





Rear wheels are locked up.

Estimated Sell Price: \$8,000

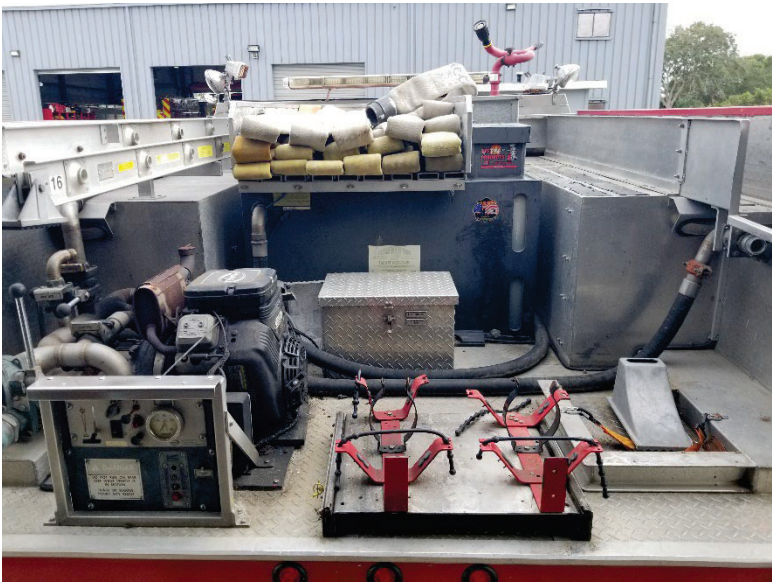
Fire Department Quick Attack Vehicle

This unit served as a quick response initial attack vehicle. The following is the description of this unit:

VIN # 1FDAW57P97EB46988

- 2007 Ford F-550 Diesel Fire fighting vehicle.
- Four (4)-door crew cab with two SCBA seats.
- 300 Gallon water tank and various discharges located for pre-connected attack lines.
- Vehicle has 84,666 miles.
- Complete light and siren package included with the vehicle.
- A 16' ladder is included.
- All body compartments have roll-up doors.







This vehicle should begin at \$15,000.00.

The fire pump needs to be rebuilt. It starts but will not stay on when opening a discharge.

**2004 Power Hawk Rescue System
12Volts Rescue Extrication System**

Includes the original P-16 Rescue Tool with the cutter and spreader attachments. Also comes with a 12 Volt reciprocating saw.

Tool bag is for all accessories and power lines. The unit has been out of service for over five (5) years.

Estimated Sell Price: \$2,000.00



1997 E-One American Eagle Fire Truck

1250 GPM Hale Pump (inoperable)
1000 Gallon Poly Tank

Mileage: 4707.4

Engine Hours (estimated): 4360

VIN: 4ENFFAAA88V1007586

The unit does not have a drive shaft and has been out of service for over four (4) years. Cannot be used as a fire truck anymore.

Last fleet report 5/2017:

- Steamer connection leaks water.
- All packing for pump housing leaks.
- Vehicle hours gauge broken.
- Rear passenger side trim is bent.
- Compartment #13 is dented.
- Front passenger pump intake is not operational.
- Vehicle frame is out of alignment.
- The A/C unit is not functioning.

Estimated Value - \$8,000.00



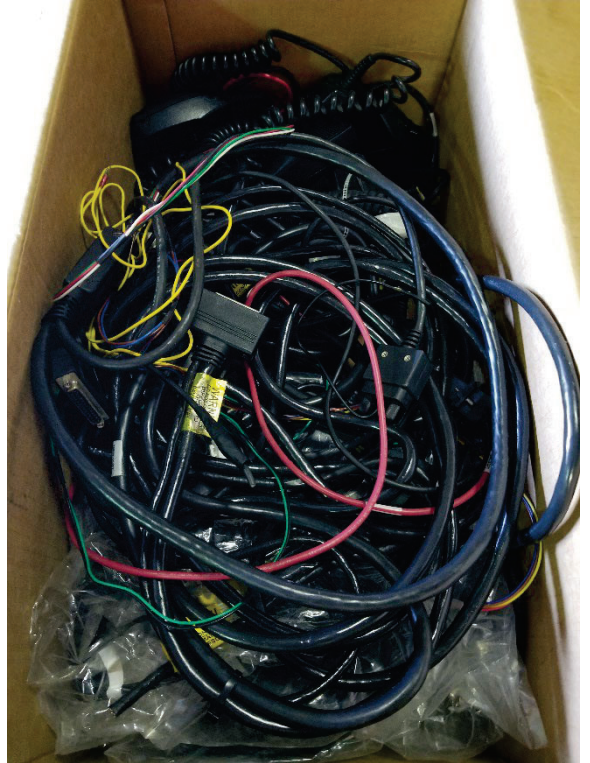
Assorted Mobile and Portable Radios

This package includes all items listed below: **(Estimated Sell Price: \$500)**

2 – GE Mobile Radio Base.
4 – Complete MA/COM Mobile Radio.
6 – MA/COM M7100 Mobile Radio with 6 – Remote Head Unit.
1 – Base Radio Housing.
Assorted Wiring Harness for M7100 Mobile Radio.

2 – MA/COM P7100 Portable Radio.
2 – XG 25 Portable Radio.
Assorted Portable Radio Chargers and Collar Mics.





Observatory Dome Building

Features a cable system for opening the dome.
Aluminum exterior shell.

Estimated Cost: \$8,000





Hurst Hydraulic Extrication Tools and T-N-T Hydraulic Pump

These tools are from the mid to late 90's and the T-N-T pump is from early 2000. The equipment has not been serviced in over five (5) years. There are no hydraulic lines included in this equipment package.

Estimated Sell Price: \$2,500



**Assorted Equipment
Sold as one package.**

Includes:

Honda 3500-Watt Generator

Electric Powered Fan

Electrical Cord Reels

Assorted Electric Portable Lights

Two Hose Reels

Estimated Cost - \$500



Updated Item for Gov Deals Listing

Additional items to place on our list are:

13 Scott NXG2 2.2 (2216 PSI) Air Packs with Regulators

Features:

- Quick Connect Air Bottle System
- Emergency Quick Fill Connection
- Manufactured in 2004
- Donations from Melbourne Beach Volunteer Fire Department in 2015
- Last Compliance test was conducted on 2017/2021

24 Scott Quick Connect 2216 psi Air Bottles

Air Packs and Air Bottles are not in service and will need updated compliance service test to include Hydrostatic Tests for the Air Bottles and Flow Test for the Air Packs and Regulators. These units do not have batteries installed for the pass device. All units and air bottles come “as is” with no current in service tests completed.

Price for all: \$10,000



TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO:4.e.
Meeting Date March 4, 2024

Prepared By: Lisa Morrell, Town Manager

SUBJECT: Town Organization Chart

BACKGROUND/HISTORY:

An updated Town Organizational Chart was requested and provided in the attached item as of February 28, 2024.

The Vacancy for Heavy Equipment Operator has been posted and closes on March 17, 2024. Public Works in need of a Heavy Equipment Operator with a Class A CDL experienced in operating a loader, dump truck, excavation and road grading.

ATTACHMENTS:

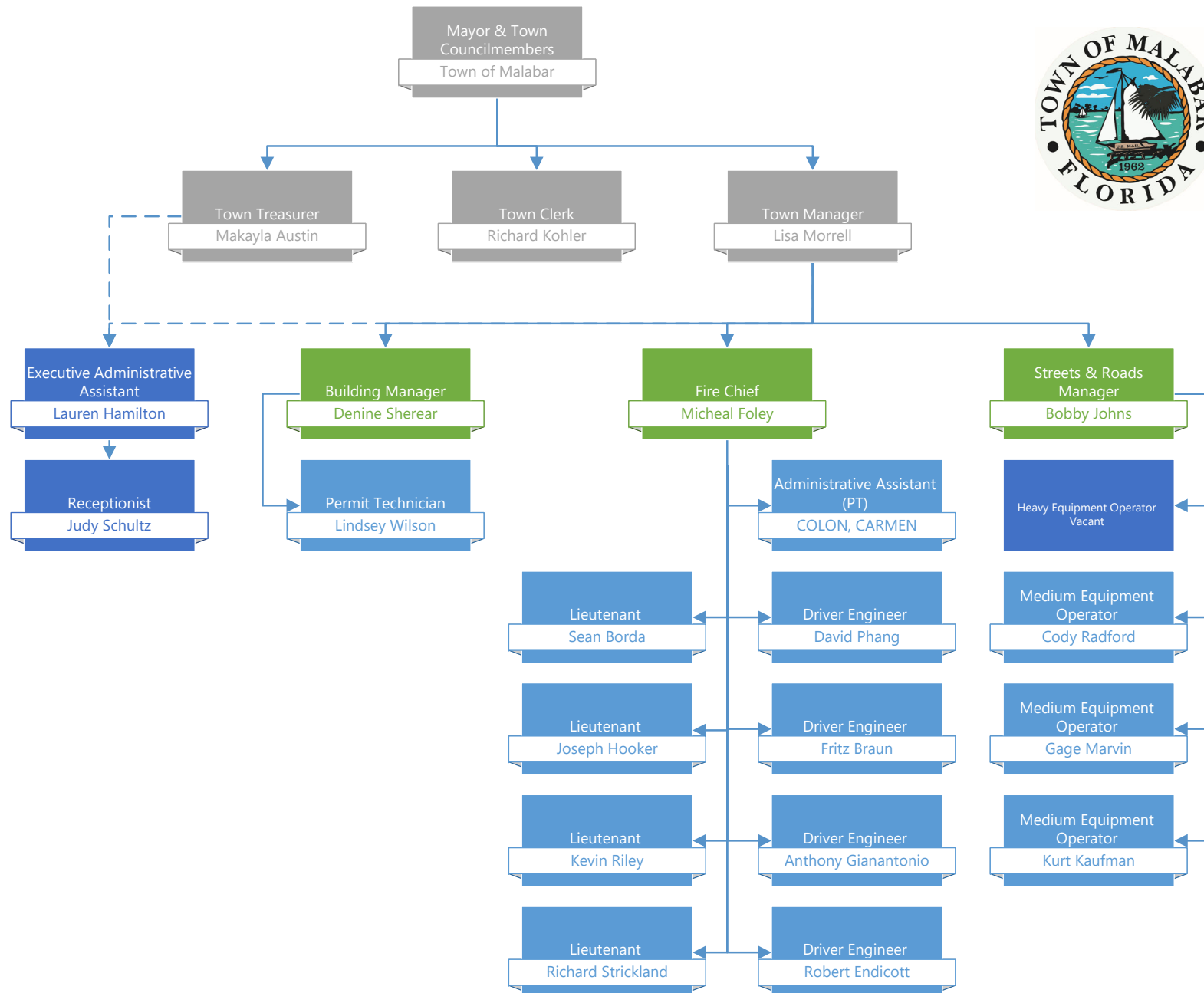
2024 02 28 Town Organization Chart

FINANCIAL IMPACT:

ACTION OPTIONS:

Per Town Council Action for Acceptance and or Direction.

Town Organization Chart and Personnel as of February 28, 2024



Official

Proclamation

Town of Malabar,

Florida

Irish American Heritage Month

WHEREAS, in March, when communities all across the country celebrate St. Patrick's Day, our Nation honors the rich heritage of the millions of Americans who trace their lineage to Ireland; and

WHEREAS, five signers of the Declaration of Independence were of Irish descent and three signers were Irish born; and

WHEREAS, Irish Americans helped to fashion system of government for our young Nation; and

WHEREAS, twenty-three Presidents have proudly proclaimed their Irish American heritage; and

WHEREAS, Irish born Commodore John Barry was recognized by the United States Congress in September of 2002 as the "First Flag Officer of the United States Navy", and

WHEREAS, in 1942, The 5 Sullivan brothers made the ultimate sacrifice for democracy and freedom in the world and later had the Destroyer USS Sullivan Commissioned in their memory, and

WHEREAS, the Irish first came to Spanish "La Florida" in the 1500s – first as missionaries and mercenary soldiers and then as planers, traders, businessmen, doctors, and administrators; and

WHEREAS; three of the Spanish Governors of "La Florida" were actually Irish military officers, and

WHEREAS; FR. Richard Arthur, an Irish-born priest from Limerick who was appointed parish priest for St. Augustine in 1597 and ecclesiastical judge of "La Florida," established the first public school in America and opened it to both boys and girls of all races; and

WHEREAS, Irish American, since America's inception, have provided and continue to provide leadership and service to this nation's political, business and religious establishments; and

WHEREAS, it is fitting and proper to celebrate the rich cultural heritage and the many valuable contributions of the Irish Americans.

NOW, THEREFORE, be it resolved, by the Town Council of the Town of Malabar, that the month of March is proclaimed "IRISH AMERICAN HERITAGE MONTH"

IN WITNESS WHEREOF, I have hereunto set my hand this 4th day of March 2024, and of the Town of Malabar.

Town of Malabar Florida

Patrick T. Reilly

Town of Malabar, Mayor

ATTEST:

Richard Kohler

Town of Malabar, Town Clerk

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 8.a
Meeting Date: March 4th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Trails and Greenways Committee Report

BACKGROUND/HISTORY:

At the 2/12/2024 Trails and Greenways Committee Meeting, the Committee discussed current trail and firebreak conditions, the Cameron Preserve, and the Eagles Nest Trailhead.

On February 21st, Trails and Greenways Committee Chair Thompson and Town Clerk Kohler met with a DEP representative and a TPO representative to do a walking tour through Malabar's trails to be highlighted by Florida Trail Towns.

The Committee scheduled a work event on February 23rd and installed most of the fence at the Eagles Nest Trailhead.

ATTACHMENTS

- None

ACTION:

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 8.b
Meeting Date: March 4th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Parks and Recreation Board Report

BACKGROUND/HISTORY:

The Parks and Recreation Board held a meeting on February 21st. The voted to recommend approval of Ms. Wilson's appointment, and continued their discussion about the upcoming FallFest event.

At the 12/20/2023 Parks and Recreation Board Meeting, the Board continued their discussion of future Town Events. The Board agreed to host a Trunk'or'Treat in 2024, with a tentative date of October 19th. The Board also indicated that they hope to plan a larger SpringFest Event in 2025.

ATTACHMENTS:

- None

ACTION:

- None.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 8.C.

Meeting Date: March 4th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Planning and Zoning Board Update

BACKGROUND/HISTORY:

The Planning and Zoning Board's 02/28/2024 meeting was canceled for a lack of a quorum. Their next potential meeting is 03/13/2024.

ATTACHMENTS:

- a. None

ACTION OPTIONS:

- a. None

TOWN OF MALABAR

COUNCIL MEETING

AGENDA ITEM NO: 9.a.
Meeting Date March 4, 2024

Prepared By: Lisa Morrell, Town Manager

SUBJECT: Brevard Public Schools Approved Final 2023-2024 Five Year District Facilities Work Program

BACKGROUND/HISTORY:

The 2023-24 Five Year District Facilities Work Plan (Five-Year Work Plan) was approved by the Board this morning at the February 27, 2024 School Board Meeting and was submitted to FDOE this afternoon. Please see a copy of the Final plan attached.

Please refer to pages 9 &10 of the report for school capacity project schedules, which is a schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs; which corresponds to capacity tracking on report pages 11-14.

ATTACHMENTS:

FINAL 2023-24 5 Year Work Plan District Report Approved 240227

FINANCIAL IMPACT:

ACTION OPTIONS:

Per Town Council Action for Acceptance and or Direction.

INTRODUCTION

The 5-Year District Facilities Work Program is a very important document. The Department of Education, Legislature, Governor's Office, Division of Community Planning (growth management), local governments, and others use the work program information for various needs including funding, planning, and as the authoritative source for school facilities related information.

The district's facilities work program must be a complete, balanced capital outlay plan that is financially feasible. The first year of the work program is the districts capital outlay budget. To determine if the work program is balanced and financially feasible, the "Net Available Revenue" minus the "Funded Projects Costs" should sum to zero for "Remaining Funds".

- If the "Remaining Funds" balance is zero, then the plan is both balanced and financially feasible.
- If the "Remaining Funds" balance is negative, then the plan is neither balanced nor feasible.
- If the "Remaining Funds" balance is greater than zero, the plan may be feasible, but it is not balanced.

Summary of revenue/expenditures available for new construction and remodeling projects only.

	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	Five Year Total
Total Revenues	\$310,153,773	\$159,504,693	\$155,172,015	\$158,244,070	\$130,970,204	\$914,044,755
Total Project Costs	\$244,741,897	\$91,806,685	\$84,612,973	\$99,612,973	\$62,748,973	\$583,523,501
Difference (Remaining Funds)	\$65,411,876	\$67,698,008	\$70,559,042	\$58,631,097	\$68,221,231	\$330,521,254

District BREVARD COUNTY SCHOOL DISTRICT

Fiscal Year Range

CERTIFICATION

By submitting this electronic document, we certify that all information provided in this 5-year district facilities work program is accurate, all capital outlay resources are fully reported, and the expenditures planned represent a complete and balanced capital outlay plan for the district. The district Superintendent of Schools, Chief Financial Officer, and the School Board have approved the information contained in this 5-year district facilities work program; they certify to the Department of Education, Office of Educational Facilities, that the information contained herein is correct and accurate; they also certify that the plan has been developed in coordination with the general purpose local governments as required by §1013.35(2) F.S. We understand that any information contained in this 5-year district facilities work program is subject to audit by the Auditor General of the State of Florida.

Date of School Board Adoption 2/27/2024
Work Plan Submittal Date 2/27/2024
DISTRICT SUPERINTENDENT Mark J. Rendell, Ed.D.
CHIEF FINANCIAL OFFICER Cynthia Lesinski
DISTRICT POINT-OF-CONTACT PERSON Karen M. Black, AICP
JOB TITLE Manager-Facilities Planning & Intergovernmental Coordination
PHONE NUMBER 321-633-1000, ext. 11418
E-MAIL ADDRESS Black.Karen@BrevardSchools.org

Expenditures

Expenditure for Maintenance, Repair and Renovation from 1.50-Mills and PECO

Annually, prior to the adoption of the district school budget, each school board must prepare a tentative district facilities work program that includes a schedule of major repair and renovation projects necessary to maintain the educational and ancillary facilities of the district.

Item	2023 - 2024 Actual Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
HVAC	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Flooring	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Roofing	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Safety to Life	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fencing	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Parking	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Electrical	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Fire Alarm	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Telephone/Intercom System	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Closed Circuit Television	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Paint	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Maintenance/Repair	\$0	\$0	\$0	\$0	\$0	\$0
Locations:	No Locations for this expenditure.					
Sub Total:	\$0	\$0	\$0	\$0	\$0	\$0

PECO Maintenance Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
1.50 Mill Sub Total:	\$21,804,000	\$29,850,000	\$30,950,000	\$32,950,000	\$33,950,000	\$149,504,000

Other Items		2023 - 2024 Actual Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
Additional Facility Needs		\$3,841,000	\$4,100,000	\$5,200,000	\$5,700,000	\$5,700,000	\$24,541,000
Locations	ANDREW JACKSON MIDDLE, APOLLO ELEMENTARY, ASTRONAUT SENIOR HIGH, ATLANTIS ELEMENTARY, AUDUBON ELEMENTARY, BAYSIDE SENIOR HIGH, CAMBRIDGE ELEMENTARY MAGNET, CAPE VIEW ELEMENTARY, CENTRAL MIDDLE, CHALLENGER 7 ELEMENTARY, CHRISTA MCAULIFFE ELEMENTARY, CLEARLAKE EDUCATION CENTER, COCOA BEACH JR/SR HIGH, COCOA JR/SR HIGH, COLUMBIA ELEMENTARY, COQUINA ELEMENTARY, CROTON ELEMENTARY, DELAURA MIDDLE, DISCOVERY ELEMENTARY, DR W J CREEL ELEMENTARY, EAU GALLIE SENIOR HIGH, EDGEWOOD JR/ SR HIGH, ENDEAVOUR ELEMENTARY MAGNET, ENTERPRISE ELEMENTARY, FAIRGLEN ELEMENTARY, FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES, GEMINI ELEMENTARY, GOLFVIEW ELEMENTARY MAGNET, HANS CHRISTIAN ANDERSEN ELEMENTARY, HARBOR CITY ELEMENTARY, HERBERT C HOOVER MIDDLE, HERITAGE HIGH, IMPERIAL ESTATES ELEMENTARY, INDIALANTIC ELEMENTARY, JAMES MADISON MIDDLE, JOHN F KENNEDY MIDDLE, JOHN F TURNER SR ELEMENTARY, JUPITER ELEMENTARY, LEWIS CARROLL ELEMENTARY, LOCKMAR ELEMENTARY, LONGLEAF ELEMENTARY, LYNDON B JOHNSON MIDDLE, MANATEE ELEMENTARY, MEADOWLANE INTERMEDIATE ELEMENTARY, MEADOWLANE PRIMARY ELEMENTARY, MELBOURNE SENIOR HIGH, MERRITT ISLAND SENIOR HIGH, MILA ELEMENTARY, MIMS ELEMENTARY, OAK PARK ELEMENTARY, OCEAN BREEZE ELEMENTARY, OLD CREEL BUS COMPOUND, PALM BAY ELEMENTARY, PALM BAY MAGNET SENIOR HIGH, PINWOOD ELEMENTARY, PORT MALABAR ELEMENTARY, QUEST ELEMENTARY, RALPH M WILLIAMS JR ELEMENTARY, RIVERVIEW SCHOOL, RIVIERA ELEMENTARY, ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS, ROCKLEDGE SENIOR HIGH, RONALD MCNAIR MIDDLE , ROY ALLEN ELEMENTARY, SABAL ELEMENTARY, SATELLITE SENIOR HIGH, SATURN ELEMENTARY, SEA PARK ELEMENTARY, SHERWOOD ELEMENTARY, SOUTH LAKE EDUCATION CENTER, SOUTH PINE GROVE SCHOOL, SOUTHWEST MIDDLE, SPACE COAST JR/ SR HIGH, SPESSARD L HOLLAND ELEMENTARY, STONE MAGNET MIDDLE, SUNRISE ELEMENTARY, SUNTREE ELEMENTARY, SURFSIDE ELEMENTARY, THEODORE ROOSEVELT ELEMENTARY, THOMAS JEFFERSON MIDDLE, TITUSVILLE HIGH, TROPICAL ELEMENTARY, UNIVERSITY PARK ELEMENTARY , VIERA HIGH SCHOOL, WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE, WEST SHORE JR/SR HIGH, WESTSIDE ELEMENTARY						
Preventative Maintenance		\$300,000	\$3,000,000	\$3,000,000	\$3,500,000	\$3,500,000	\$13,300,000
Locations	520 BUS COMPOUND, ANDREW JACKSON MIDDLE, APOLLO ELEMENTARY, ASTRONAUT SENIOR HIGH, ATLANTIS ELEMENTARY, AUDUBON ELEMENTARY, BAYSIDE SENIOR HIGH, BEACHSIDE OFFICE, CAMBRIDGE ELEMENTARY MAGNET, CAPE VIEW ELEMENTARY, CENTRAL MIDDLE, CHALLENGER 7 ELEMENTARY, CHRISTA MCAULIFFE ELEMENTARY, CLEARLAKE EDUCATION CENTER, COCOA BEACH JR/SR HIGH, COCOA JR/SR HIGH, COLUMBIA ELEMENTARY, COQUINA ELEMENTARY, CROTON ELEMENTARY, CUYLER SCHOOL, DELAURA MIDDLE, DISCOVERY ELEMENTARY, DR W J CREEL ELEMENTARY, EAU GALLIE SENIOR HIGH, EDGEWOOD JR/ SR HIGH, EDUCATIONAL SERVICES FACILITY, ENDEAVOUR ELEMENTARY MAGNET, ENTERPRISE ELEMENTARY, FAIRGLEN ELEMENTARY, FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES, GARDENDALE EDUCATION CENTER, GEMINI ELEMENTARY, GIBSON PARK, GOLFVIEW ELEMENTARY MAGNET, HANS CHRISTIAN ANDERSEN ELEMENTARY, HARBOR CITY ELEMENTARY, HERBERT C HOOVER MIDDLE, HERITAGE HIGH, IMPERIAL ESTATES ELEMENTARY, INDIALANTIC ELEMENTARY, JAMES MADISON MIDDLE, JOHN F KENNEDY MIDDLE, JOHN F TURNER SR ELEMENTARY, JUPITER ELEMENTARY, LEWIS CARROLL ELEMENTARY, LOCKMAR ELEMENTARY, LONGLEAF ELEMENTARY, LYNDON B JOHNSON MIDDLE, MANATEE BUS COMPOUND, MANATEE ELEMENTARY, MCLARTY STADIUM, MEADOWLANE INTERMEDIATE ELEMENTARY, MEADOWLANE PRIMARY ELEMENTARY, MELBOURNE BUS COMPOUND, MELBOURNE SENIOR HIGH, MERRITT ISLAND SENIOR HIGH, MID-SOUTH AREA SUPPORT SERVICES, MILA ELEMENTARY, MIMS ELEMENTARY, NORTH AREA TRANSPORTATION SERVICES, OAK PARK ELEMENTARY, OCEAN BREEZE ELEMENTARY, OLD CREEL BUS COMPOUND, PALM BAY ELEMENTARY, PALM BAY MAGNET SENIOR HIGH, PINWOOD ELEMENTARY, PLANT OPERATIONS AND MAINTENANCE, PORT MALABAR ELEMENTARY, QUEST ELEMENTARY, RALPH M WILLIAMS JR ELEMENTARY, RIVERVIEW SCHOOL, RIVIERA ELEMENTARY, ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS, ROCKLEDGE SENIOR HIGH, RONALD MCNAIR MIDDLE , ROY ALLEN ELEMENTARY, SABAL ELEMENTARY, SATELLITE SENIOR HIGH, SATURN ELEMENTARY, SEA PARK ELEMENTARY, SHERWOOD ELEMENTARY, SOUTH LAKE EDUCATION CENTER, SOUTH PINE GROVE SCHOOL, SOUTHWEST MIDDLE, SPACE COAST JR/ SR HIGH, SPESSARD L HOLLAND ELEMENTARY, STONE MAGNET MIDDLE, SUNRISE ELEMENTARY, SUNTREE ELEMENTARY, SURFSIDE ELEMENTARY, THEODORE ROOSEVELT ELEMENTARY, THOMAS JEFFERSON MIDDLE, TITUSVILLE HIGH, TROPICAL ELEMENTARY, UNIVERSITY PARK ELEMENTARY , VIERA ELEMENTARY SCHOOL, VIERA HIGH SCHOOL, WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE, WEST SHORE JR/SR HIGH, WESTSIDE BUS COMPOUND, WESTSIDE ELEMENTARY						
Maintenance Capital Supplement		\$11,300,000	\$13,000,000	\$13,000,000	\$14,000,000	\$14,000,000	\$65,300,000

Locations	520 BUS COMPOUND, ANDREW JACKSON MIDDLE, APOLLO ELEMENTARY, ASTRONAUT SENIOR HIGH, ATLANTIS ELEMENTARY, AUDUBON ELEMENTARY, BAYSIDE SENIOR HIGH, BEACHSIDE OFFICE, CAMBRIDGE ELEMENTARY MAGNET, CAPE VIEW ELEMENTARY, CENTRAL MIDDLE, CHALLENGER 7 ELEMENTARY, CHRISTA MCAULIFFE ELEMENTARY, CLEARLAKE EDUCATION CENTER, COCOA BEACH JR/SR HIGH, COCOA JR/SR HIGH, COLUMBIA ELEMENTARY, COQUINA ELEMENTARY, CROTON ELEMENTARY, CUYLER SCHOOL, DELAURA MIDDLE, DISCOVERY ELEMENTARY, DR W J CREEL ELEMENTARY, EAU GALLIE SENIOR HIGH, EDGEWOOD JR/ SR HIGH, EDUCATIONAL SERVICES FACILITY, ENDEAVOUR ELEMENTARY MAGNET, ENTERPRISE ELEMENTARY, FAIRGLEN ELEMENTARY, FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES, GARDENDALE EDUCATION CENTER, GEMINI ELEMENTARY, GIBSON PARK, GOLFOVIEW ELEMENTARY MAGNET, HANS CHRISTIAN ANDERSEN ELEMENTARY, HARBOR CITY ELEMENTARY, HERBERT C HOOVER MIDDLE, HERITAGE HIGH, IMPERIAL ESTATES ELEMENTARY, INDIALANTIC ELEMENTARY, JAMES MADISON MIDDLE, JOHN F KENNEDY MIDDLE, JOHN F TURNER SR ELEMENTARY, JUPITER ELEMENTARY, LEWIS CARROLL ELEMENTARY, LOCKMAR ELEMENTARY, LONGLEAF ELEMENTARY, LYNDON B JOHNSON MIDDLE, MANATEE BUS COMPOUND, MANATEE ELEMENTARY, MCLARTY STADIUM, MEADOWLANE INTERMEDIATE ELEMENTARY, MEADOWLANE PRIMARY ELEMENTARY, MELBOURNE BUS COMPOUND, MELBOURNE SENIOR HIGH, MERRITT ISLAND SENIOR HIGH, MID-SOUTH AREA SUPPORT SERVICES, MILA ELEMENTARY, MIMS ELEMENTARY, NORTH AREA TRANSPORTATION SERVICES, OAK PARK ELEMENTARY, OCEAN BREEZE ELEMENTARY, OLD CREEL BUS COMPOUND, PALM BAY ELEMENTARY, PALM BAY MAGNET SENIOR HIGH, PINWOOD ELEMENTARY, PLANT OPERATIONS AND MAINTENANCE, PORT MALABAR ELEMENTARY, QUEST ELEMENTARY, RALPH M WILLIAMS JR ELEMENTARY, RIVERVIEW SCHOOL, RIVIERA ELEMENTARY, ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS, ROCKLEDGE SENIOR HIGH, RONALD MCNAIR MIDDLE , ROY ALLEN ELEMENTARY, SABAL ELEMENTARY, SATELLITE SENIOR HIGH, SATURN ELEMENTARY, SEA PARK ELEMENTARY, SHERWOOD ELEMENTARY, SOUTH LAKE EDUCATION CENTER, SOUTH PINE GROVE SCHOOL, SOUTHWEST MIDDLE, SPACE COAST JR/ SR HIGH, SPESSARD L HOLLAND ELEMENTARY, STONE MAGNET MIDDLE, SUNRISE ELEMENTARY, SUNTREE ELEMENTARY, SURFSIDE ELEMENTARY, THEODORE ROOSEVELT ELEMENTARY, THOMAS JEFFERSON MIDDLE, TITUSVILLE HIGH, TROPICAL ELEMENTARY, UNIVERSITY PARK ELEMENTARY , VIERA ELEMENTARY SCHOOL, VIERA HIGH SCHOOL, WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE, WEST SHORE JR/SR HIGH, WESTSIDE BUS COMPOUND, WESTSIDE ELEMENTARY					
ADA Projects	\$100,000	\$500,000	\$500,000	\$500,000	\$500,000	\$2,100,000
Locations	520 BUS COMPOUND, ANDREW JACKSON MIDDLE, APOLLO ELEMENTARY, ASTRONAUT SENIOR HIGH, ATLANTIS ELEMENTARY, AUDUBON ELEMENTARY, BAYSIDE SENIOR HIGH, BEACHSIDE OFFICE, CAMBRIDGE ELEMENTARY MAGNET, CAPE VIEW ELEMENTARY, CENTRAL MIDDLE, CHALLENGER 7 ELEMENTARY, CHRISTA MCAULIFFE ELEMENTARY, CLEARLAKE EDUCATION CENTER, COCOA BEACH JR/SR HIGH, COCOA JR/SR HIGH, COLUMBIA ELEMENTARY, COQUINA ELEMENTARY, CROTON ELEMENTARY, CUYLER SCHOOL, DELAURA MIDDLE, DISCOVERY ELEMENTARY, DR W J CREEL ELEMENTARY, EAU GALLIE SENIOR HIGH, EDGEWOOD JR/ SR HIGH, EDUCATIONAL SERVICES FACILITY, ENDEAVOUR ELEMENTARY MAGNET, ENTERPRISE ELEMENTARY, FAIRGLEN ELEMENTARY, FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES, GARDENDALE EDUCATION CENTER, GEMINI ELEMENTARY, GIBSON PARK, GOLFOVIEW ELEMENTARY MAGNET, HANS CHRISTIAN ANDERSEN ELEMENTARY, HARBOR CITY ELEMENTARY, HERBERT C HOOVER MIDDLE, HERITAGE HIGH, IMPERIAL ESTATES ELEMENTARY, INDIALANTIC ELEMENTARY, JAMES MADISON MIDDLE, JOHN F KENNEDY MIDDLE, JOHN F TURNER SR ELEMENTARY, JUPITER ELEMENTARY, LEWIS CARROLL ELEMENTARY, LOCKMAR ELEMENTARY, LONGLEAF ELEMENTARY, LYNDON B JOHNSON MIDDLE, MANATEE BUS COMPOUND, MANATEE ELEMENTARY, MCLARTY STADIUM, MEADOWLANE INTERMEDIATE ELEMENTARY, MEADOWLANE PRIMARY ELEMENTARY, MELBOURNE BUS COMPOUND, MELBOURNE SENIOR HIGH, MERRITT ISLAND SENIOR HIGH, MID-SOUTH AREA SUPPORT SERVICES, MILA ELEMENTARY, MIMS ELEMENTARY, NORTH AREA TRANSPORTATION SERVICES, OAK PARK ELEMENTARY, OCEAN BREEZE ELEMENTARY, OLD CREEL BUS COMPOUND, PALM BAY ELEMENTARY, PALM BAY MAGNET SENIOR HIGH, PINWOOD ELEMENTARY, PLANT OPERATIONS AND MAINTENANCE, PORT MALABAR ELEMENTARY, QUEST ELEMENTARY, RALPH M WILLIAMS JR ELEMENTARY, RIVERVIEW SCHOOL, RIVIERA ELEMENTARY, ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS, ROCKLEDGE SENIOR HIGH, RONALD MCNAIR MIDDLE , ROY ALLEN ELEMENTARY, SABAL ELEMENTARY, SATELLITE SENIOR HIGH, SATURN ELEMENTARY, SEA PARK ELEMENTARY, SHERWOOD ELEMENTARY, SOUTH LAKE EDUCATION CENTER, SOUTH PINE GROVE SCHOOL, SOUTHWEST MIDDLE, SPACE COAST JR/ SR HIGH, SPESSARD L HOLLAND ELEMENTARY, STONE MAGNET MIDDLE, SUNRISE ELEMENTARY, SUNTREE ELEMENTARY, SURFSIDE ELEMENTARY, THEODORE ROOSEVELT ELEMENTARY, THOMAS JEFFERSON MIDDLE, TITUSVILLE HIGH, TROPICAL ELEMENTARY, UNIVERSITY PARK ELEMENTARY , VIERA ELEMENTARY SCHOOL, VIERA HIGH SCHOOL, WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE, WEST SHORE JR/SR HIGH, WESTSIDE BUS COMPOUND, WESTSIDE ELEMENTARY					
Capital Renewal	\$6,263,000	\$9,000,000	\$9,000,000	\$9,000,000	\$10,000,000	\$43,263,000

Locations	520 BUS COMPOUND, ANDREW JACKSON MIDDLE, APOLLO ELEMENTARY, ASTRONAUT SENIOR HIGH, ATLANTIS ELEMENTARY, AUDUBON ELEMENTARY, BAYSIDE SENIOR HIGH, BEACHSIDE OFFICE, CAMBRIDGE ELEMENTARY MAGNET, CAPE VIEW ELEMENTARY, CENTRAL MIDDLE, CHALLENGER 7 ELEMENTARY, CHRISTA MCAULIFFE ELEMENTARY, CLEARLAKE EDUCATION CENTER, COCOA BEACH JR/SR HIGH, COCOA JR/SR HIGH, COLUMBIA ELEMENTARY, COQUINA ELEMENTARY, CROTON ELEMENTARY, CUYLER SCHOOL, DELAURA MIDDLE, DISCOVERY ELEMENTARY, DR W J CREEL ELEMENTARY, EAU GALLIE SENIOR HIGH, EDGEWOOD JR/ SR HIGH, EDUCATIONAL SERVICES FACILITY, ENDEAVOUR ELEMENTARY MAGNET, ENTERPRISE ELEMENTARY, FAIRGLEN ELEMENTARY, FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES, GARDENDALE EDUCATION CENTER, GEMINI ELEMENTARY, GIBSON PARK, GOLFVIEW ELEMENTARY MAGNET, HANS CHRISTIAN ANDERSEN ELEMENTARY, HARBOR CITY ELEMENTARY, HERBERT C HOOVER MIDDLE, HERITAGE HIGH, IMPERIAL ESTATES ELEMENTARY, INDIALANTIC ELEMENTARY, JAMES MADISON MIDDLE, JOHN F KENNEDY MIDDLE, JOHN F TURNER SR ELEMENTARY, JUPITER ELEMENTARY, LEWIS CARROLL ELEMENTARY, LOCKMAR ELEMENTARY, LONGLEAF ELEMENTARY, LYNDON B JOHNSON MIDDLE, MANATEE BUS COMPOUND, MANATEE ELEMENTARY, MCLARTY STADIUM, MEADOWLANE INTERMEDIATE ELEMENTARY, MEADOWLANE PRIMARY ELEMENTARY, MELBOURNE BUS COMPOUND, MELBOURNE SENIOR HIGH, MERRITT ISLAND SENIOR HIGH, MID-SOUTH AREA SUPPORT SERVICES, MILA ELEMENTARY, MIMS ELEMENTARY, NORTH AREA TRANSPORTATION SERVICES, OAK PARK ELEMENTARY, OCEAN BREEZE ELEMENTARY, OLD CREEL BUS COMPOUND, PALM BAY ELEMENTARY, PALM BAY MAGNET SENIOR HIGH, PINEWOOD ELEMENTARY, PLANT OPERATIONS AND MAINTENANCE, PORT MALABAR ELEMENTARY, QUEST ELEMENTARY, RALPH M WILLIAMS JR ELEMENTARY, RIVERVIEW SCHOOL, RIVIERA ELEMENTARY, ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS, ROCKLEDGE SENIOR HIGH, RONALD MCNAIR MIDDLE , ROY ALLEN ELEMENTARY, SABAL ELEMENTARY, SATELLITE SENIOR HIGH, SATURN ELEMENTARY, SEA PARK ELEMENTARY, SHERWOOD ELEMENTARY, SOUTH LAKE EDUCATION CENTER, SOUTH PINE GROVE SCHOOL, SOUTHWEST MIDDLE, SPACE COAST JR/ SR HIGH, SPESSARD L HOLLAND ELEMENTARY, STONE MAGNET MIDDLE, SUNRISE ELEMENTARY, SUNTREE ELEMENTARY, SURFSIDE ELEMENTARY, THEODORE ROOSEVELT ELEMENTARY, THOMAS JEFFERSON MIDDLE, TITUSVILLE HIGH, TROPICAL ELEMENTARY, UNIVERSITY PARK ELEMENTARY , VIERA ELEMENTARY SCHOOL, VIERA HIGH SCHOOL, WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE, WEST SHORE JR/SR HIGH, WESTSIDE BUS COMPOUND, WESTSIDE ELEMENTARY					
Portable Refurbishment	\$0	\$250,000	\$250,000	\$250,000	\$250,000	\$1,000,000
Locations	ANDREW JACKSON MIDDLE, APOLLO ELEMENTARY, ASTRONAUT SENIOR HIGH, ATLANTIS ELEMENTARY, AUDUBON ELEMENTARY, BAYSIDE SENIOR HIGH, CAMBRIDGE ELEMENTARY MAGNET, CAPE VIEW ELEMENTARY, CENTRAL MIDDLE, CHALLENGER 7 ELEMENTARY, CHRISTA MCAULIFFE ELEMENTARY, COCOA BEACH JR/SR HIGH, COCOA JR/SR HIGH, COLUMBIA ELEMENTARY, COQUINA ELEMENTARY, CROTON ELEMENTARY, DELAURA MIDDLE, DISCOVERY ELEMENTARY, DR W J CREEL ELEMENTARY, EAU GALLIE SENIOR HIGH, EDGEWOOD JR/ SR HIGH, ENDEAVOUR ELEMENTARY MAGNET, ENTERPRISE ELEMENTARY, FAIRGLEN ELEMENTARY, FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES, GEMINI ELEMENTARY, GOLFVIEW ELEMENTARY MAGNET, HANS CHRISTIAN ANDERSEN ELEMENTARY, HARBOR CITY ELEMENTARY, HERBERT C HOOVER MIDDLE, HERITAGE HIGH, IMPERIAL ESTATES ELEMENTARY, INDIALANTIC ELEMENTARY, JAMES MADISON MIDDLE, JOHN F KENNEDY MIDDLE, JOHN F TURNER SR ELEMENTARY, JUPITER ELEMENTARY, LEWIS CARROLL ELEMENTARY, LYNDON B JOHNSON MIDDLE, MANATEE ELEMENTARY, MEADOWLANE INTERMEDIATE ELEMENTARY, MEADOWLANE PRIMARY ELEMENTARY, MELBOURNE SENIOR HIGH, MERRITT ISLAND SENIOR HIGH, MILA ELEMENTARY, MIMS ELEMENTARY, OAK PARK ELEMENTARY, OCEAN BREEZE ELEMENTARY, PALM BAY ELEMENTARY, PALM BAY MAGNET SENIOR HIGH, PINEWOOD ELEMENTARY, PORT MALABAR ELEMENTARY, QUEST ELEMENTARY, RALPH M WILLIAMS JR ELEMENTARY, RIVIERA ELEMENTARY, ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS, ROCKLEDGE SENIOR HIGH, RONALD MCNAIR MIDDLE , ROY ALLEN ELEMENTARY, SABAL ELEMENTARY, SATELLITE SENIOR HIGH, SATURN ELEMENTARY, SEA PARK ELEMENTARY, SHERWOOD ELEMENTARY, SOUTHWEST MIDDLE, SPACE COAST JR/ SR HIGH, SPESSARD L HOLLAND ELEMENTARY, STONE MAGNET MIDDLE, SUNRISE ELEMENTARY, SUNTREE ELEMENTARY, SURFSIDE ELEMENTARY, THEODORE ROOSEVELT ELEMENTARY, THOMAS JEFFERSON MIDDLE, TITUSVILLE HIGH, TROPICAL ELEMENTARY, UNIVERSITY PARK ELEMENTARY , VIERA ELEMENTARY SCHOOL, VIERA HIGH SCHOOL, WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE, WEST SHORE JR/SR HIGH, WESTSIDE ELEMENTARY					
Total:	\$21,804,000	\$29,850,000	\$30,950,000	\$32,950,000	\$33,950,000	\$149,504,000

Local 1.50 Mill Expenditure For Maintenance, Repair and Renovation

Anticipated expenditures expected from local funding sources over the years covered by the current work plan.

Item	2023 - 2024 Actual Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
Remaining Maint and Repair from 1.5 Mills	\$21,804,000	\$29,850,000	\$30,950,000	\$32,950,000	\$33,950,000	\$149,504,000
Maintenance/Repair Salaries	\$0	\$0	\$0	\$0	\$0	\$0
School Bus Purchases	\$4,509,838	\$5,000,000	\$5,500,000	\$5,500,000	\$5,500,000	\$26,009,838
Other Vehicle Purchases	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay Equipment	\$298,000	\$300,000	\$300,000	\$350,000	\$350,000	\$1,598,000
Rent/Lease Payments	\$0	\$0	\$0	\$0	\$0	\$0

COP Debt Service	\$37,760,000	\$38,058,000	\$38,058,000	\$38,058,000	\$38,058,000	\$189,992,000
Rent/Lease Relocatables	\$0	\$0	\$0	\$0	\$0	\$0
Environmental Problems	\$0	\$0	\$0	\$0	\$0	\$0
s.1011.14 Debt Service	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Construction Account	\$0	\$0	\$0	\$0	\$0	\$0
Premiums for Property Casualty Insurance - 1011.71 (4a,b)	\$9,900,000	\$9,500,000	\$9,500,000	\$10,000,000	\$10,000,000	\$48,900,000
Qualified School Construction Bonds (QSCB)	\$0	\$0	\$0	\$0	\$0	\$0
Qualified Zone Academy Bonds (QZAB)	\$0	\$0	\$0	\$0	\$0	\$0
Educational Technology	\$12,450,000	\$11,500,000	\$12,500,000	\$12,000,000	\$12,750,000	\$61,200,000
Food Service Projects	\$1,817,774	\$0	\$0	\$0	\$0	\$1,817,774
Budget Priorities/Special Projects	\$168,000	\$4,000,000	\$11,000,000	\$11,000,000	\$11,000,000	\$37,168,000
Prior Year Capital Projects in process	\$36,588,882	\$0	\$0	\$0	\$0	\$36,588,882
Transfer to General Fund - Including Charter School Portion	\$528,330	\$1,753,000	\$2,989,000	\$4,487,000	\$6,264,000	\$16,021,330
Local Expenditure Totals:	\$125,824,824	\$99,961,000	\$110,797,000	\$114,345,000	\$117,872,000	\$568,799,824

Revenue

1.50 Mill Revenue Source

Schedule of Estimated Capital Outlay Revenue from each currently approved source which is estimated to be available for expenditures on the projects included in the tentative district facilities work program. All amounts are NET after considering carryover balances, interest earned, new COP's, 1011.14 and 1011.15 loans, etc. Districts cannot use 1.5-Mill funds for salaries except for those explicitly associated with maintenance/repair projects. (1011.71 (5), F.S.)

Item	Fund	2023 - 2024 Actual Value	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
(1) Non-exempt property assessed valuation		\$69,810,209,402	\$72,667,252,773	\$76,325,023,687	\$79,977,121,478	\$83,480,648,691	\$382,260,256,031
(2) The Millage projected for discretionary capital outlay per s.1011.71		1.50	1.50	1.50	1.50	1.50	
(3) Full value of the 1.50-Mill discretionary capital outlay per s.1011.71		\$117,281,152	\$122,080,985	\$128,226,040	\$134,361,564	\$140,247,490	\$642,197,231
(4) Value of the portion of the 1.50 -Mill ACTUALLY levied	370	\$100,526,702	\$104,640,844	\$109,908,034	\$115,167,055	\$120,212,134	\$550,454,769
(5) Difference of lines (3) and (4)		\$16,754,450	\$17,440,141	\$18,318,006	\$19,194,509	\$20,035,356	\$91,742,462

PECO Revenue Source

The figure in the row designated "PECO Maintenance" will be subtracted from funds available for new construction because PECO maintenance dollars cannot be used for new construction.

Item	Fund	2023 - 2024 Actual Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
PECO New Construction	340	\$0	\$0	\$0	\$0	\$0	\$0

PECO Maintenance Expenditures		\$0	\$0	\$0	\$0	\$0	\$0
		\$0	\$0	\$0	\$0	\$0	\$0

CO & DS Revenue Source

Revenue from Capital Outlay and Debt Service funds.

Item	Fund	2023 - 2024 Actual Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
CO & DS Cash Flow-through Distributed	360	\$2,375,738	\$2,375,738	\$2,375,738	\$2,375,738	\$2,375,738	\$11,878,690
CO & DS Interest on Undistributed CO	360	\$40,235	\$40,235	\$40,235	\$40,235	\$40,235	\$201,175
		\$2,415,973	\$2,415,973	\$2,415,973	\$2,415,973	\$2,415,973	\$12,079,865

Fair Share Revenue Source

All legally binding commitments for proportionate fair-share mitigation for impacts on public school facilities must be included in the 5-year district work program.

Item	2023 - 2024 Actual Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
Item description not specified	\$0	\$0	\$0	\$0	\$0	\$0
	\$0	\$0	\$0	\$0	\$0	\$0

Sales Surtax Referendum

Specific information about any referendum for a 1-cent or ½-cent surtax referendum during the previous year.

Did the school district hold a surtax referendum during the past fiscal year 2022 - 2023? No

Additional Revenue Source

Any additional revenue sources

Item	2023 - 2024 Actual Value	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total
Proceeds from a s.1011.14/15 F.S. Loans	\$0	\$0	\$0	\$0	\$0	\$0
District Bonds - Voted local bond referendum proceeds per s.9, Art VII State Constitution	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Special Act Bonds	\$0	\$0	\$0	\$0	\$0	\$0
Estimated Revenue from CO & DS Bond Sale	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Voted Capital Improvements millage	\$0	\$0	\$0	\$0	\$0	\$0
Other Revenue for Other Capital Projects	\$7,469,692	\$500,000	\$500,000	\$500,000	\$500,000	\$9,469,692
Proceeds from 1/2 cent sales surtax authorized by school board	\$68,196,546	\$68,197,000	\$67,197,000	\$67,197,000	\$50,333,000	\$321,120,546

Proceeds from local governmental infrastructure sales surtax	\$0	\$0	\$0	\$0	\$0	\$0
Proceeds from Certificates of Participation (COP's) Sale	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms First Bond proceeds amount authorized in FY 1997-98	\$0	\$0	\$0	\$0	\$0	\$0
Classrooms for Kids	\$0	\$0	\$0	\$0	\$0	\$0
District Equity Recognition	\$0	\$0	\$0	\$0	\$0	\$0
Federal Grants	\$0	\$0	\$0	\$0	\$0	\$0
Proportionate share mitigation (actual cash revenue only, not in kind donations)	\$0	\$0	\$0	\$0	\$0	\$0
Impact fees received	\$18,800,000	\$18,500,000	\$18,500,000	\$17,000,000	\$17,000,000	\$89,800,000
Private donations	\$0	\$0	\$0	\$0	\$0	\$0
Grants from local governments or not-for-profit organizations	\$0	\$0	\$0	\$0	\$0	\$0
Interest, Including Profit On Investment	\$0	\$0	\$0	\$0	\$0	\$0
Revenue from Bonds pledging proceeds from 1 cent or 1/2 cent Sales Surtax	\$0	\$0	\$0	\$0	\$0	\$0
Total Fund Balance Carried Forward	\$48,149,212	\$11,509,556	\$6,589,400	\$6,200,434	\$7,522,489	\$79,971,091
General Capital Outlay Obligated Fund Balance Carried Forward From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Special Facilities Construction Account	\$0	\$0	\$0	\$0	\$0	\$0
One Cent - 1/2 Cent Sales Surtax Debt Service From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Capital Outlay Projects Funds Balance Carried Forward From Total Fund Balance Carried Forward	\$0	\$0	\$0	\$0	\$0	\$0
Sales Surtax Carry Forward	\$122,827,602	\$19,596,647	\$19,596,647	\$19,596,647	\$19,596,647	\$201,214,190
CO&DS Carry Forward	\$6,270,829	\$2,418,733	\$2,415,973	\$2,415,973	\$2,415,973	\$15,937,481
Transfer from Food Service	\$1,817,774	\$0	\$0	\$0	\$0	\$1,817,774
Impact Fee Carry Forward	\$59,504,267	\$31,686,940	\$38,845,988	\$42,095,988	\$28,845,988	\$200,979,171
Subtotal	\$333,035,922	\$152,408,876	\$153,645,008	\$155,006,042	\$126,214,097	\$920,309,945

Total Revenue Summary

Item Name	2023 - 2024 Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Five Year Total
Local 1.5 Mill Discretionary Capital Outlay Revenue	\$100,526,702	\$104,640,844	\$109,908,034	\$115,167,055	\$120,212,134	\$550,454,769
PECO and 1.5 Mill Maint and Other 1.5 Mill Expenditures	(\$125,824,824)	(\$99,961,000)	(\$110,797,000)	(\$114,345,000)	(\$117,872,000)	(\$568,799,824)
PECO Maintenance Revenue	\$0	\$0	\$0	\$0	\$0	\$0
Available 1.50 Mill for New Construction	(\$25,298,122)	\$4,679,844	(\$888,966)	\$822,055	\$2,340,134	(\$18,345,055)

Item Name	2023 - 2024 Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Five Year Total
CO & DS Revenue	\$2,415,973	\$2,415,973	\$2,415,973	\$2,415,973	\$2,415,973	\$12,079,865
PECO New Construction Revenue	\$0	\$0	\$0	\$0	\$0	\$0
Other/Additional Revenue	\$333,035,922	\$152,408,876	\$153,645,008	\$155,006,042	\$126,214,097	\$920,309,945
Total Additional Revenue	\$335,451,895	\$154,824,849	\$156,060,981	\$157,422,015	\$128,630,070	\$932,389,810
Total Available Revenue	\$310,153,773	\$159,504,693	\$155,172,015	\$158,244,070	\$130,970,204	\$914,044,755

Project Schedules

Capacity Project Schedules

A schedule of capital outlay projects necessary to ensure the availability of satisfactory classrooms for the projected student enrollment in K-12 programs.

Project Description	Location		2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	Total	Funded
South Area Middle School	Location not specified	Planned Cost:	\$500,000	\$1,500,000	\$10,000,000	\$30,000,000	\$10,000,000	\$52,000,000	Yes
	Student Stations:		0	0	0	1,000	0	1,000	
	Total Classrooms:		0	0	0	38	0	38	
	Gross Sq Ft:		0	0	0	120,000	0	120,000	
North Elementary Capacity - South Lake Addition	SOUTH LAKE EDUCATION CENTER	Planned Cost:	\$3,508,279	\$0	\$0	\$0	\$0	\$3,508,279	Yes
	Student Stations:		200	0	0	0	0	200	
	Total Classrooms:		8	0	0	0	0	8	
	Gross Sq Ft:		10,000	0	0	0	0	10,000	
South Area Elementary Capacity - West Melbourne Classroom Addition	WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE	Planned Cost:	\$4,979,404	\$2,520,596	\$1,000,000	\$0	\$0	\$8,500,000	Yes
	Student Stations:		0	200	0	0	0	200	
	Total Classrooms:		0	10	0	0	0	10	
	Gross Sq Ft:		0	10,000	0	0	0	10,000	

Central Area Secondary Capacity - VHS Addition	VIERA HIGH SCHOOL	Planned Cost:	\$3,000,000	\$0	\$0	\$0	\$0	\$3,000,000	Yes
	Student Stations:		350	0	0	0	0	350	
	Total Classrooms:		14	0	0	0	0	14	
	Gross Sq Ft:		20,185	0	0	0	0	20,185	
Central Area Secondary - Viera Middle School	Location not specified	Planned Cost:	\$32,429,644	\$5,570,356	\$0	\$0	\$0	\$38,000,000	Yes
	Student Stations:		0	1,000	0	0	0	1,000	
	Total Classrooms:		0	38	0	0	0	38	
	Gross Sq Ft:		0	120,000	0	0	0	120,000	
Separate Day School	Location not specified	Planned Cost:	\$1,500,000	\$1,500,000	\$4,000,000	\$0	\$0	\$7,000,000	Yes
	Student Stations:		0	0	120	0	0	120	
	Total Classrooms:		0	0	12	0	0	12	
	Gross Sq Ft:		0	0	12,000	0	0	12,000	
South Area Elementary School	Location not specified	Planned Cost:	\$200,000	\$250,000	\$250,000	\$250,000	\$250,000	\$1,200,000	No
	Student Stations:		0	0	0	0	0	0	
	Total Classrooms:		0	0	0	0	0	0	
	Gross Sq Ft:		0	0	0	0	100,000	100,000	
Edgewood Technology Lab	EDGEWOOD JR/ SR HIGH	Planned Cost:	\$500,000	\$0	\$0	\$0	\$0	\$500,000	Yes
	Student Stations:		30	0	0	0	0	30	
	Total Classrooms:		1	0	0	0	0	1	
	Gross Sq Ft:		1,500	0	0	0	0	1,500	

Planned Cost:	\$46,617,327	\$11,340,952	\$15,250,000	\$30,250,000	\$10,250,000	\$113,708,279
Student Stations:	580	1,200	120	1,000	0	2,900
Total Classrooms:	23	48	12	38	0	121
Gross Sq Ft:	31,685	130,000	12,000	120,000	100,000	393,685

Other Project Schedules

Major renovations, remodeling, and additions of capital outlay projects that do not add capacity to schools.

Project Description	Location	2023 - 2024 Actual Budget	2024 - 2025 Projected	2025 - 2026 Projected	2026 - 2027 Projected	2027 - 2028 Projected	Total	Funded
Sales Surtax Renewal Projects	Location not specified	\$171,427,501	\$68,197,000	\$67,197,000	\$67,197,000	\$50,333,000	\$424,351,501	Yes
CO&DS HVAC	Location not specified	\$6,268,069	\$2,418,733	\$2,415,973	\$2,415,973	\$2,415,973	\$15,934,721	Yes
Central Area Transportation/Maintenance Facility	Location not specified	\$5,000,000	\$1,500,000	\$0	\$0	\$0	\$6,500,000	Yes
Mims Elementary School Cafetorium	MIMS ELEMENTARY	\$6,129,000	\$0	\$0	\$0	\$0	\$6,129,000	Yes
Adult Ed CDL Training Facility	CLEARLAKE EDUCATION CENTER	\$4,500,000	\$0	\$0	\$0	\$0	\$4,500,000	Yes
Cocoa Beach Aqualab	COCOA BEACH JR/SR HIGH	\$1,000,000	\$600,000	\$0	\$0	\$0	\$1,600,000	Yes
MILA Classroom Addition	MILA ELEMENTARY	\$4,000,000	\$8,000,000	\$0	\$0	\$0	\$12,000,000	Yes
		\$198,324,570	\$80,715,733	\$69,612,973	\$69,612,973	\$52,748,973	\$471,015,222	

Additional Project Schedules

Any projects that are not identified in the last approved educational plant survey.

Nothing reported for this section.

Non Funded Growth Management Project Schedules

Schedule indicating which projects, due to planned development, that CANNOT be funded from current revenues projected over the next five years.

Nothing reported for this section.

Tracking

Capacity Tracking

Location	2023 - 2024 Satis. Stu. Sta.	Actual 2023 - 2024 FISH Capacity	Actual 2022 - 2023 COFTE	# Class Rooms	Actual Average 2023 - 2024 Class Size	Actual 2023 - 2024 Utilization	New Stu. Capacity	New Rooms to be Added/Removed	Projected 2027 - 2028 COFTE	Projected 2027 - 2028 Utilization	Projected 2027 - 2028 Class Size
RALPH M WILLIAMS JR ELEMENTARY	715	715	385	37	10	54.00 %	0	0	362	51.00 %	10
MANATEE ELEMENTARY	998	998	890	52	17	89.00 %	0	0	768	77.00 %	15

QUEST ELEMENTARY	932	932	690	49	14	74.00 %	0	0	608	65.00 %	12
VIERA HIGH SCHOOL	2,590	2,460	2,016	108	19	82.00 %	0	0	2,002	81.00 %	19
SUNRISE ELEMENTARY	913	913	762	48	16	83.00 %	176	8	931	85.00 %	17
MEADOWLANE INTERMEDIATE ELEMENTARY	1,114	1,114	840	54	16	75.00 %	0	0	735	66.00 %	14
SPACE COAST JR/ SR HIGH	2,058	1,852	1,455	86	17	79.00 %	-87	-4	1,105	63.00 %	13
LONGLEAF ELEMENTARY	790	790	525	42	13	66.00 %	0	0	461	58.00 %	11
BAYSIDE SENIOR HIGH	2,382	2,262	1,532	100	15	68.00 %	0	0	1,785	79.00 %	18
WESTSIDE ELEMENTARY	857	857	802	44	18	94.00 %	176	8	960	93.00 %	18
CENTRAL MIDDLE	1,682	1,513	1,118	71	16	74.00 %	0	0	1,165	77.00 %	16
HERBERT C HOOVER MIDDLE	755	679	497	33	15	73.00 %	0	0	497	73.00 %	15
GEMINI ELEMENTARY	711	711	463	37	13	65.00 %	-44	-2	399	60.00 %	11
DR W J CREEL ELEMENTARY	1,114	1,114	582	43	14	52.00 %	-66	-3	574	55.00 %	14
ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS	569	569	437	28	16	77.00 %	0	0	437	77.00 %	16
ENTERPRISE ELEMENTARY	729	729	515	38	14	71.00 %	-22	-1	461	65.00 %	12
MEADOWLANE PRIMARY ELEMENTARY	824	824	654	47	14	79.00 %	0	0	535	65.00 %	11
DELAURA MIDDLE	1,067	960	841	47	18	88.00 %	0	0	699	73.00 %	15
SPESSARD L HOLLAND ELEMENTARY	605	605	429	32	13	71.00 %	0	0	376	62.00 %	12
SEA PARK ELEMENTARY	461	461	320	24	13	69.00 %	0	0	287	62.00 %	12
SURFSIDE ELEMENTARY	541	541	442	28	16	82.00 %	0	0	355	66.00 %	13
OCEAN BREEZE ELEMENTARY	654	654	542	35	15	83.00 %	-88	-4	463	82.00 %	15
INDIALANTIC ELEMENTARY	798	798	610	42	15	76.00 %	0	0	568	71.00 %	14
LEWIS CARROLL ELEMENTARY	751	751	626	39	16	83.00 %	0	0	548	73.00 %	14
COCOA BEACH JR/SR HIGH	1,605	1,444	921	68	14	64.00 %	-350	-14	921	84.00 %	17
THEODORE ROOSEVELT ELEMENTARY	599	599	290	31	9	48.00 %	0	0	192	32.00 %	6
FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES	475	475	403	25	16	85.00 %	0	0	403	85.00 %	16
CAPE VIEW ELEMENTARY	570	570	290	30	10	51.00 %	0	0	287	50.00 %	10
SATELLITE SENIOR HIGH	1,632	1,550	1,347	68	20	87.00 %	0	0	978	63.00 %	14
EDGEWOOD JR/ SR HIGH	1,197	1,077	881	50	18	82.00 %	0	0	880	82.00 %	18

MILA ELEMENTARY	707	707	423	37	11	60.00 %	0	0	316	45.00 %	9
TROPICAL ELEMENTARY	910	910	662	48	14	73.00 %	0	0	475	52.00 %	10
AUDUBON ELEMENTARY	761	761	442	40	11	58.00 %	0	0	372	49.00 %	9
GARDENDALE EDUCATION CENTER	681	681	20	34	1	3.00 %	0	0	0	0.00 %	0
THOMAS JEFFERSON MIDDLE	970	873	591	42	14	68.00 %	0	0	464	53.00 %	11
SABAL ELEMENTARY	785	785	477	40	12	61.00 %	0	0	467	59.00 %	12
SOUTH PINE GROVE SCHOOL	117	0	0	11	0	0.00 %	0	0	0	0.00 %	0
CROTON ELEMENTARY	795	795	463	41	11	58.00 %	-88	-4	473	67.00 %	13
ROY ALLEN ELEMENTARY	751	751	602	39	15	80.00 %	44	2	668	84.00 %	16
SUNTREE ELEMENTARY	755	755	602	39	15	80.00 %	0	0	419	55.00 %	11
MERRITT ISLAND SENIOR HIGH	2,069	1,965	1,383	89	16	70.00 %	-75	-3	1,094	58.00 %	13
JUPITER ELEMENTARY	930	930	640	48	13	69.00 %	66	3	898	90.00 %	18
EAU GALLIE SENIOR HIGH	2,328	2,211	1,428	102	14	65.00 %	-200	-8	1,274	63.00 %	14
WEST SHORE JR/SR HIGH	1,404	1,263	882	54	16	70.00 %	0	0	882	70.00 %	16
LYNDON B JOHNSON MIDDLE	1,182	1,063	606	52	12	57.00 %	0	0	698	66.00 %	13
SHERWOOD ELEMENTARY	609	609	452	32	14	74.00 %	0	0	385	63.00 %	12
HARBOR CITY ELEMENTARY	629	629	325	32	10	52.00 %	0	0	444	71.00 %	14
JOHN F TURNER SR ELEMENTARY	874	874	519	46	11	59.00 %	0	0	603	69.00 %	13
SOUTHWEST MIDDLE	1,423	1,280	912	60	15	71.00 %	0	0	1,087	85.00 %	18
COLUMBIA ELEMENTARY	751	751	492	39	13	66.00 %	-66	-3	469	68.00 %	13
DISCOVERY ELEMENTARY	980	980	569	51	11	58.00 %	-154	-7	664	80.00 %	15
CHRISTA MCAULIFFE ELEMENTARY	838	838	607	44	14	72.00 %	-84	-4	461	61.00 %	12
RIVIERA ELEMENTARY	777	777	643	40	16	83.00 %	66	3	755	90.00 %	18
WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE	618	618	543	31	18	88.00 %	66	3	543	79.00 %	16
UNIVERSITY PARK ELEMENTARY	811	811	480	41	12	59.00 %	0	0	574	71.00 %	14
PORT MALABAR ELEMENTARY	852	852	629	45	14	74.00 %	0	0	693	81.00 %	15
STONE MAGNET MIDDLE	1,195	1,075	664	53	13	62.00 %	0	0	826	77.00 %	16
PALM BAY ELEMENTARY	983	983	564	51	11	57.00 %	-176	-8	555	69.00 %	13
LOCKMAR ELEMENTARY	892	892	505	47	11	57.00 %	0	0	488	55.00 %	10
JOHN F KENNEDY MIDDLE	965	868	622	42	15	72.00 %	-154	-7	573	80.00 %	16

COCOA JR/SR HIGH	2,316	2,084	1,461	101	14	70.00 %	-275	-11	1,151	64.00 %	13
SATURN ELEMENTARY	998	998	553	52	11	55.00 %	0	0	686	69.00 %	13
HANS CHRISTIAN ANDERSEN ELEMENTARY	884	884	567	35	16	64.00 %	-44	-2	437	52.00 %	13
MELBOURNE SENIOR HIGH	2,494	2,369	2,000	106	19	84.00 %	0	0	1,765	75.00 %	17
PALM BAY MAGNET SENIOR HIGH	2,797	2,657	1,272	117	11	48.00 %	-175	-10	1,280	52.00 %	12
CLEARLAKE EDUCATION CENTER	833	0	0	37	0	0.00 %	0	0	0	0.00 %	0
CAMBRIDGE ELEMENTARY MAGNET	787	787	438	41	11	56.00 %	-138	-7	457	70.00 %	13
ENDEAVOUR ELEMENTARY MAGNET	968	968	676	51	13	70.00 %	-66	-3	585	65.00 %	12
GOLFVIEW ELEMENTARY MAGNET	777	777	416	40	10	54.00 %	-88	-4	439	64.00 %	12
RONALD MCNAIR MIDDLE	684	615	357	30	12	58.00 %	0	0	293	48.00 %	10
FAIRGLEN ELEMENTARY	789	789	504	42	12	64.00 %	0	0	545	69.00 %	13
IMPERIAL ESTATES ELEMENTARY	729	729	567	38	15	78.00 %	66	3	680	86.00 %	17
ASTRONAUT SENIOR HIGH	1,527	1,450	1,015	67	15	70.00 %	0	0	872	60.00 %	13
PINEWOOD ELEMENTARY	613	613	424	31	14	69.00 %	44	2	523	80.00 %	16
CHALLENGER 7 ELEMENTARY	573	573	434	30	14	76.00 %	-22	-1	360	65.00 %	12
ATLANTIS ELEMENTARY	739	739	527	39	14	71.00 %	-44	-2	499	72.00 %	13
ROCKLEDGE SENIOR HIGH	1,933	1,836	1,459	82	18	79.00 %	-75	-3	1,219	69.00 %	15
RIVERVIEW SCHOOL	547	547	0	23	0	0.00 %	0	0	0	0.00 %	0
COQUINA ELEMENTARY	711	711	536	37	14	75.00 %	-66	-3	510	79.00 %	15
MIMS ELEMENTARY	725	725	446	38	12	61.00 %	0	0	447	62.00 %	12
CUYLER SCHOOL	98	0	0	11	0	0.00 %	0	0	0	0.00 %	0
SOUTH LAKE EDUCATION CENTER	639	639	431	33	13	67.00 %	0	0	461	72.00 %	14
ANDREW JACKSON MIDDLE	733	659	547	32	17	83.00 %	0	0	497	75.00 %	16
HERITAGE HIGH	2,436	2,314	1,879	100	19	81.00 %	0	0	1,634	71.00 %	16
VIERA ELEMENTARY SCHOOL	1,030	1,030	687	54	13	67.00 %	0	0	926	90.00 %	17
TITUSVILLE HIGH	1,896	1,801	1,114	83	13	62.00 %	0	0	995	55.00 %	12
OAK PARK ELEMENTARY	968	968	477	51	9	49.00 %	-62	-3	390	43.00 %	8
JAMES MADISON MIDDLE	868	781	434	39	11	56.00 %	0	0	502	64.00 %	13
APOLLO ELEMENTARY	902	902	727	48	15	81.00 %	0	0	626	69.00 %	13
	91,024	86,749	59,797	4,294	14	68.93 %	-2,005	-89	57,141	67.43 %	14

The COFTE Projected Total (57,141) for 2027 - 2028 must match the Official Forecasted COFTE Total (57,141) for 2027 - 2028 before this section can be completed. In the event that the COFTE Projected Total does not match the Official forecasted COFTE, then the Balanced Projected COFTE Table should be used to balance COFTE.

Projected COFTE for 2027 - 2028	
Elementary (PK-3)	17,437
Middle (4-8)	21,756
High (9-12)	17,948
	57,141

Grade Level Type	Balanced Projected COFTE for 2027 - 2028
Elementary (PK-3)	0
Middle (4-8)	0
High (9-12)	0
	57,141

Relocatable Replacement

Number of relocatable classrooms clearly identified and scheduled for replacement in the school board adopted financially feasible 5-year district work program.

Location	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	Year 5 Total
Total Relocatable Replacements:	0	0	0	0	0	0

Charter Schools Tracking

Information regarding the use of charter schools.

Location-Type	# Relocatable units or permanent classrooms	Owner	Year Started or Scheduled	Student Stations	Students Enrolled	Years in Contract	Total Charter Students projected for 2027 - 2028
Pineapple Cove Classical Academy at West Melbourne K-8	47	PRIVATE	2018	1,062	799	5	857
Pineapple Cove Classical Academy K-12	63	PRIVATE	2015	1,128	1,067	8	1,067
Pinecrest Academy Space Coast K-8	27	PRIVATE	2020	705	661	3	931
Pineapple Cove Classical Academy at Lockmar K-7	41	PRIVATE	2022	735	690	1	840
Educational Horizons K-6	5	PRIVATE	1998	145	131	25	445
Odyssey K-12	54	PRIVATE	1999	2,128	1,912	24	2,362
Palm Bay Academy K - 8	36	PRIVATE	1998	600	392	25	414
Imagine Schools at West Melbourne K-6	42	PRIVATE	1998	968	617	25	770
Royal Palm K - 8	18	PRIVATE	2000	394	342	23	394
Sculptor Charter K - 8	39	PRIVATE	1999	558	560	24	560
Emma Jewel Academy K-8	20	PRIVATE	2013	425	364	10	364
Odyssey Preparatory Academy K-6	32	PRIVATE	2013	464	457	10	766
Viera Charter K - 8	90	PRIVATE	2013	1,900	1,562	10	1,564

Riverside Charter 7-12	6	PRIVATE	2023	145	80	1	113
	520			11,357	9,634		11,447

Special Purpose Classrooms Tracking

The number of classrooms that will be used for certain special purposes in the current year, by facility and type of classroom, that the district will, 1), not use for educational purposes, and 2), the co-teaching classrooms that are not open plan classrooms and will be used for educational purposes.

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
SOUTH LAKE EDUCATION CENTER	Educational	3	2	0	0	0	5
IMPERIAL ESTATES ELEMENTARY	Educational	1	0	0	0	0	1
CHALLENGER 7 ELEMENTARY	Educational	1	0	0	0	0	1
SEA PARK ELEMENTARY	Educational	0	1	0	0	0	1
OCEAN BREEZE ELEMENTARY	Educational	1	1	0	1	0	3
DR W J CREEL ELEMENTARY	Educational	2	2	0	0	0	4
COQUINA ELEMENTARY	Educational	2	1	0	0	0	3
CROTON ELEMENTARY	Educational	1	0	0	0	0	1
MERRITT ISLAND SENIOR HIGH	Educational	0	0	1	0	0	1
MILA ELEMENTARY	Educational	1	1	0	0	0	2
TROPICAL ELEMENTARY	Educational	5	5	0	1	0	11
MEADOWLANE PRIMARY ELEMENTARY	Educational	1	0	0	0	0	1
LONGLEAF ELEMENTARY	Educational	1	3	0	0	0	4
CENTRAL MIDDLE	Educational	1	0	3	0	5	9
ROCKLEDGE SENIOR HIGH	Educational	0	0	1	0	0	1
CAMBRIDGE ELEMENTARY MAGNET	Educational	1	1	0	0	0	2
HANS CHRISTIAN ANDERSEN ELEMENTARY	Educational	1	0	0	0	0	1
MELBOURNE SENIOR HIGH	Educational	0	0	3	0	0	3
PALM BAY MAGNET SENIOR HIGH	Educational	0	0	6	0	0	6
STONE MAGNET MIDDLE	Educational	0	0	0	0	6	6
AUDUBON ELEMENTARY	Educational	1	1	0	0	0	2
THOMAS JEFFERSON MIDDLE	Educational	0	2	0	0	0	2
LEWIS CARROLL ELEMENTARY	Educational	2	2	0	0	0	4
THEODORE ROOSEVELT ELEMENTARY	Educational	3	2	0	0	0	5
CAPE VIEW ELEMENTARY	Educational	0	2	0	0	0	2
Total Educational Classrooms:		28	26	14	2	11	81

School	School Type	# of Elementary K-3 Classrooms	# of Middle 4-8 Classrooms	# of High 9-12 Classrooms	# of ESE Classrooms	# of Combo Classrooms	Total Classrooms
DR W J CREEL ELEMENTARY	Co-Teaching	0	0	0	8	0	8
COQUINA ELEMENTARY	Co-Teaching	1	0	0	0	0	1
MERRITT ISLAND SENIOR HIGH	Co-Teaching	0	0	8	0	0	8
CENTRAL MIDDLE	Co-Teaching	0	0	0	0	6	6
VIERA HIGH SCHOOL	Co-Teaching	0	0	0	2	2	4
Total Co-Teaching Classrooms:		1	0	8	10	8	27

Infrastructure Tracking

Necessary offsite infrastructure requirements resulting from expansions or new schools. This section should include infrastructure information related to capacity project schedules and other project schedules (Section 4).

Design and construction of traffic signalization adjacent to new middle school.

Proposed location of planned facilities, whether those locations are consistent with the comprehensive plans of all affected local governments, and recommendations for infrastructure and other improvements to land adjacent to existing facilities. Provisions of 1013.33(12), (13) and (14) and 1013.36 must be addressed for new facilities planned within the 1st three years of the plan (Section 5).

New middle school at 6093 Stadium Parkway (MSID 3171).
Classroom addition at West Melbourne School for Science.

Consistent with Comp Plan? Yes

Net New Classrooms

The number of classrooms, by grade level and type of construction, that were added during the last fiscal year.

List the net new classrooms added in the 2022 - 2023 fiscal year.					List the net new classrooms to be added in the 2023 - 2024 fiscal year.			
"Classrooms" is defined as capacity carrying classrooms that are added to increase capacity to enable the district to meet the Class Size Amendment.					Totals for fiscal year 2023 - 2024 should match totals in Section 15A.			
Location	2022 - 2023 # Permanent	2022 - 2023 # Modular	2022 - 2023 # Relocatable	2022 - 2023 Total	2023 - 2024 # Permanent	2023 - 2024 # Modular	2023 - 2024 # Relocatable	2023 - 2024 Total
Elementary (PK-3)	0	0	0	0	0	0	0	0
Middle (4-8)	0	0	0	0	8	0	0	8
High (9-12)	0	0	0	0	15	0	0	15
	0	0	0	0	23	0	0	23

Relocatable Student Stations

Number of students that will be educated in relocatable units, by school, in the current year, and the projected number of students for each of the years in the workplan.

Site	2023 - 2024	2024 - 2025	2025 - 2026	2026 - 2027	2027 - 2028	5 Year Average
LEWIS CARROLL ELEMENTARY	0	22	0	0	0	4
COCOA BEACH JR/SR HIGH	350	250	175	125	0	180
THEODORE ROOSEVELT ELEMENTARY	0	0	0	0	0	0
FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES	22	44	44	44	22	35
PALM BAY MAGNET SENIOR HIGH	175	100	100	75	0	90
WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE	0	0	0	0	0	0
UNIVERSITY PARK ELEMENTARY	132	132	132	132	132	132
VIERA ELEMENTARY SCHOOL	0	0	0	0	0	0
CUYLER SCHOOL	0	0	0	0	0	0
PORT MALABAR ELEMENTARY	84	84	84	84	84	84
STONE MAGNET MIDDLE	0	0	0	0	0	0
AUDUBON ELEMENTARY	0	0	0	0	0	0
FAIRGLEN ELEMENTARY	36	36	36	36	36	36
JOHN F KENNEDY MIDDLE	154	154	154	154	0	123
COCOA JR/SR HIGH	275	250	200	150	0	175
SATURN ELEMENTARY	150	150	150	150	150	150
HANS CHRISTIAN ANDERSEN ELEMENTARY	44	44	22	0	36	29
MELBOURNE SENIOR HIGH	50	50	50	50	50	50
ROCKLEDGE SENIOR HIGH	75	75	75	75	0	60
CLEARLAKE EDUCATION CENTER	0	0	0	0	0	0
CAMBRIDGE ELEMENTARY MAGNET	138	116	72	28	0	71
ENDEAVOUR ELEMENTARY MAGNET	138	116	116	90	72	106
GOLFVIEW ELEMENTARY MAGNET	88	88	88	88	88	88
RONALD MCNAIR MIDDLE	0	0	0	0	0	0
SUNRISE ELEMENTARY	18	132	220	304	304	196
JAMES MADISON MIDDLE	0	0	0	0	0	0
APOLLO ELEMENTARY	0	0	0	0	0	0
RIVERVIEW SCHOOL	0	0	0	0	0	0
OCEAN BREEZE ELEMENTARY	156	156	156	156	0	125
INDIALANTIC ELEMENTARY	44	44	44	44	44	44
HERBERT C HOOVER MIDDLE	0	0	0	0	0	0
GEMINI ELEMENTARY	44	44	22	0	0	22
DR W J CREEL ELEMENTARY	66	66	66	66	0	53
ATLANTIS ELEMENTARY	36	0	0	0	0	7

SATELLITE SENIOR HIGH	50	25	25	25	50	35
DELAURA MIDDLE	0	0	0	0	0	0
SPESSARD L HOLLAND ELEMENTARY	0	0	0	0	0	0
SEA PARK ELEMENTARY	0	0	0	0	0	0
SURFSIDE ELEMENTARY	120	80	60	20	120	80
HERITAGE HIGH	0	0	0	0	0	0
MANATEE ELEMENTARY	132	132	132	132	132	132
WESTSIDE ELEMENTARY	22	88	154	176	176	123
CENTRAL MIDDLE	0	20	40	60	0	24
RALPH M WILLIAMS JR ELEMENTARY	88	66	22	0	88	53
VIERA HIGH SCHOOL	0	0	0	0	0	0
MEADOWLANE INTERMEDIATE ELEMENTARY	220	220	220	220	220	220
ENTERPRISE ELEMENTARY	22	22	22	22	0	18
MEADOWLANE PRIMARY ELEMENTARY	0	0	0	0	0	0
SPACE COAST JR/ SR HIGH	87	40	20	0	0	29
LONGLEAF ELEMENTARY	0	0	0	0	0	0
BAYSIDE SENIOR HIGH	0	0	0	0	0	0
EDGEWOOD JR/ SR HIGH	91	91	91	91	91	91
MILA ELEMENTARY	0	0	0	0	0	0
TROPICAL ELEMENTARY	0	0	0	0	0	0
ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS	0	22	22	22	0	13
SABAL ELEMENTARY	88	88	88	88	88	88
SOUTH PINE GROVE SCHOOL	25	25	25	25	0	20
CROTON ELEMENTARY	88	88	88	88	0	70
ROY ALLEN ELEMENTARY	88	154	176	176	176	154
SUNTREE ELEMENTARY	66	44	22	0	0	26
MERRITT ISLAND SENIOR HIGH	125	100	50	0	50	65
EAU GALLIE SENIOR HIGH	275	275	275	275	75	235
WEST SHORE JR/SR HIGH	172	172	172	172	172	172
LYNDON B JOHNSON MIDDLE	0	0	0	0	0	0
SHERWOOD ELEMENTARY	0	0	0	0	0	0
HARBOR CITY ELEMENTARY	176	176	176	176	176	176
SOUTHWEST MIDDLE	0	0	60	120	120	60
COLUMBIA ELEMENTARY	66	66	66	66	0	53
DISCOVERY ELEMENTARY	154	66	44	0	0	53

CHRISTA MCAULIFFE ELEMENTARY	84	42	21	0	0	29
RIVIERA ELEMENTARY	88	110	132	154	154	128
JUPITER ELEMENTARY	150	216	238	260	326	238
COQUINA ELEMENTARY	66	66	66	66	0	53
MIMS ELEMENTARY	0	0	0	0	0	0
PALM BAY ELEMENTARY	176	176	176	176	0	141
LOCKMAR ELEMENTARY	0	0	0	0	0	0
JOHN F TURNER SR ELEMENTARY	44	44	44	44	0	35
QUEST ELEMENTARY	0	0	0	0	0	0
TITUSVILLE HIGH	0	0	0	0	0	0
OAK PARK ELEMENTARY	62	62	44	0	0	34
SOUTH LAKE EDUCATION CENTER	0	0	0	0	0	0
ANDREW JACKSON MIDDLE	0	0	0	0	0	0
IMPERIAL ESTATES ELEMENTARY	0	0	0	0	66	13
ASTRONAUT SENIOR HIGH	0	0	0	0	0	0
PINEWOOD ELEMENTARY	128	128	150	150	176	146
CHALLENGER 7 ELEMENTARY	22	22	0	0	0	9
CAPE VIEW ELEMENTARY	0	0	0	0	0	0
GARDENDALE EDUCATION CENTER	0	0	0	0	0	0
THOMAS JEFFERSON MIDDLE	0	0	0	0	0	0

Totals for BREVARD COUNTY SCHOOL DISTRICT						
Total students in relocatables by year.	5,250	5,079	4,927	4,655	3,474	4,677
Total number of COFTE students projected by year.	59,411	58,974	58,315	57,497	57,141	58,268
Percent in relocatables by year.	9 %	9 %	8 %	8 %	6 %	8 %

Leased Facilities Tracking

Existing leased facilities and plans for the acquisition of leased facilities, including the number of classrooms and student stations, as reported in the educational plant survey, that are planned in that location at the end of the five year workplan.

Location	# of Leased Classrooms 2023 - 2024	FISH Student Stations	Owner	# of Leased Classrooms 2027 - 2028	FISH Student Stations
TITUSVILLE HIGH	0	0		0	0
OAK PARK ELEMENTARY	0	0		0	0
JAMES MADISON MIDDLE	0	0		0	0
APOLLO ELEMENTARY	0	0		0	0
RIVERVIEW SCHOOL	0	0		0	0

COQUINA ELEMENTARY	0	0		0	0
MIMS ELEMENTARY	0	0		0	0
SOUTH LAKE EDUCATION CENTER	0	0		0	0
ANDREW JACKSON MIDDLE	0	0		0	0
IMPERIAL ESTATES ELEMENTARY	0	0		0	0
ASTRONAUT SENIOR HIGH	0	0		0	0
PINEWOOD ELEMENTARY	0	0		0	0
CHALLENGER 7 ELEMENTARY	0	0		0	0
ATLANTIS ELEMENTARY	0	0		0	0
ROCKLEDGE SENIOR HIGH	0	0		0	0
CLEARLAKE EDUCATION CENTER	0	0		0	0
CAMBRIDGE ELEMENTARY MAGNET	0	0		0	0
ENDEAVOUR ELEMENTARY MAGNET	0	0		0	0
GOLFVIEW ELEMENTARY MAGNET	0	0		0	0
RONALD MCNAIR MIDDLE	0	0		0	0
FAIRGLEN ELEMENTARY	0	0		0	0
JOHN F KENNEDY MIDDLE	0	0		0	0
COCOA JR/SR HIGH	0	0		0	0
SATURN ELEMENTARY	0	0		0	0
HANS CHRISTIAN ANDERSEN ELEMENTARY	0	0		0	0
MELBOURNE SENIOR HIGH	0	0		0	0
PALM BAY MAGNET SENIOR HIGH	0	0		0	0
WEST MELBOURNE ELEMENTARY SCHOOL FOR SCIENCE	0	0		0	0
UNIVERSITY PARK ELEMENTARY	0	0		0	0
PORT MALABAR ELEMENTARY	0	0		0	0
STONE MAGNET MIDDLE	0	0		0	0
PALM BAY ELEMENTARY	0	0		0	0
LOCKMAR ELEMENTARY	0	0		0	0
JOHN F TURNER SR ELEMENTARY	0	0		0	0
SOUTHWEST MIDDLE	0	0		0	0
COLUMBIA ELEMENTARY	0	0		0	0
DISCOVERY ELEMENTARY	0	0		0	0
CHRISTA MCAULIFFE ELEMENTARY	0	0		0	0
RIVIERA ELEMENTARY	0	0		0	0
JUPITER ELEMENTARY	0	0		0	0

EAU GALLIE SENIOR HIGH	0	0	0	0
WEST SHORE JR/SR HIGH	0	0	0	0
LYNDON B JOHNSON MIDDLE	0	0	0	0
SHERWOOD ELEMENTARY	0	0	0	0
HARBOR CITY ELEMENTARY	0	0	0	0
SABAL ELEMENTARY	0	0	0	0
SOUTH PINE GROVE SCHOOL	0	0	0	0
CROTON ELEMENTARY	0	0	0	0
ROY ALLEN ELEMENTARY	0	0	0	0
SUNTREE ELEMENTARY	0	0	0	0
MERRITT ISLAND SENIOR HIGH	0	0	0	0
EDGEWOOD JR/ SR HIGH	0	0	0	0
MILA ELEMENTARY	0	0	0	0
TROPICAL ELEMENTARY	0	0	0	0
AUDUBON ELEMENTARY	0	0	0	0
GARDENDALE EDUCATION CENTER	0	0	0	0
THOMAS JEFFERSON MIDDLE	0	0	0	0
LEWIS CARROLL ELEMENTARY	0	0	0	0
COCOA BEACH JR/SR HIGH	0	0	0	0
THEODORE ROOSEVELT ELEMENTARY	0	0	0	0
FREEDOM 7 ELEMENTARY SCHOOL OF INTERNATIONAL STUDIES	0	0	0	0
CAPE VIEW ELEMENTARY	0	0	0	0
SATELLITE SENIOR HIGH	0	0	0	0
DELAURA MIDDLE	0	0	0	0
SPESSARD L HOLLAND ELEMENTARY	0	0	0	0
SEA PARK ELEMENTARY	0	0	0	0
SURFSIDE ELEMENTARY	0	0	0	0
OCEAN BREEZE ELEMENTARY	0	0	0	0
INDIALANTIC ELEMENTARY	0	0	0	0
HERBERT C HOOVER MIDDLE	0	0	0	0
GEMINI ELEMENTARY	0	0	0	0
DR W J CREEL ELEMENTARY	0	0	0	0
ROBERT LOUIS STEVENSON ELEMENTARY SCHOOL OF THE ARTS	0	0	0	0
ENTERPRISE ELEMENTARY	0	0	0	0
MEADOWLANE PRIMARY ELEMENTARY	0	0	0	0

SPACE COAST JR/ SR HIGH	0	0		0	0
LONGLEAF ELEMENTARY	0	0		0	0
BAYSIDE SENIOR HIGH	0	0		0	0
WESTSIDE ELEMENTARY	0	0		0	0
CENTRAL MIDDLE	0	0		0	0
RALPH M WILLIAMS JR ELEMENTARY	0	0		0	0
MANATEE ELEMENTARY	0	0		0	0
QUEST ELEMENTARY	0	0		0	0
VIERA HIGH SCHOOL	0	0		0	0
SUNRISE ELEMENTARY	0	0		0	0
MEADOWLANE INTERMEDIATE ELEMENTARY	0	0		0	0
HERITAGE HIGH	0	0		0	0
VIERA ELEMENTARY SCHOOL	0	0		0	0
CUYLER SCHOOL	0	0		0	0
	0	0		0	0

Failed Standard Relocatable Tracking

Relocatable units currently reported by school, from FISH, and the number of relocatable units identified as 'Failed Standards'.

Nothing reported for this section.

Planning

Class Size Reduction Planning

Plans approved by the school board that reduce the need for permanent student stations such as acceptable school capacity levels, redistricting, busing, year-round schools, charter schools, magnet schools, public-private partnerships, multitrack scheduling, grade level organization, block scheduling, or other alternatives.

There are six schools of choice and 13 charter schools in the District. Schools of Choice, along with Choice Programs such as Academic (AICE and IB) and CTE (Career and Technical Education) Programs help to balance enrollment throughout the District.

School Closure Planning

Plans for the closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues.

There were no school closures for the 2023-2024 school year. There are no plans at this time to close any schools for the remaining four years of the planning period.

Long Range Planning

Ten-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 6-10 beyond the projects plans detailed in the five years covered by the work plan.

Nothing reported for this section.

Ten-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 5 years beyond the 5-year district facilities work program.

Nothing reported for this section.

Ten-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2022 - 2023 FISH Capacity	Actual 2022 - 2023 COFTE	Actual 2022 - 2023 Utilization	Actual 2023 - 2024 / 2032 - 2033 new Student Capacity to be added/removed	Projected 2032 - 2033 COFTE	Projected 2032 - 2033 Utilization
Elementary - District Totals	45,107	45,107	30,544.79	67.72 %	0	31,162	69.08 %
Middle - District Totals	20,104	18,086	12,787.97	70.71 %	0	8,862	49.00 %
High - District Totals	24,084	22,875	16,444.51	71.89 %	0	17,686	77.32 %
Other - ESE, etc	1,729	681	20.10	2.94 %	0	0	0.00 %
	91,024	86,749	59,797.37	68.93 %	0	57,710	66.53 %

Combination schools are included with the middle schools for student stations, capacity, COFTE and utilization purposes because these facilities all have a 90% utilization factor. Use this space to explain or define the grade groupings for combination schools.

No comments to report.

Ten-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 06 thru 10 out years (Section 28).

Nothing reported for this section.

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 06 thru 10 out years (Section 29).

Nothing reported for this section.

Twenty-Year Maintenance

District projects and locations regarding the projected need for major renovation, repair, and maintenance projects within the district in years 11-20 beyond the projects plans detailed in the five years covered by the work plan.

Nothing reported for this section.

Twenty-Year Capacity

Schedule of capital outlay projects projected to ensure the availability of satisfactory student stations for the projected student enrollment in K-12 programs for the future 11-20 years beyond the 5-year district facilities work program.

Nothing reported for this section.

Twenty-Year Planned Utilization

Schedule of planned capital outlay projects identifying the standard grade groupings, capacities, and planned utilization rates of future educational facilities of the district for both permanent and relocatable facilities.

Grade Level Projections	FISH Student Stations	Actual 2022 - 2023 FISH Capacity	Actual 2022 - 2023 COFTE	Actual 2022 - 2023 Utilization	Actual 2023 - 2024 / 2042 - 2043 new Student Capacity to be added/removed	Projected 2042 - 2043 COFTE	Projected 2042 - 2043 Utilization
Elementary - District Totals	45,107	45,107	30,544.79	67.72 %	0	31,162	69.08 %
Middle - District Totals	20,104	18,086	12,787.97	70.71 %	0	8,862	49.00 %
High - District Totals	24,084	22,875	16,444.51	71.89 %	0	17,686	77.32 %
Other - ESE, etc	1,729	681	20.10	2.94 %	0	0	0.00 %
	91,024	86,749	59,797.37	68.93 %	0	57,710	66.53 %

Combination schools are included with the middle schools for student stations, capacity, COFTE and utilization purposes because these facilities all have a 90% utilization factor. Use this space to explain or define the grade groupings for combination schools.

No comments to report.

Twenty-Year Infrastructure Planning

Proposed Location of Planned New, Remodeled, or New Additions to Facilities in 11 thru 20 out years (Section 28).

Nothing reported for this section.

Plans for closure of any school, including plans for disposition of the facility or usage of facility space, and anticipated revenues in the 11 thru 20 out years (Section 29).

Nothing reported for this section.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: **9.b.**
Meeting Date: March 4th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Town Clerk

BACKGROUND/HISTORY:

On February 22nd, Staff attended the Southern Brevard Trails Master Plan Working Group Meeting #1. At the meeting, the design engineer and the TPO provided the project background, goals, schedule, planning process, area of work and existing conditions. The project area is all of Brevard south of Palm Bay Road, and the main goal is to increase connectivity for pedestrian and multi-modal transportation. The next meeting will be held in May of 2024.

The Town will also be hosting its own Trash Bash event this year. In partnership with Keep Brevard Beautiful (KBB), the Town will participate in Trash Bash on April 6th from 8 AM to 12 PM. We are accepting volunteers to participate as Site Captains, and as general volunteers. A sign up survey can be accessed via a QR code on the Town's website and Facebook.

ATTACHMENTS

Town of Malabar Trash Bash Fyler



Malabar Trash Bash

April 6th 2024

8am-12pm

We are recruiting collection volunteers and captains for designated clean up zones throughout the Town of Malabar!

THINGS YOU CAN DO:

As a captain, you would be responsible for facilitating a tent for a designated trash drop off area! If you are coordinated and a team player, this role is for you!

Bring your family and friends to volunteer for this event to teach the importance of keeping our Town clean!

If you are interested in being a collection volunteer to clean your community, please sign up now!

If you are interested in volunteering, please sign up using our application form by scanning the QR code to the left. You can also contact Town Hall at 321-727-4427 to sign up!



TOWN OF MALABAR

SPECIAL TOWN COUNCIL MEETING

AGENDA ITEM NO: 11.a.

Meeting Date: March 5th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: FIRST READING - Amending Chapter 6, Section 6-1 of the Code of Ordinance to include the 2023 8th Edition of the Florida Building Code (Ordinance 2024-01)

BACKGROUND/HISTORY:

The Florida Building Commission updates the various codes per F.S. 553 and becomes the latest revision for municipal building departments to comply with in reviewing, processing, and inspecting building permit applications every 3 years.

The Town of Malabar adopts the Florida Building Codes and any other applicable codes within The Town of Malabar's Code of Ordinances, Part II, Chapter 6, entitled Buildings and Building Regulations.

The ordinance includes the adoption of the updated Florida Building Code, Fire and Electrical Codes, and a Dictionary of Architecture and Construction per the Building Official.

The 2023 8th Edition, Florida Building Code, Building and the following volumes:

- 2023 8th Edition, FBC, Residential
- 2023 8th Edition, FBC, Accessibility
- 2023 8th Edition, FBC, Energy Conservation
- 2023 8th Edition, FBC, Florida Existing Building Code
- 2023 8th Edition, FBC, Plumbing
- 2023 8th Edition, FBC, Mechanical
- 2023 8th Edition, FBC, Fuel Gas
- 2023 8th Edition, FBC, Test Protocols for High Velocity Hurricane Zones

Additionally, the following:

- The Florida Fire Prevention Code 2023 8th Edition, Chapter 9
- The National Electric Code (2020 Edition) N.F.P.A.
- Dictionary of Architecture and Construction, 4th Edition

The following Codes are also adopted:

- The Standard Amusement Device Code, 1985 Edition.
- International Property Maintenance Code, 2006 edition as published by the International Code Council.
- The Uniform Code for Abatement of Dangerous Buildings, 1997 Edition.
- Life Safety Code NFPA 101, 2024 Edition.

ATTACHMENTS:

Ordinance 2024-01

ACTION:

Motion for approval of First Reading of Ordinance 2024-01.

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, RELATING TO BUILDING CODES; AMENDING CHAPTER 6, SECTION 6-1 OF THE CODE OF ORDINANCES OF THE TOWN; PROVIDING FOR ADOPTION OF CERTAIN MODEL BUILDING AND CONSTRUCTION CODES; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is the desire of the Town Council to adopt in all respects the various building and construction codes identified herein to provide for the health, safety and general welfare of the public; and

WHEREAS, the adoption of these codes is to facilitate proper inspection activities relating to construction and maintenance of buildings within the Town; and

WHEREAS, the existing codes and ordinances governing such activities are outdated; and

WHEREAS, such regulation and administration are in the best interest of the public.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, THAT:

SECTION 1. Sections 6-1 of Chapter 6 of the Malabar Code of Ordinances is hereby amended as follows and all other codes referenced in Chapter 6 remain in force unless found to be in conflict with Florida Statute 553:

“Section 6-1. Codes and amendments adopted

As of December 31, 2023, the Florida Building Code supersedes all local building codes which are developed and maintained by the Florida Building Commission. It is updated every three years and may be amended annually to incorporate interpretative and clarifications. The 2023 8th Edition, Florida Building Code, Building, and the following volumes:

- The 2023 8th Edition, FBC, Residential
- The 2023 8th Edition, FBC, Accessibility
- The 2023 8th Edition, FBC, Energy Conservation
- The 2023 8th Edition, FBC, Florida Existing Building Code
- The 2023 8th Edition, FBC, Plumbing
- The 2023 8th Edition, FBC, Mechanical
- The 2023 8th Edition, FBC, Fuel Gas
- The 2023 8th Edition, FBC, Test Protocols for High Velocity Hurricane Zones

Additionally, the following:

- The Florida Fire Prevention Code, 2023 8th Edition, Chapter 9
- The National Electric Code (2020 Edition) N.F.P.A. 70*
- Dictionary of Architecture and Construction, 4th Edition”

The following Codes are also adopted:

- The Standard Amusement Device Code, 1985 Edition.
- International Property Maintenance Code, 2024 edition as published by the International Code Council.
- The Uniform Code for Abatement of Dangerous Buildings, 1997 Edition.
- Life Safety Code NFPA 101, 2024 Edition.

SECTION 2. Codification.

It is the intention of the Town Council of the Town of Malabar, Brevard County, that the provisions of Section 1 of this Ordinance become part of the Code of Ordinances of the Town of Malabar. The Town Clerk is hereby authorized and directed to cause the provisions of Section 1 of this ordinance to be incorporated into the Code of Ordinances.

SECTION 3. Severability.

In the event a court of competent jurisdiction shall hold or determine that any part of this ordinance is invalid or unconstitutional, the remainder of this ordinance shall not be affected and it shall be presumed that the Town Council of the Town of Malabar did not intend to enact such invalid or unconstitutional provision. It shall further be assumed that the Town Council would have enacted the remainder of this ordinance without said invalid or unconstitutional provision, thereby causing said remainder to remain in full force and effect.

SECTION 4. Conflicts.

All ordinances or parts thereof in conflict herewith are hereby repealed to the extent of such conflict with this Ordinance.

SECTION 5. Effective Date.

This Ordinance shall become effective immediately upon its adoption.

The foregoing Ordinance was moved for adoption by Council Member _____.
The motion was seconded by Council Member _____ and, upon being put to a vote, the vote was as follows:

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Jim Clevenger	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

PASSED AND ADOPTED by the Town Council, Town of Malabar, Brevard County, Florida this ____ day of _____, 2024

BY:
TOWN OF MALABAR

Mayor Patrick T. Reilly, Council Chair

First Reading Approved: _____: Vote: __ to __
Second Reading: _____

ATTEST:

(Seal)

By _____

Richard W. Kohler
Town Clerk

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

TOWN OF MALABAR

SPECIAL TOWN COUNCIL MEETING

AGENDA ITEM NO: 13.a.

Meeting Date: March 5th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Appoint Lindsey Wilson to the Parks and Recreation Board (Resolution 02-2024)

BACKGROUND/HISTORY:

Lindsey Wilson, a Malabar resident, submitted an application to Town Staff to be appointed to the Parks and Recreation Board. Ms. Wilson has submitted all of the required paperwork, and meets the minimum requirements for Board membership.

At the 2/21/2024 Parks and Recreation Board Meeting, the Board voted unanimously to recommend approval of this Resolution.

ATTACHMENTS:

Resolution 02-2024
Ms. Wilson's Application Packet

ACTION:

Motion for approval of Resolution 02-2024.

RESOLUTION 02-2024

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE APPOINTMENT OF LINDSEY WILSON TO THE MALABAR PARKS AND RECREATION BOARD AS AN ALTERNATE MEMBER; PROVIDING FOR REPEAL OF RESOLUTIONS OR PARTS OF RESOLUTIONS IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Malabar Town Council has been notified of completed terms on the Parks and Recreation Board; and

WHEREAS, Malabar Town Council desires to fill this opening by appointment.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

Section 1. The Town Council of Malabar, Brevard County, Florida, hereby approves the appointment of Lindsey Wilson as an alternate member of the Parks and Recreation Board for a three-year term.

Section 2. The Town Council of Malabar, Brevard County, Florida, hereby authorizes and directs the Town Clerk to notify the members, the Board Chair and the Board Secretary of this appointment.

Section 3. All resolutions or parts of resolutions in conflict herewith are hereby repealed.

Section 4. This resolution shall take effect immediately upon adoption.

This Resolution was moved for adoption by Council Member _____ and seconded by Council Member _____ and the vote was as follows:

Council Member Marisa Acquaviva	_____
Council Member Brian Vail	_____
Council Member Jim Clevenger	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

This Resolution was then declared to be duly passed and adopted this 4th day of March 2024.

TOWN OF MALABAR

(Seal)

By: _____

Mayor Patrick T. Reilly, Council Chair

ATTEST:

Richard W. Kohler
Town Clerk

Approved as to form and content:

Karl W. Bohne, Jr., Town Attorney

Park & Recreation Advisory Board Application

The Park & Recreation Board is hereby established and shall consist of five (5) seats and two (2) alternate-seats. The Board is advisory in nature. Members of the Board shall hold no other Town office. The affirmative vote of a majority of the regular and alternate board members present and voting (maximum of five votes) shall be necessary for the adoption of any motion. The Board discusses matters relating to the acquisition, development, maintenance, rehabilitation and operations of parks and recreation properties and facilities within the Town of Malabar and forward their recommendations to the Town Council for their consideration.

1. Name: Lindsey E. Wilson Phone: 321-334-9108
 2. Home Address: 2230 Howell Ln, Malabar FL 32950
 3. Email Address: lindseywilson825@gmail.com / lwilson@townofmalabar.org
 4. Are you a resident of the Town: Yes No
 5. How long have you been a resident of the Town of Malabar: September 2023
 6. Are you currently involved with any other organization of the Town: Yes No
- If yes, which organization: Town Hall - Building Department Employee

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
Website: www.townofmalabar.org

TOWN OF MALABAR

APPLICATION FOR APPOINTMENT TO BOARD/COMMITTEE

NOTE: Florida's Public Records Law, Chapter 119, Florida Statutes states, "It is the policy of this state that all state, county, and municipal records shall at all times be open for a personal inspection by any person." Your application when filed will become a public record and subject to the above statute. In addition, any appointed member of a board of any political subdivision (except members of solely advisory bodies) and all members of bodies exercising planning, zoning or natural resources responsibilities are required to file a financial disclosure form within 30 days after appointment and annually thereafter for the duration of the appointment as required by F.S. Chap. 112.

NAME: Lindsey E. Wilson TELEPHONE: 321-334-9108

ADDRESS: 2230 Howell Ln, Malabar FL

EMAIL: lindseywilson825@gmail.com / lwilson@townofmalabar.org

RESIDENT OF TOWN FOR 12 MONTHS OR LONGER: [] YES [] NO

OCCUPATION: (If retired, please indicate former occupation or profession.)

Building Department Permit Tech — Malabar Town Hall

PROFESSIONAL AND/OR COMMUNITY ACTIVITIES:

ADDITIONAL INFORMATION/REFERENCES:

Please select the Board that you would like to serve on by indicating first choice & second choice:

Board of Adjustment Planning & Zoning
 Parks & Recreation Trails & Greenways

Per Town Code, Council shall require removal of members after 3 successive absences.

Lindsey E. Wilson
Signature of Applicant

1/31/24
Date

Please return this form to: Town Clerk
Town of Malabar
2725 Malabar Road
Malabar, FL 32950-4427
Email: townclerk@townofmalabar.org

Note: If you need more information concerning the duties of these Boards, please contact the Town Clerk. Please attach a copy of your resume to this application. You will be notified of the date of the Town Council Meeting that your application will be considered for appointment. You will need to plan to attend the Council Meeting.

Applicant Certification

By completing this application with the Town of Malabar and placing my signature below, I do hereby acknowledge the following:

- This application, when completed and filed with the Office of the Town Clerk, is a PUBLIC RECORD UNDER Chapter 119, Florida Statute, and is open to public inspection.
- I am responsible for keeping the information on this form current and that any changes or updates will be provided to the Office of the Town Clerk.
- I acknowledge that I am a resident of the Town of Malabar.
- I consent to filing the Statement of Financial Interest as required by Chapter 112, Florida Statutes.
- If appointed to a Committee or Board, I acknowledge that it is my obligation and duty to comply with the following:
 - Malabar Code of Conduct
 - Code of Ethics for Public Officials (F.S., Chapter 112, Part III)
 - Florida Sunshine Law (F.S., Chapter 286)

I understand the responsibilities associated with being a Committee or Board member and I will have adequate time to serve on this Committee or Board.

The information provided on this form is true and correct and consent is hereby given to the Town Council or its designated representative to verify any and/or all the information provided.

Lindsay E. Wilson
Signature

1/31/24
Date

Town of Malabar 2725 Malabar Road Malabar, Florida 32950
Phone: 321-727-7763 ~ Fax 321-722-2234 ~ Email: townclerk@townofmalabar.org
Website: www.townofmalabar.org



TOWN OF MALABAR

2725 MALABAR ROAD • MALABAR, FLORIDA 32950
(321) 727-7764 OFFICE • (321) 722-2234 FAX
www.townofmalabar.com

Town of Malabar Board Member Code of Conduct

(Malabar Code Chap 2. – Code of Conduct) In addition to adhering to the requirements of State Law, any person appointed to serve as a Member of a Town Board or Committee shall commit to the following Code of Conduct by written affirmation, which shall remain on file with the Town Clerk, as follows:

I affirm that the proper Statutory and Town Charter role of Members of appointed Town Boards and Committees, as with any Member of an appointed government body, is to act collectively, not individually, to apply the Town's governing policies, and that the Town Administrator and Staff administer such policies.

I understand that an appointed Board or Committee Member does not manage the affairs of the Town. I will not intrude into daily operations or spheres of responsibility designated by Florida Statutes, Town Code, and Town Charter to the Town Administrator as the Chief Executive Officer; or undermine the Town Administrator's lawful authority. Further, I understand that the Town Administrator is responsible for administering the policy direction established by a majority vote of the Town Council and not the individual wishes of Board or Committee Members.

I will represent the interests of the entire Town when making decisions and will rely upon available facts and my independent judgment. In my capacity as an appointed Board or Committee Member, I will avoid conflicts of interest and avoid using my official position for personal, professional, or partisan gain.

I will demonstrate dignity, respect, and courtesy toward those whom I am in contact with in my capacity as an appointed Board or Committee Member. I will refrain from intimidation and ridicule of fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of the Town, and those conducting business with the Town.

In my capacity as an appointed Board or Committee Member, I will refrain from inappropriate language including statements that are malicious, threatening, slanderous, disparaging, mean-spirited, vulgar or abusive. All disagreements, concerns or criticisms shall be framed in language that is in keeping with the dignity and professionalism of an appointed official and the honor of my respective Town Board or Committee.

I will focus on solving problems. I will maintain appropriate decorum and professional demeanor in the conduct of Town business and work cooperatively and conscientiously with others as I request or receive information, examine data or weigh alternatives in the decision-making process.

I will demonstrate patience and refrain from demanding, interruptive access to Staff or immediate responses or services when requesting information that requires significant Staff time in research, preparation or analysis or that will result in Staff neglect of urgent duties. Such requests will be made through the Town Administrator for scheduling and prioritizing through consensus of my respective Town Board or Committee.

I will devote adequate time for preparation prior to my respective Town Board or Committee meetings and as much as possible, I will be in attendance at such meetings and all other scheduled events where my participation is required.

I will respect diversity and encourage the open expression of divergent ideas and opinions from fellow Board or Committee Members, Town Council Members, Town Administrator, Town Attorney, Staff, citizens of Malabar. I will listen actively and objectively to others' concerns or constructive criticisms.

I will refrain from any individual action that could compromise lawfully authorized decisions of the Town or the integrity of the Town and my fellow Board or Committee Members. I will delineate clearly for any audience whether I am acting or speaking as an individual citizen or in my capacity as a Town Board or Committee Member.

I will maintain the confidentiality of privileged information and will abide by all laws of the State applicable to my conduct as a Board or Committee Member, including but not limited to the Government in the Sunshine Law, the Florida Code of Ethics for Public Officers, and Town Rules of Procedure and Codes of Conduct.

I will promote constructive relations in a positive climate with all Members of the Town Council, Town employees, Town Attorney, and Town contractors and consultants consistent with my role as a Board or Committee Member, as a means to enhance the productivity and morale of the Town. I will support the Town Administrator's decision to employ the most qualified persons for Staff positions. I will recognize the bona fide achievements of the Town Council, Town Administrator, Staff, Town Attorney, Town contractors and consultants, business partners, and others sharing in, and striving to achieve, the Town's mission.

I will enhance my knowledge and ability to contribute value to the Town as a Board or Committee Member by keeping abreast of issues and trends that could affect the Town through reading, continuing education and training. I will study policies and issues affecting the Town, and will attend training programs if required by the Town. My continuing goal will be to improve my performance as a Board or Committee Member.

I will value and assist my fellow Board or Committee Members by exchanging ideas, concerns, and knowledge through lawful means of communication. I will help build positive community support for the Town's mission and the policies established by the Town Council.

I will support and advocate for my beliefs, but will remain open to understanding the views of others. I recognize that I share in the responsibility for all Town decisions that my respective Board makes and will accept the will of the majority.

As a Board or Committee Member, I will always hold the best interests of the citizens of the Town and the public health, safety and welfare of the community in the highest regard. I will seek to provide appropriate leadership that nurtures and motivates Town citizens to be stakeholders in the affairs and achievements of the Town.

I will be accountable to the Town Council for violations of this Code of Conduct.

Lindsay E. Wilson
Signature

1/31/24
Date

Lindsay E. Wilson
Print Name

Judy Schultz
Witness

TOWN OF MALABAR

SPECIAL TOWN COUNCIL MEETING

AGENDA ITEM NO: 13.b.

Meeting Date: March 5th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Acceptance of a Temporary Easement and Road Payback for Candy Lane (Resolution 03-2024)

BACKGROUND/HISTORY:

Applicant Chris Hampson, 1975 Atz Road, has improved Candy Lane 1322' south of Atz Road. Mr. Hampson has submitted the costs associated with the improvement of Candy Lane, \$186,147.80, to be included in the road payback program. The road payback cost is \$70.37 per linear foot of road frontage. A Road Payback list has been created, and shall be attached to the Resolution.

Also included in this Resolution is a Temporary Easement Agreement. The easement shall sunset upon the southern extension of Candy Lane beyond the newly accepted terminus of Candy Lane. The easement descriptions are included in the Resolution as Exhibits A&B.

Town Engineer Morris Smith has inspected the road, and certifies that it meets all Town of Malabar Requirements.

ATTACHMENTS:

Resolution 03-2024
Documents Submitted by Mr. Hampson

ACTION:

Motion for approval of Resolution 03-2024.

RESOLUTION 03-2024

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR ACCEPTANCE AND CERTIFICATION OF COSTS IN CONSTRUCTING CANDY LANE FOR A DISTANCE OF 1332 FEET+/- SOUTH OF ATZ ROAD IN SECTION 12, TOWNSHIP 29, RANGE 37; PROVIDING FOR A TEMPORARY EASEMENT FOR PUBLIC USE; PROVIDING FOR THE ROAD PAYBACK AS DESCRIBED IN SECTION 13-42 OF THE TOWN CODE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar is a Florida municipal corporation organized and existing under Florida law; and

WHEREAS, the Town Council provided in Chapter 13, Section 13-42 the requirements for acceptance and certification of a road; and

WHEREAS, Candy Lane has been inspected by the Town Engineer, and is determined to meet the required standards; and

WHEREAS, THE Town Council wishes to establish a temporary easement for public use at the southern end of Candy Lane; and

WHEREAS, the Town Council is satisfied that Candy Lane meets its required standards, and that portions of the certified cost shall be reimbursed to the Road Builder, as described in Chapter 13, Section 13-47 of the Town Code.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

Section 1. Findings: The above "WHEREAS" statements are true and correct.

Section 2. The Town Council hereby certifies the cost of construction as \$186,174.80 for 1,322.56 feet south of Atz Road, for a cost per linear foot of \$70.37.

Section 3. That a certified copy of this Resolution shall be delivered to the Clerk of Court of Brevard County, Florida.

Section 4. The Town of Malabar accepts the Candy Lane Temporary Easement attached to this Resolution.

Section 5. The Town of Malabar also accepts the Roadbuilding Payback form attached to this Resolution as Exhibit C.

Section 6. This Resolution shall take effect immediately upon its adoption.

This Resolution was moved for adoption by Council Member _____. This motion was seconded by Council Member _____ and, upon being put to vote, the vote was as follows:

- Council Member Marisa Acquaviva
- Council Member Brian Vail
- Council Member Jim Clevenger
- Council Member David Scardino
- Council Member Mary Hofmeister

This Resolution was then declared to be duly passed and adopted this ___th day of _____ 2024.

TOWN OF MALABAR

By: _____

Mayor Patrick T. Reilly, Council Chair

(Seal)

ATTEST:

Richard W, Kohler

Town Clerk

Approved as to Form and Content:

Karl Bohne Jr., Town Attorney

CANDY LANE EASEMENT AGREEMENT

This AGREEMENT made and entered into this ____ day of _____, 2024, by and between, the TOWN OF MALABAR, FLORIDA, a Florida municipal corporation, 2725 Malabar Road, Malabar FL 32950 (hereinafter referred to as “THE TOWN” or “Grantee ”), and the owners of the property located at 2705 Candy Lane, Malabar, FL 32950 (hereinafter referred to as “KOSHINSKI”), and the owners of the property located at 2700 Candy Lane, Malabar, FL 32950 (hereinafter referred to as “HOOPER”).

WITNESSETH:

WHEREAS, THE TOWN maintains the Right of Way known as Candy Lane, with a southern terminus located between the KOSHINSKI and HOOPER (also referred to as Grantors) properties; and,

WHEREAS, THE TOWN desires to establish a temporary Easement for public use; and,

WHEREAS, THE TOWN desires to maintain said temporary easement for public use; and,

WHEREAS, THE TOWN desires for the temporary Easement to sunset upon future southern extension beyond the newly accepted southern terminus of the Candy Lane Right-of-Way; and,

WHEREAS, KOSHINSKI has agreed to grant and convey to THE TOWN a temporary non-exclusive access easement over, on, under, upon and across the Candy Lane Right of Way as described in “Exhibit A”

WHEREAS, HOOPER has agreed to grant and convey to THE TOWN a temporary non-exclusive access easement over, on, under, upon and across the Candy Lane Right of Way as described in “Exhibit B”

WHEREAS, it is in the interest of the public health, safety and welfare of the involved parties to cooperate concerning the development of the Candy Lane; and

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants contained herein, the parties agree as follows:

The scope, nature, and character of this Easement shall be as follows:

1. **Recitals.** The recitals herein are true and correct and are hereby incorporated into and made a part of this Easement.
2. **Purpose.** It is the purpose of this Easement to grant a temporary non-exclusive access easement over, on, under, upon, and across the Property at all times to perform all acts necessary to ensure fulfillment of all requirements of the Town of Malabar, all of which Grantee shall be authorized to perform in its sole discretion.
3. **Dedication.** Right of access by the general public to any portion of the Property is conveyed by this Easement.

4. Liability. The TOWN's liability is limited as provided in Subsection 704.05 and Section 768.28, F.S. Additionally, KOSHINSKI and HOOPER shall not be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of this Easement.

5. Future Improvements Required. Upon any future southern extension of Candy Lane beyond the newly accepted southern terminus shall require the developer to install, at their own expense, Culverts and Stormwater Management swales for both the KOSHINSKI and HOOPER properties. The developer shall also be responsible for returning the easement area to its natural state at their own expense.

6. Duration. This Easement shall sunset upon future southern extension beyond the newly accepted southern terminus of the Candy Lane Right-of-Way. This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Brevard County, Florida.

Signed, Sealed and Delivered in the presence of:

Witness

Address: _____

KOHSINSKI Signature

Witness

Address: _____

HOOPER Signature

Notary for KOSHINSKI Signature

State of Florida

County of Brevard

Sworn to (or affirmed) and subscribed before me by means of Physical Presence or Online Notarization, this _____ day of _____, _____, by _____.

(Signature of Notary Public – State of Florida)

(Name of Notary Public - State of Florida)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced: _____

Notary for HOOPER Signature
State of Florida
County of Brevard

Sworn to (or affirmed) and subscribed before me by means of Physical Presence or Online Notarization, this _____ day of _____, _____, by _____.

(Signature of Notary Public – State of Florida)

(Name of Notary Public - State of Florida)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced: _____

“Exhibit A”

CANDY LANE

Temporary Construction and Ingress/Egress Easement

David Alan and Candyce L. Koshinski to the Town of Malabar

It is the intention of the Town of Malabar to have a constructed, centered, cul-de-sac moved to the south as Candy Lane is extended further and further south. To that end, to help simplify the creation and removal of these temporary rights of the present and future temporary construction and public ingress-egress easement, the Town is requiring Sunset Provision language to be added to the legal description describing the limitations of this temporary construction and public ingress-egress easement.

The owner hereby grants to the Town of Malabar a Temporary Construction and Public Ingress/Egress Easement over the portion of Lot 29, Section 12, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company, according to the Map or Plat Thereof, as Recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, Being More Particularly Described as Follows:

Legal Description:

The East 35 feet of the West 60 feet of the South 120 feet of Lot 28, Section 12, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company according to the Plat thereof as recorded in Plat Book 1, Page 165, of the public records of Brevard County, Florida.

The Town's staff, contractors, agents and workmen are permitted through, along and over the said temporary easement for the purpose of constructing and maintaining the temporary cul-de-sac, with their materials, machinery, or equipment thereto until such time as this southerly extension of Candy Lane is accepted by the Town and it is usable. This temporary construction and public ingress/egress easement shall automatically expire over this parcel at the point in time when the temporary easement is relocated south to accommodate the construction of the temporary cul-del-sac for the future extension of Candy Lane, south of this present location. The temporary easement shall Sunset when the future extension of Candy has been constructed and accepted by the Town of Malabar.

“Exhibit B”

CANDY LANE

Temporary Construction and Ingress/Egress Easement

Alicia J. Hooper to the Town of Malabar

It is the intention of the Town of Malabar to have a constructed, centered, cul-de-sac moved to the south as Candy Lane is extended further and further south. To that end, to help simplify the creation and removal of these temporary rights of the present and future temporary construction and public ingress-egress easement, the Town is requiring Sunset Provision language to be added to the legal description describing the limitations of this temporary construction and public ingress-egress easement.

The owner hereby grants to the Town of Malabar a Temporary Construction and Public Ingress/Egress Easement over the portion of Lot 28, Section 12, Township 29 South, Range 37 East, Plat of Florida Indian River Land Company, according to the Map or Plat Thereof, as Recorded in Plat Book 1, Page 165, of the Public Records of Brevard County, Florida, Being More Particularly Described as Follows:

Legal Description:

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The Town's staff, contractors, agents and workmen are permitted through, along and over the said temporary easement for the purpose of constructing and maintaining the temporary cul-de-sac, with their materials, machinery, or equipment thereto until such time as this southerly extension of Candy Lane is accepted by the Town and it is usable. This temporary construction and public ingress/egress easement shall automatically expire over this parcel at the point in time when the temporary easement is relocated south to accommodate the construction of the temporary cul-del-sac for the future extension of Candy Lane, south of this present location. The temporary easement shall Sunset when the future extension of Candy has been constructed and accepted by the Town of Malabar.

"EXHIBIT C"

Roadbuilding Payback

Candy Lane (South of Atz Road)

Certified Cost: \$186,174.80 Section 12
Footage: 1,322.56 Feet
Builder Name: Hampson
Cost per Linear Foot: \$70.37

Parcels with Road Frontage without Current

<u>Parcel #</u>	<u>Address</u>	<u>Status</u>	<u>Footage</u>	<u>Payback</u>	<u>To Builder</u>	<u>To Town</u>
75	None	Vacant	200'	\$14,074.00	\$13,933.26	\$140.74
73	None	Vacant	200'	\$14,074.00	\$13,933.26	\$140.74
74	None	Vacant	200'	\$14,074.00	\$13,933.26	\$140.74
65	None	Vacant	200'	\$14,074.00	\$13,933.26	\$140.74
29	2015 Atz Road	S.F.R.	365' (+/-)	\$25,685.05	\$25,419.20	\$256.85

Springwater Homes of Florida, Inc

435 Stan Drive Suite C
Melbourne, FL 32904

321-956-7173
321-956-3959
springwaterhomes@gmail.com
jim@springwaterhomes.com

TOWN OF MALABAR
FEB 06 2024
RECEIVED

Candy Lane Road Construction Cost

Expenses
January 8, 2024

DESCRIPTION	Cost	Total Price
Construction of Candy Lane Road		
Engineering - Teimouri & Associates, Inc.	\$ 15,000.00	\$ 15,000.00
Prints - Ace Blue Printing	\$ 27.82	\$ 27.82
Permit - Town of Malabar	\$ 4,850.00	\$ 4,850.00
Surveying - William J. Suiter Land Surveying, Inc.	\$ 3,100.00	\$ 3,100.00
Road Work - Ken Farrington Tractor & Landclearing, Inc.	\$ 28,889.83	\$ 28,889.83
Road Work - Youtzy Land Development, Inc.	\$ 110,000.00	\$ 110,000.00
Construction Management Fee	\$ 24,280.15	\$ 24,280.15
Total Road Cost		\$ 186,147.80

INVOICE 10-2023102

May 26, 2023

From: **TEIMOURI & Associates, Inc.**

Post Office Box 721
Melbourne, Florida 32902

To: **Jim Clevenger**
SPRINGWATER HOMES
435 Stan Drive Suite C
Melbourne, FL 32904

Re: **Candy Lane**

Professional services for Road design and permitting.

Contract Amount	\$15,000.00
Reimbursable (prints & copies)	\$0.00
Reimbursable (Permit Fee)	\$0.00
Amount Paid	(\$0.00)
Sub-total	\$15,000.00
<u>Amount Due</u>	<u>\$15,000.00</u>
Balance remaining after amount due is paid	\$0.00

Please Pay using the following link;

<https://www.payerexpress.com/ebp/TEIMOURI/>

Or send to:

Post office Box 721
Melbourne, Florida 32902

Ace Blue, Inc.
 121 E Hibiscus Blvd.
 Melbourne, FL 32901
 321-725-1244
 aceblue@aceblueprinters.com
 www.aceblueprinters.com

Invoice 121030



BILL TO Springwater Homes of FL, Inc. 435 Stan Drive, Unit C Melbourne, FL 32904	SHIP TO Springwater Homes of FL, Inc. 435 Stan Drive, Unit C Melbourne, FL 32904	DATE 04/28/2023	PLEASE PAY \$148.84	DUE DATE 05/13/2023
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DATE	ACCOUNT SUMMARY	AMOUNT
03/31/2023	Balance Forward	104.33
	Other payments and credits after 03/31/2023 through 04/27/2023	0.00
04/28/2023	Other invoices from this date	0.00
04/28/2023	Other payments from this date	-104.33
	New charges (details below)	148.84
	Total Amount Due	148.84

DATE	DESCRIPTION	QTY	RATE	AMOUNT
04/06/2023	PRINT(S) 24 x 36 B&W Hooper Hooper	6	1.30	7.80T
04/11/2023	PRINT(S) 24 x 36 B&W Hooper	24	1.30	31.20T
04/12/2023	PRINT(S) 24 x 36 B&W Barrera	27	1.30	35.10T
04/21/2023	PRINT(S) 24 x 36 B&W Candy Lane	20	1.30	26.00T + Tax
04/27/2023	PRINT(S) 24 x 36 B&W Srikantaiah	30	1.30	39.00T

SUBTOTAL	139.10
TAX	9.74
TOTAL	148.84
TOTAL OF NEW CHARGES	148.84

TOTAL DUE \$148.84



MALABAR BUILDING & ZONING DEPARTMENT
 2725 Malabar Rd., Malabar, FL 32950; Phone: (321) 727-7764 x14, Fax: (321) 727-9997

APPROVED BY

BUILDING PERMIT

PERMIT INFORMATION		LOCATION INFORMATION	
Permit #: 2422	Issued: 07/21/2023	Address: 2725 MALABAR RD MALABAR FL 32950	
Permit Type: Building		Township: 28	Range:
Class of Work: RW1 - Road Construction		Lot(s): 14	Block: B Section:
Proposed Use: RR65-ROW CONSTRUCTION		Book:	Page:
Sq. Feet: 0	Est. Value:	Subdivision: SNEDEKERS SUBD OF MALABAR	
Cost: 105000	Total Fees: 4,850.00	Parcel Number: 28 3831-54-B-14	
Amount Paid: 0.00	Date Paid:		
CONTRACTOR INFORMATION		OWNER INFORMATION	
Name: SPRINGWATER HOMES OF FLORIDA INC		Name: MALABAR, TOWN OF	
Addr: 435 STAN DRIVE, UNIT C		Addr: 2725 MALABAR RD	
MELBOURNE FL 32904		MALABAR, FL 32950	
Phone: 321-288-4588	Lic: CBC049064	Phone:	
Work Desc: TO CONSTRUCT A ROW ROAD PER ENGINEERED DRAWINGS UNPAVED CANDY LANE SOUTH OF ATZ ROAD APPROX.1300 FEET APPLICATION \$1070.00			
APPLICATION FEES			
Building Permit	\$760.00	Commercial Plan Review	\$380.00 Road \$1,070.00
Engineering Fee - Per Hour	\$2,640.00		
INSPECTIONS REQUIRED			
Road Permit Group	Compaction Report	Final	In-Progress
Lot Drainage to Swales			
WARNING TO OWNER:			
<p>YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE RECORDING YOUR NOTICE OF COMMENCEMENT.</p> <p>Before building construction is started, approved sanitary facilities for workmen must be provided. It is the responsibility of the permit holder of each phase of work to procure inspections as required and to verify approvals prior to proceeding to the next phase.</p> <p>In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of Brevard County, and there may be additional permits required from other government entities such as Water Management Districts, NDPEs (Construction Generic Permit / Environmental Resource Permit), State Agencies or the Federal Government. It is the applicants responsibility to secure those permits.</p> <p>In consideration of the granting of this Permit, the owner and builder agree to construct the structure in full compliance with the Florida Building Code and Zoning regulations of the Town of Malabar, Florida. This permit not refundable after 30 days.</p>			
A CERTIFICATE OF OCCUPANCY MUST BE ISSUED BEFORE ANY BUILDING IS OCCUPIED			
	7/27/23		7/25/23
Owner/Contractor/Agent	Date	Building Official	Date
Permits shall become void if work authorized does not maintain continual approval within six months of the date of the permit.			
FILE ___ APPLICANT ___ COUNTY ___			

William J. Suiter Land Surveying, Inc.
 1849 Canova Street SE
 Palm Bay, FL 32909

Invoice

Date	Invoice #
12/27/2023	9418

Bill To
Springwater Homes

JOB #	LEGAL DESCRIPTION			
22-161	Candy Lane			
TYPE OF SURVEY	SERVICE...	CDS#	REMARKS	AMOUNT
Surveying Services	12/27/2023		Construction Staking/As-Built	2,500.00
Surveying Services			(4) Legal/Sketch	600.00
			TOTAL	\$3,100.00

Ken Farrington Tractor & Landclearing Inc

2215 Wilcox Street
Melbourne, Florida 32904

Invoice

Date	Invoice #
8/10/2022	5608

Bill To

P.O. No.	Terms	Due Date
		8/10/2022

Serviced	Item	Description	Rate	Qty	Amount
		Candy Lane			
	Fill Dirt	additional fill brought in by request	165.00	51	8,415.00
	Fill Dirt	stabilizer brought in for road access 5 loads plus trucking	1,989.83		1,989.83
	pipe	40 ft of 12 in pipe put in at entrance where existing ditch was pushing water over road	1,900.00		1,900.00

For Jim :
Total Extra
for the Road
\$ 28,889.83

Thank you for your business

Total	\$12,304.83
--------------	-------------

Phone #	Fax #
321-768-8870	321-676-7899

Payments/Credits	-\$10,000.00
-------------------------	--------------

Balance Due	\$2,304.83
--------------------	------------



Chris Hampson <champson18@gmail.com>

Invoice 1063 from Ken Farrington Tractor & Land Clearing, Inc.

Ken Farrington Tractor & Land Clearing, Inc.

Tue, Jul 12, 2022 at

<quickbooks@notification.intuit.com>

1:41 PM

Reply-To: kenflandclearing@gmail.com

To: champson18@gmail.com

Cc: Jim@springwaterhomes.com

INVOICE 1063 DETAILS

Ken Farrington Tractor & Land Clearing, Inc.

DUE 06/28/2022

\$64,265.00

Review and pay

Powered by QuickBooks

Dear Springwater Homes,

We appreciate your business. Please find your invoice details here. Feel free to contact us if you have any

questions.

Have a great day!

Ken Farrington Tractor & Land Clearing, Inc.

Bill to

Springwater Homes
435 Stan Drive Suite C
Melbourne, FL 32904

Terms

Due on receipt

Hampson Residence 1975 Atz Road

Land Clearing

\$8,000.00

Land Clearing

1 X \$8,000.00

Land Clearing

\$2,835.00

Clearing Road

1 X \$2,835.00

Pad Build **\$800.00**

pad build for house

1 X \$800.00

Pad Build **\$600.00**

pad for outparcel

1 X \$600.00

Fill Dirt **\$38,280.00**

fill dirt for pads

232 X \$165.00

Fill Dirt **\$8,580.00**

fill dirt for road

52 X \$165.00

Fill Dirt **\$4,350.00**

fill dirt for road from palm bay lots

30 X \$145.00

Fill Dirt

\$820.00

spreading dirt for road

82 X \$10.00

Balance due \$64,265.00

Review and pay

Ken Farrington Tractor & Land Clearing, Inc.

2215 Wilcox St Melbourne, FL 32904 US

kenflandclearing@gmail.com

If you receive an email that seems fraudulent, please check with the business owner before paying.



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Youtzy Land Development, Inc.

PO Box 120058
W. Melbourne, FL 32912-0058

Invoice

Date	Invoice #
11/8/2023	5216

Bill To:

Springwater Homes
Attn: Jim Clevenger
435 Stan Dr. Ste C
Melbourne, FL 32904

Terms

30 Days

Date	Description	Rate	Qty	Amount
	Candy Lane Malabar, FL 32950 Clearing lot, Hauling off debris, Dirt work and Labor	50,000.00	1	50,000.00
Thank you for your business!		Total		\$50,000.00
Phone #	(321) 508-3704	Payments/Credits		\$0.00
E-mail	youtzy_land_dvlp@yahoo.com	Balance Due		\$50,000.00

Youtzy Land Development, Inc.

PO Box 120058
W. Melbourne, FL 32912-0058

Invoice

Date	Invoice #
12/12/2023	5241

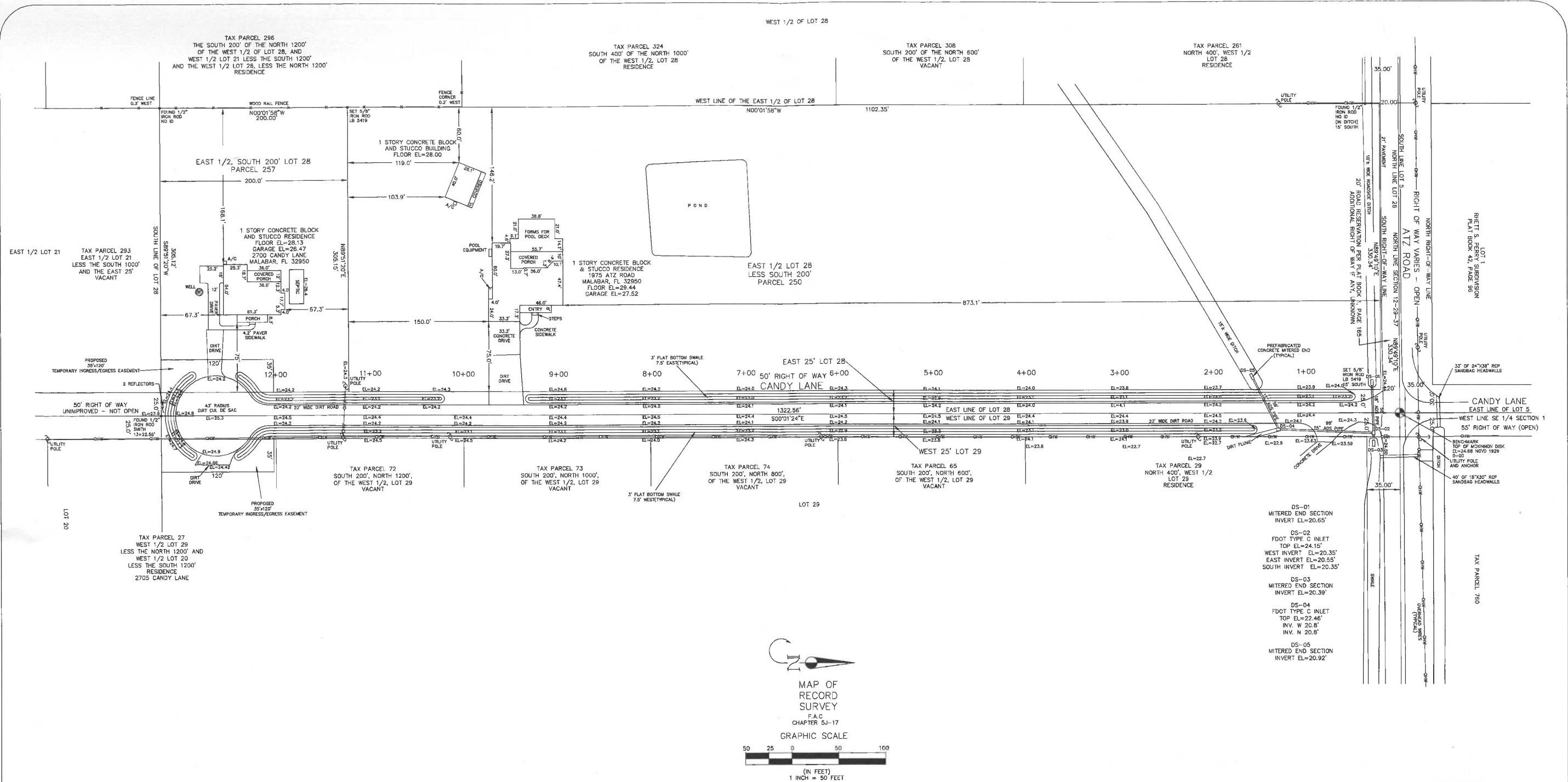
Bill To:

Springwater Homes
Attn: Jim Clevenger
435 Stan Dr. Ste C
Melbourne, FL 32904

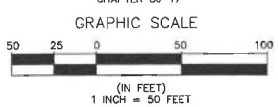
Terms

30 Days

Date	Description	Rate	Qty	Amount
	Candy Lane Malabar, FL 32950 Clearing lot, Hauling off debris, Dirt work and Labor	60,000.00	1	60,000.00
Thank you for your business!		Total		\$60,000.00
Phone #	(321) 508-3704	Payments/Credits		\$0.00
E-mail	youtzy_land_dvlp@yahoo.com	Balance Due		\$60,000.00



MAP OF RECORD SURVEY
F.A.C.
CHAPTER 5J-17



DESCRIPTION
THE EAST 25 FEET OF LOT 28 AND THE WEST 25 FEET OF LOT 29, SECTION 12, TOWNSHIP 29 SOUTH, RANGE 37 EAST, PLAT OF FLORIDA INDIAN RIVER LAND CO., RECORDED IN PLAT BOOK 1, PAGE 165, PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA.

LOTS ALONG SECTION LINES AND HALF SECTION LINES ARE MEASURED FROM SECTION LINES OR HALF SECTION LINES, DISREGARDING RESERVATIONS SHOWN ON THE PLAT.

- NOTES:
- 1.) BEARINGS ARE BASED ON THE ASSUMPTION THAT THE NORTH LINE OF LOT 28 SECTION 12-29-37 BEARS N89°49'10"E.
 - 2.) FLOOD ZONE "X" FLOOD INSURANCE RATE MAP NUMBER 1200900677G.
 - 3.) NO ID DENOTES NO IDENTIFICATION.
 - 4.) ELEVATIONS (EL=24.68) BASED ON NATIONAL GEODETIC VERTICAL DATUM OF 1929.

- DS-01
MITERED END SECTION
INVERT EL=20.65'
- DS-02
FDOT TYPE C INLET
TOP EL=24.15'
WEST INVERT EL=20.35'
EAST INVERT EL=20.55'
SOUTH INVERT EL=20.35'
- DS-03
MITERED END SECTION
INVERT EL=20.39'
- DS-04
FDOT TYPE C INLET
TOP EL=22.46'
INV. W 20.8'
INV. N 20.8'
- DS-05
MITERED END SECTION
INVERT EL=20.92'

CERTIFIED TO:
SPRINGWATER HOMES

SURVEY DATE: DECEMBER 15, 2023 JOB NO: 22-173A
SCALE: 1" = 50' FIELD BOOK: N/A PAGE: N/A

WJS WILLIAM J. SUITER
LAND SURVEYING, INC.

1849 CANOVA STREET SE.
PALM BAY, FLORIDA 32909
BILL@WJSUTER.COM
WJSUTER.COM
(321) 728-0553

When printed this document is not considered signed and sealed. This survey is only valid when the signature can be verified on the electronic documents only. This document has been digitally signed and sealed.

William J. Suiter
Digitally signed by William J. Suiter
Date: 2023.12.27 15:04:50 -0500
PROFESSIONAL SURVEYOR AND MAPPER IN RESPONSIBLE CHARGE
WILLIAM J. SUITER
FLORIDA CERTIFICATE NO. 4210
CERTIFICATE OF AUTHORIZATION #B 5418



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TOWN OF MALABAR

SPECIAL TOWN COUNCIL MEETING

AGENDA ITEM NO: 13.C.

Meeting Date: March 5th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Acceptance of a Right of Way Dedication and a Temporary Easement for Kramer Lane (Resolution 04-2024)

BACKGROUND/HISTORY:

Applicant Joy Maximin, 3040 Kramer Lane, plans to improved Kramer Lane 315' north of its existing terminus. In order to construct the extension of Kramer Lane, additional Right of Way is required. Ms. Maximin is dedication the necessary Right of Way in the Right of Way Dedication Agreement.

Also included in this Resolution is a Temporary Easement Agreement. The easement shall sunset upon the northern extension of Kramer Lane beyond the newly accepted terminus of Kramer Lane. The easement descriptions are included in the Resolution as Exhibit A.

Town Engineer Morris Smith and Town Attorney Karl Bohne have reviewed the agreements and agree they meet the Town's requirements.

ATTACHMENTS:

Resolution 04-2024

ACTION:

Motion for approval of Resolution 04-2024.

RESOLUTION 04-2024

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, PROVIDING FOR THE DEDICATION AND ACCEPTANCE OF RIGHT OF WAY TO EXTEND KRAMER LANE NORTH FOR 315 FEET IN SECTION 12, TOWNSHIP 29, RANGE 37; PROVIDING FOR THE ACCEPTANCE OF A TEMPORARY EASEMENT ALONG THE KRAMER LANE RIGHT OF WAY FOR PUBLIC USE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Malabar is a Florida municipal corporation organized and existing under Florida law; and

WHEREAS, the Town Council provided in Chapter 13, Section 13-42 the requirements for acceptance and certification of a road; and

WHEREAS, the Kramer Lane Right of Way Dedication document has been inspected by the Town Engineer, and is determined to meet the required standards; and

WHEREAS, the Temporary Easement Agreement has been inspected by the Town Engineer and is determined to meet the required standards.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, that:

Section 1. Findings: The above "WHEREAS" statements are true and correct.

Section 2. That a certified copy of this Resolution shall be delivered to the Clerk of Court of Brevard County, Florida.

Section 3. The Town of Malabar accepts the Right of Way Dedication document attached to this Resolution.

Section 4. The Town of Malabar also accepts the Kramer Lane Temporary Easement attached to this Resolution.

Section 5. This Resolution shall take effect immediately upon its adoption. This Resolution was moved for adoption by Council Member _____. This motion was seconded by Council Member _____ and, upon being put to vote, the vote was as follows:

Council Member Marisa Acquaviva	<u>Excused</u>
Council Member Brian Vail	_____
Council Member Jim Clevenger	_____
Council Member David Scardino	_____
Council Member Mary Hofmeister	_____

This Resolution was then declared to be duly passed and adopted this ___th day of _____ 2024.

TOWN OF MALABAR

By: _____

Mayor Patrick T. Reilly, Council Chair

(Seal)

ATTEST:

Richard W, Kohler

Town Clerk

Approved as to Form and Content:

Karl Bohne Jr., Town Attorney

Right-of-Way Dedication

THIS INDENTURE made this _____ day of _____, 2024 between Joy Maximin, a single woman, whose address is 3040 KRAMER LN MALABAR FL 32950, party of the first part, hereinafter referred to as "Grantor" and The Town of Malabar, a municipal corporation organized under the laws of the State of Florida and situated in Brevard County, Florida, 2725 Malabar Road, Malabar, FL 32950, party of the second part, hereinafter referred to as "Grantee,"

WITNESSETH:

That the Grantor, for and in consideration of other valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, dedicate and convey unto the party of the second part, its successors and assigns, the following described land, lying and being in the Town of Malabar, County of Brevard, State of Florida, to-wit:

A PORTION OF LOT 13, SECTION 12, TOWNSHIP 29 SOUTH, RANGE 37 EAST, FLORIDA INDIAN RIVER LAND COMPANY SUBDIVISION, AS RECORDED IN PLAT BOOK 1, PAGE(S) 165, OF THE PUBLIC RECORDS OF BREVARD COUNTY, FLORIDA: MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID LOT 13, THENCE NORTH 00 DEGREES 01' 50" WEST ALONG THE EASTERLY LINE OF SAID LOT 13 315.00 FEET, THENCE SOUTH 89 DEGREES 59' 08" WEST 47.00 FEET, THENCE SOUTH 00 DEGREES 01' 50" EAST 142.07 FEET TO THE BEGINNING OF A CURVE CONCAVE WESTERLY, THENCE WESTERLY 31.52 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 50 DEGREES 10' 02" HAVING A RADIUS OF 36.00 FEET TO A POINT OF REVERSE CURVE CONCAVE EASTERLY, THENCE EASTERLY ALONG SAID CURVE 170.86 FEET THROUGH A CENTRAL ANGLE OF 109 DEGREES 59' 35" WITH A RADIUS OF 89.00 FEET TO THE SOUTH LINE OF SAID LOT 13, THENCE NORTH 89 DEGREES 59' 08" WEST ALONG SAID SOUTH LINE 47.66 FEET TO THE POINT OF BEGINNING.

EXHIBIT "A" SKETCH OF LEGAL DESCRIPTION ATTACHED

For public road right-of-way purposes, drainage purposes, utility purposes and any other public purpose.

The Grantor hereby covenants with the Grantee that the Grantor is lawfully seized of said land in fee simple, that the Grantor has good right and lawful authority to sell and convey said land, that the Grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons whomsoever, and that said land is free of all encumbrances.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the day and year first above written.

Signed, Sealed and Delivered in the presence of:

GRANTOR:

Witness

Joy Maximin

Address: _____

Witness

Address: _____

State of Florida
County of Brevard

Sworn to (or affirmed) and subscribed before me by means of Physical Presence or Online
Notarization, this _____ day of _____, 2024, by Joy Maximin der

(Signature of Notary Public – State of Florida)

(Name of Notary Public - State of Florida)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced: _____

KRAMER LANE TEMPORARY EASEMENT AGREEMENT

THIS TEMPORARY EASEMENT is given this _____ day of _____, between **Joy Maximin , a single woman** , whose address Is 3040 KRAMER LN MALABAR FL 32950, party of the first part, hereinafter referred to as "Grantor," and **The Town of Malabar**, a municipal corporation organized under the laws of the State of Florida and situated m Brevard County, Florida, 2725 Malabar Road, Malabar, FL 32950, party of the second part, hereinafter referred to as "Grantee,"

WITNESSETH

WHEREAS, Grantor is the fee simple owner of certain lands situated in Brevard County, Florida, and more specifically described in Exhibit "A" attached hereto and incorporated herein (the "Property"), with an address of 3040 KRAMER LN MALABAR FL 32950; and

WHEREAS, Grantor has agreed to grant and convey to Grantee, a temporary non-exclusive access easement over, on, under, upon, and across the Property for the specific and limited purposes set forth herein.

NOW, THEREFORE, in consideration of the mutual covenants, promises, terms and conditions set forth herein, together with other good and valuable consideration provided to Grantor, the adequacy and receipt of which are hereby acknowledged, Grantor hereby voluntarily grants, creates, conveys, and establishes a temporary easement for and in favor of Grantee upon the Property described on Exhibit "A" which shall run with the land and be binding upon the Grantor, and shall remain in full force and effect for the duration provided below.

The scope, nature, and character of this Easement shall be as follows:

1. **Recitals.** The recitals herein are true and correct and are hereby incorporated into and made a part of this Easement.
2. **Purpose.** It is the purpose of this Easement to grant a temporary non-exclusive access easement over, on, under, upon, and across the Property at all times in order for Grantee to perform all acts necessary to ensure fulfillment of all requirements of the Town of Malabar, all of which Grantee shall be authorized to perform at its sole expense in its sole discretion.
3. **Dedication.** Right of access by the general public to any portion of the Property is conveyed by this Easement.
4. **Liability.** Grantee's liability is limited as provided in Subsection 704.05 and Section 768.28, F.S. Additionally, Grantee shall be responsible for any costs or liabilities related to the operation, upkeep, or maintenance of this Easement.
5. **Duration.** This Easement shall sunset and terminate upon the future northern extension beyond the newly accepted northern terminus of the Kramer Lane Right-of-Way as depicted in that certain Right of Way Dedication recorded on _____, 2024 and at ORB ____ PG ____ of the Public Records of Brevard County, Florida. This Easement may be amended, altered, released or revoked only by written agreement between the parties hereto or their heirs, assigns or successors-in-interest, which shall be filed in the public records in Brevard County, Florida.

Signed, Sealed and Delivered in the presence of:

Witness

Address: _____

Witness

Address: _____

State of Florida
County of Brevard

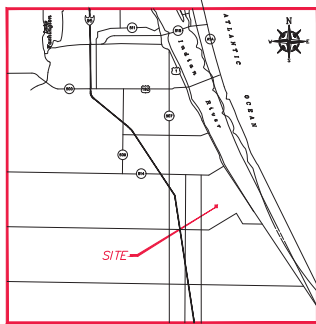
Sworn to (or affirmed) and subscribed before me by means of Physical Presence or Online Notarization,
this _____ day of _____, _____, by Joy Maximin.

(Signature of Notary Public – State of Florida)

(Name of Notary Public - State of Florida)

Personally Known _____ OR Produced Identification _____

Type of Identification Produced: _____



Location Map



SECTION 12, TWP. 29 S., RANG. 37 E.
Vicinity Map

SITE CONSTRUCTION PLANS FOR Unpaved Road Extension KRAMER LANE

TOWN OF MALABAR, BREVARD COUNTY, FLORIDA
SECTION 12, TOWNSHIP 29 SOUTH, RANGE 37 EAST

SHEET INDEX

1. COVER SHEET
2. PRE-DEVELOPMENT PLAN
3. UNPAVED ROAD PLAN
4. DETAILS

EROSION AND SEDIMENT CONTROL REQUIREMENTS:

1. SEDIMENT BASINS AND TRAPS, PERMEATOR DICES, SEDIMENT BARRIERS AND OTHER MEASURES INTENDED TO TRAP SEDIMENT SHALL BE CONSTRUCTED AS A FIRST STEP TO ANY LAND-DISTURBING ACTIVITY AND SHALL BE MADE FUNCTIONAL BEFORE UPSLOPE LAND DISTURBANCE TAKES PLACE.
2. ALL SEDIMENT CONTROL MEASURES ARE TO BE ADJUSTED TO MEET FIELD CONDITIONS AT THE TIME OF CONSTRUCTION AND BE CONSTRUCTED PRIOR TO ANY GRADING OR ESTABLISHMENT OF EXISTING SURFACE MATERIAL ON BALANCE OF SITE. PERMEATOR SEDIMENT BARRIERS SHALL BE CONSTRUCTED TO PREVENT SEDIMENT OR TRASH FROM FLOWING OR FLOODING ON TO ADJACENT PROPERTIES.
3. PERMEATOR OR TEMPORARY SOIL STABILIZATION SHALL BE APPLIED TO DENuded AREAS WITHIN SEVEN DAYS AFTER FINAL GRADE IS REACHED ON ANY PORTION OF THE WORK. TEMPORARY SOIL STABILIZATION SHALL BE APPLIED WITHIN SEVEN DAYS TO DENuded AREAS THAT MAY NOT BE AT FINAL GRADE BUT WILL REMAIN UNDISTURBED FOR LONGER THAN 30 DAYS. PERMANENT STABILIZATION SHALL BE APPLIED TO AREAS THAT ARE TO BE LEFT UNDISTURBED FOR MORE THAN ONE YEAR.
4. DURING CONSTRUCTION OF THE PROJECT, SOIL STOCK PILES SHALL BE STABILIZED OR PROTECTED WITH SEDIMENT TRAPPING MEASURES. THE APPLICANT IS RESPONSIBLE FOR THE TEMPORARY PROTECTION AND PERMANENT STABILIZATION OF ALL SOIL STOCKPILES ON SITE AS WELL AS SOIL INTENTIONALLY TRANSPORTED FROM THE PROJECT SITE.
5. A PERMANENT VEGETATIVE COVER SHALL BE ESTABLISHED ON DENuded AREAS NOT OTHERWISE PERMANENTLY STABILIZED. PERMANENT VEGETATION SHALL NOT BE CONSIDERED ESTABLISHED UNTIL A GRASS COVER IS ACHIEVED THAT, IN THE OPINION OF THE REVIEWER, IS SUFFICIENTLY DENSE ENOUGH TO SURVIVE AND WILL INHIBIT EROSION.
6. STABILIZATION MEASURES SHALL BE APPLIED TO EARTHEN STRUCTURES SUCH AS DAMS, DIKES AND DIVERSIONS IMMEDIATELY AFTER INSTALLATION.
7. SURFACE RUNOFF FROM DISTURBED AREAS THAT IS COMPRISED OF FLOW FROM DRAINAGE AREAS GREATER THAN OR EQUAL TO THREE ACRES SHALL BE CONTROLLED BY A SEDIMENT BASIN. THE SEDIMENT BASIN SHALL BE DESIGNED AND CONSTRUCTED TO ACCOMMODATE THE ANTICIPATED SEDIMENT LOADING FROM THE LAND-DISTURBING ACTIVITY. THE OUTFALL DEVICE OR SYSTEM DESIGN SHALL TAKE INTO ACCOUNT THE TOTAL DRAINAGE AREA FLOWING THROUGH THE DISTURBED AREA TO BE SERVED BY THE BASIN.
8. AFTER ANY SIGNIFICANT RAINFALL, SEDIMENT CONTROL STRUCTURES WILL BE INSPECTED FOR INTEGRITY. ANY DAMAGED DEVICES SHALL BE CORRECTED IMMEDIATELY.
9. CONCENTRATED RUNOFF SHALL NOT FLOW DOWN CUTS OR FILL SLOPES UNLESS CONTAINED WITHIN AN ADEQUATE TEMPORARY OR PERMANENT CHANNEL, FLUME OR SLOPE DRAIN STRUCTURE.
10. WHENEVER WATER SEEPS FROM A SLOPE FACE, ADEQUATE DRAINAGE OR OTHER PROTECTION SHALL BE PROVIDED.
11. SEDIMENT WILL BE PREVENTED FROM ENTERING ANY STORM DRAIN SYSTEM, DITCH, OR CHANNEL. ALL STORM SEWER INLETS THAT ARE MADE OPERABLE DURING CONSTRUCTION SHALL BE PROTECTED SO THAT SOMEWHAT-LOADY WATER CANNOT ENTER THE CONVEYANCE SYSTEM WITHOUT FIRST BEING FILTERED OR OTHERWISE TREATED TO REMOVE SEDIMENT.
12. BEFORE TEMPORARY OR NEWLY CONSTRUCTED STORMWATER CONVEYANCE CHANNELS ARE MADE OPERATIONAL, ADEQUATE OUTLET PROTECTION AND ANY REQUIRED TEMPORARY OR PERMANENT CHANNEL LINING SHALL BE INSTALLED IN BOTH THE CONVEYANCE CHANNEL AND RECEIVING CHANNEL.
13. WHEN WORK IN A LIVE WATERCOURSE IS PERFORMED, PRECAUTIONS SHALL BE TAKEN TO MINIMIZE ENCROACHMENT, CONTROL SEDIMENT AND STABILIZE THE WORK AREA TO THE GREATEST EXTENT POSSIBLE DURING CONSTRUCTION. NON-ERODIBLE MATERIAL SHALL BE USED FOR THE CONSTRUCTION OF CAUSEWAYS AND CONTERRANES. GATEWAY FILL MAY BE USED FOR THESE STRUCTURES IF APPROVED BY NON-ERODIBLE COVER MATERIALS.
14. WHEN A LIVE WATERCOURSE MUST BE CROSSED BY CONSTRUCTION VEHICLES, A TEMPORARY STREAM CROSSING CONSTRUCTED OF NON-ERODIBLE MATERIAL SHALL BE PROVIDED.
15. THE BED AND BANKS OF A WATERCOURSE SHALL BE STABILIZED IMMEDIATELY AFTER WORK IN THE WATERCOURSE IS COMPLETED.
16. PERIODIC INSPECTION AND MAINTENANCE OF ALL SEDIMENT CONTROL STRUCTURES MUST BE PROVIDED TO ENSURE INTENDED PURPOSE IS ACCOMPLISHED. THE DEVELOPER, OWNER, AND/OR CONTRACTOR SHALL BE CONTINUALLY RESPONSIBLE FOR ALL SEDIMENT LEAVING THE PROPERTY. SEDIMENT CONTROL MEASURES SHALL BE IN WORKING CONDITION AT THE END OF EACH WORKING DAY.
17. UNDERGROUND UTILITY LINES SHALL BE INSTALLED IN ACCORDANCE WITH THE FOLLOWING STANDARDS IN ADDITION TO OTHER APPLICABLE ORDINANCES:
 - A. NO MORE THAN 500 LINEAR FEET OF TRENCH MAY BE OPENED AT ONE TIME.
 - B. EXCAVATED MATERIAL SHALL BE PLACED ON THE UNPAVED SURFACE.
 - C. EFFLUENT FROM DEWATERING OPERATIONS SHALL BE FILTERED OR PASSED THROUGH AN APPROVED SEDIMENT TRAPPING DEVICE OR BOM, AND DISCHARGED IN A MANNER THAT DOES NOT ADVERSELY AFFECT FLOWING STREAMS OR OFF-SITE PROPERTY.
 - D. RESTABILIZATION SHALL BE ACCOMPLISHED IN ACCORDANCE WITH THESE REGULATIONS.
18. WHERE CONSTRUCTION VEHICLE ACCESS ROUTES INTERSECT PAVED PUBLIC ROADS, PROVISIONS SHALL BE MADE TO MINIMIZE THE TRANSPORT OF SEDIMENT BY TRACKING ONTO THE PAVED SURFACE. WHERE SEDIMENT IS TRANSPORTED ONTO A PAVED ROAD SURFACE WITH CURBS AND GUTTERS, THE ROAD SHALL BE CLEANED THROUGHOUT AT THE END OF EACH DAY. SEDIMENT CONTROL MEASURES SHALL BE INSTALLED TO PREVENT FURTHER TRANSPORT OF SEDIMENT TO A SEDIMENT CONTROL DISPOSAL. STREET WASHING SHALL BE ALLOWED ONLY AFTER SEDIMENT IS REMOVED IN THIS MANNER. THESE PROVISIONS SHALL APPLY TO INDIVIDUAL SUBDIVISION LOTS AS WELL AS TO LARGER LAND-DISTURBING ACTIVITIES.
19. ALL TEMPORARY EROSION AND SEDIMENT CONTROL MEASURES SHALL BE REMOVED WITHIN 30 DAYS AFTER FINAL SITE STABILIZATION OR AFTER THE TEMPORARY MEASURES ARE NO LONGER NECESSARY. IN THE OPINION OF THE REVIEWER, DISTURBED SOIL AREAS RESULTING FROM THE DISPOSITION OF TEMPORARY MEASURES SHALL BE PERMANENTLY STABILIZED TO PREVENT FURTHER EROSION AND SEDIMENTATION.
20. PROPERTIES AND WATERWAYS DOWNSTREAM FROM CONSTRUCTION SITES SHALL BE PROTECTED FROM SEDIMENT DEPOSITION AND EROSION.
21. PHASED PROJECTS SHOULD BE CLEARED IN CONJUNCTION WITH CONSTRUCTION OF EACH PHASE.
22. EROSION CONTROL DESIGN AND CONSTRUCTION SHALL FOLLOW THE REQUIREMENTS IN INDEX NOS. 101, 102, AND 103 OF FOOT ROADWAY AND TRAFFIC DESIGN STANDARDS.
23. TOWN OF MALABAR MAY APPROVE MODIFICATIONS OR ALTERNATE PLANS TO THESE EROSION CONTROL CRITERIA DUE TO SITE SPECIFIC CONDITIONS.

ROADWAY, EARTHWORK, AND DRAINAGE NOTES:

1. THE CONTRACTOR SHALL CLEAR AND GRUB ALL AREAS OF CONSTRUCTION UNLESS OTHERWISE INDICATED, REMOVING TREES, STUMPS, ROOTS, MUCK, AND ALL OTHER UNSUITABLE MATERIAL.
2. THE CONTRACTOR SHALL SUBMIT SHOP DRAWINGS FOR ALL STORM DRAINAGE STRUCTURES TO THE ENGINEER OF RECORD AND TOWN OF MALABAR FOR REVIEW AND APPROVAL, PRIOR TO ORDERING MATERIALS.
3. TRAFFIC CONTROL ON ALL STATE, AND COUNTY RIGHTS OF WAY SHALL MEET THE REQUIREMENTS OF THE MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES (US DOT/FHWA) AND THE REQUIREMENTS OF THE STATE AND ANY LOCAL AGENCY HAVING JURISDICTION.
4. ALL ROADWAY, DRAINAGE, AND CONSTRUCTION, MATERIALS, AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE TYPICAL PAVEMENT SECTION AS DETECTED ON THE PLANS AND THE LATEST REVISION OF THE FLORIDA DEPARTMENT OF TRANSPORTATION'S "STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION".
5. ALL CONCRETE DRAINAGE STRUCTURES SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST REVISION OF THE FLORIDA DEPARTMENT OF TRANSPORTATION "ROADWAY AND TRAFFIC DESIGN STANDARDS".
6. WHERE NEW PAVEMENT MEETS EXISTING PAVEMENT, THE CONTRACTOR SHALL SAW CUT THE EXISTING PAVEMENT FOR A SMOOTH AND STRAIGHT JOINT AND MATCH THE EXISTING PAVEMENT ELEVATION WITH THE PROPOSED PAVEMENT.
7. ALL CONCRETE USED IN CONSTRUCTION SHALL ATTAIN A MINIMUM COMPRESSIVE STRENGTH OF 3,000 PSI IN 28 DAYS.
8. THE CONTRACTOR SHALL GRADE THE SITE TO THE ELEVATIONS INDICATED ON THE PLANS AND SHALL REGRADE SLOPES UNTIL A HEALTHY STAND OF GRASS IS FIRMLY ESTABLISHED.
9. THE CONTRACTOR SHALL UTILIZE METHODS TO CONTROL SURFACE WATER DURING DEWATERING AND ROADWAY PREPARATION, INCLUDING TEMPORARY SWALES, BERMS, ETC., TO MINIMIZE THE IMPACT OF RAIN DELAYS ON THE PROJECT SCHEDULE.
10. THE CONTRACTOR SHALL COMPLY WITH TOWN OF MALABAR LAND DEVELOPMENT CODE IN REGARDS TO EROSION AND SEDIMENTATION CONTROL WITHIN THE COUNTY RIGHTS-OF-WAY.
11. SOIL ALL SLOPES GREATER THAN 5:1. WHERE SLOPES ARE 2:1 OR STEEPER THE SOIL SHALL BE PINNED.
12. ALL DISTURBED AREAS ARE TO BE PROTECTED WITH EITHER SOO OR SEED AND MULCH INCLUDING THE RESIDENTIAL LOT AREAS. THE AREAS SHALL BE SEED & MULCHED WITHIN 10 DAYS AFTER FINISHED GRADING, OR PRIOR TO REQUESTING FINAL INSPECTION FROM ENGINEERING INSPECTION. IF EMERGENT VEGETATION COVERAGE EXCEEDS 80% OVER THE LOT AREAS (ONLY) AT THE TIME OF INSPECTION, THEN THESE AREAS SHALL NOT BE REQUIRED TO BE SEED & MULCHED.
13. ALL TRAFFIC SIGNS TO BE MOUNTED AT STANDARD HEIGHTS; MINIMUM 7 FT FROM FINISH GRADE TO BOTTOM OF SIGN.
14. REGARDLESS OF PRIVATE OR PUBLIC DEDICATION, THERE SHALL BE NO UTILITY CONNECTIONS, METER BOXES, OR VALVE BOXES IN EXISTING OR PROPOSED SIDEWALK OR DRIVEWAY AREAS.

GENERAL NOTES

1. THE CONTRACTOR SHALL FURNISH ALL MATERIAL AND LABOR REQUIRED TO CONSTRUCT THE IMPROVEMENTS AS SHOWN AND DESCRIBED ON THESE PLANS IN CONFORMANCE WITH TOWN OF MALABAR'S CODES, SPECIFICATIONS AND REQUIREMENTS. HE SHALL VISIT THE SITE PRIOR TO BIDDING TO DETERMINE EXISTING CONDITIONS. HE SHALL CLEAR AND GRUB ALL RIGHT-OF-WAY'S, TRACERS AND EASEMENTS UNLESS OTHERWISE INDICATED, REMOVING TREES, STUMPS, ROOTS, MUCK AND ALL OTHER DELETERIOUS MATERIAL.
2. THE EXACT LOCATIONS OF EXISTING UTILITIES ARE UNKNOWN. THE CONTRACTOR SHALL FIELD VERIFY THE EXACT LOCATION OF ALL EXISTING UTILITIES PRIOR TO BIDDING BY NOTIFYING THE UTILITY COMPANY TO LOCATE THEIR UTILITIES OR BY FIELD VERIFICATION. HE SHALL BE RESPONSIBLE TO REPAIR ANY DAMAGED UTILITY RESULTING FROM HIS CONSTRUCTION AT HIS OWN EXPENSE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN ALL REQUIRED CONSTRUCTION PERMITS AND BONDS PRIOR TO CONSTRUCTION.
4. TOPOGRAPHIC INFORMATION OBTAINED FROM SURVEY PREPARED BY WILLIAM J. SUTER LAND SURVEYING, JOB NUMBER 14-234, DATED 9-12-2014. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR TOPOGRAPHIC INACCURACIES SHOWN HEREON.
5. ALL TRAFFIC SIGNS SHALL BE MOUNTED A MIN. 7 FT. IN HEIGHT AND SHALL BE IN ACCORDANCE WITH M.U.T.C.D. STANDARDS.
6. ANY DISCREPANCIES ON THE DRAWINGS SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER BEFORE COMMENCING WORK. NO FIELD CHANGES OR DEVIATIONS FROM DESIGN SHALL BE MADE WITHOUT PRIOR WRITTEN APPROVAL OF THE ENGINEER. WHEN PROPOSED IMPROVEMENTS CONFLICTS WITH EXISTING UTILITIES, THE CONTRACTOR SHALL BE RESPONSIBLE TO ADJUST THE UTILITIES UNDER THE GUIDANCE OF THE APPROPRIATE UTILITY OWNER.
7. THE CONTRACTOR SHALL CONTACT ALL APPLICABLE UTILITY OWNERS AT LEAST 48 HOURS IN ADVANCE OF CONSTRUCTION OPERATIONS.
8. COPIES OF ALL REQUIRED TEST RESULTS ARE TO BE SENT TO THE APPROPRIATE CITY/COUNTY SITE INSPECTOR AND THE ENGINEER OF RECORD DIRECTLY FROM THE TESTING AGENCY.
9. THE CONTRACTOR SHALL BE RESPONSIBLE TO SUBMIT TO THE ENGINEER OF RECORD AS-BUILT SURVEYS DEPENDING THE LOCATION OF ALL CONSTRUCTED IMPROVEMENTS TO BE CERTIFIED BY A FLORIDA REGISTERED LAND SURVEYOR, OF SUFFICIENT DETAIL AS REQUIRED BY ALL PERMITTING AGENCIES HAVING JURISDICTION OVER THE WORK.

EROSION CONTROL/WATER QUALITY REQUIREMENTS:

1. THE CONTRACTOR MUST SELECT, IMPLEMENT, AND OPERATE ALL EROSION AND SEDIMENT CONTROL MEASURES REQUIRED TO RETAIN SEDIMENT ON-SITE AND TO PREVENT VIOLATIONS OF WATER QUALITY STANDARDS AS SPECIFIED IN CHAPTERS 17-301, 17-302, AND 17-4. F.A.C. THE PERMITTEE IS ENCOURAGED TO USE APPROPRIATE BEST MANAGEMENT PRACTICES FOR EROSION AND SEDIMENT CONTROL AS DESCRIBED IN THE FLORIDA LAND DEVELOPMENT MANUAL: A GUIDE TO SOUND LAND AND WATER MANAGEMENT (FDLR, 1988).
2. THE CONTRACTOR SHALL CONTROL TURBID RUNOFF FROM THE PROJECT BY ROUGH EXCAVATING THE PROPOSED STORMWATER MANAGEMENT AREA(S) IMMEDIATELY FOLLOWING THE CLEANING AND GRUBBING OPERATIONS. ALL DEWATERING DISCHARGE SHALL BE DIRECTED TO THESE AREAS) FOR SETTLING PRIOR TO DISCHARGE OFF-SITE. SHOULD ANY DEWATERING QUANTITY OR RATE EXCEED THE THRESHOLDS DESCRIBED IN 40C-2 F.A.C., THE CONTRACTOR SHALL OBTAIN A CONSUMPTIVE USE PERMIT FROM THE SURVEY.
3. THE CONTRACTOR SHALL INSTALL WATER QUALITY CONTROL DEVICES, AS DESIGNATED ON THESE PLANS. THE CONTRACTOR SHALL RECEIVE THE ENGINEER'S APPROVAL OF THE INSTALLATION, PRIOR TO ANY OTHER SITE CONSTRUCTION.
4. ALL EROSION CONTROL/WATER QUALITY DEVICES SHALL BE IN ACCORDANCE WITH STANDARD PLANS FOR ROAD CONSTRUCTION INDEX 570-001 AND 570-010. THE ENTRANCE OF ALL INLETS SHALL HAVE EITHER BALED HAY OR FILTER FABRIC SILT PROTECTION. SILT FENCES AND/OR TURBIDITY BARRIERS SHALL BE INSTALLED AT ALL OFF-SITE DISCHARGE OUTLET STRUCTURES. ALL EROSION CONTROL/WATER QUALITY DEVICES SHALL BE LEFT IN PLACE UNTIL THE DISTURBED SITE IS COMPLETELY STABILIZED AND/OR VEGETATED.
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE SOIL MOISTURE TO PREVENT WIND GENERATED SOIL EROSION.

TELMORRE & Associates, Inc.
Consulting Engineers
32 East New Haven Avenue
Malabar, FL 32959
E-MAIL: info@telmore.com
TEL: 321-733-8888
CERTIFICATE OF AUTHORIZATION # 22293



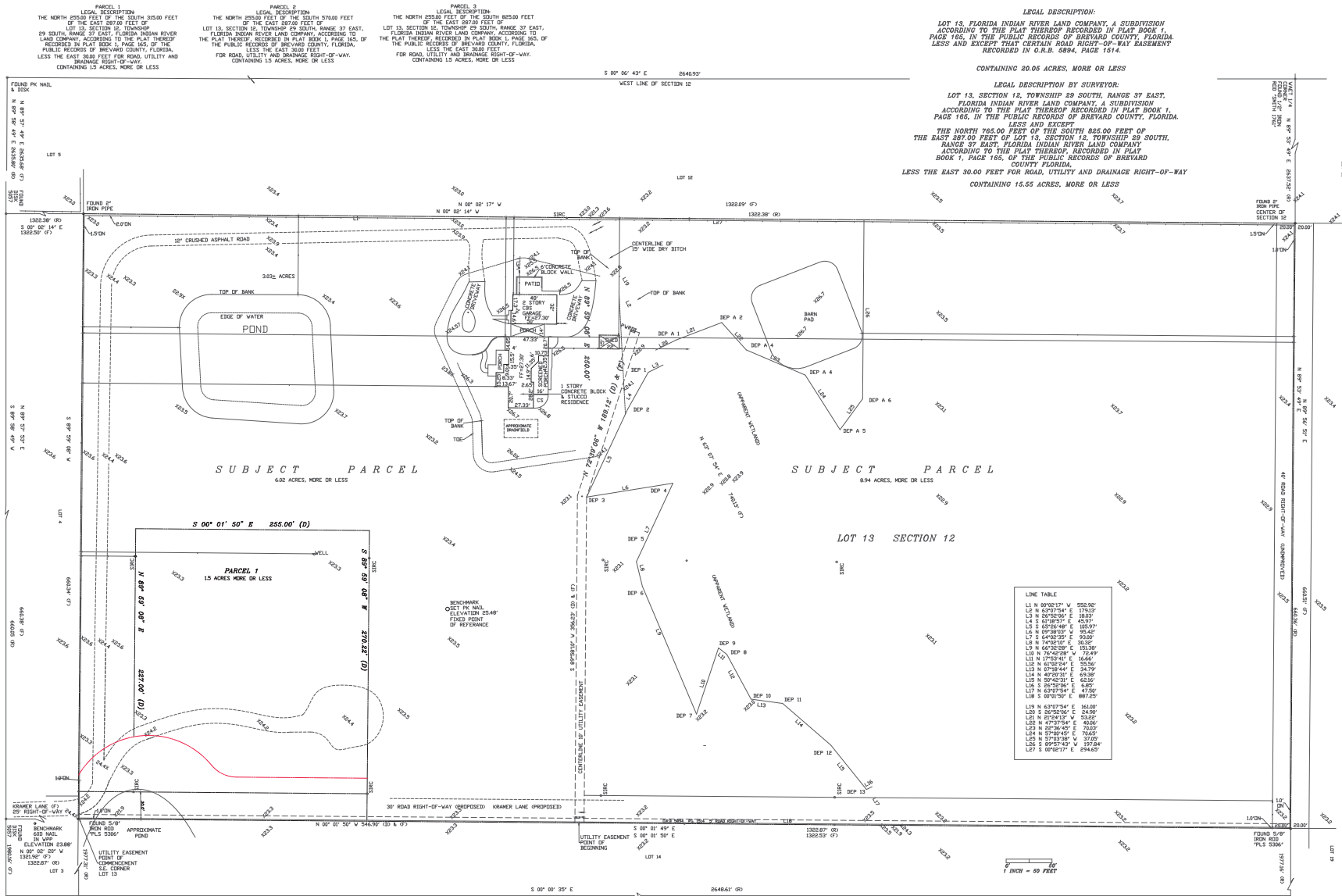
NO.	DATE	COVER SHEET	REVISIONS

KRAMER LANE
COVER SHEET
PREPARED FOR:
JOY MALABAR
3100 KRAMER LANE MALABAR, FLORIDA 32959

PROJECT NO: 2023-108
FILE NO: 2023108C1a
DESIGNED BY: VBT
DRAWN BY: VBT
CHECKED BY:
DATE: 10-15-2023
DRAWING NO:

C-1
SHEET 1 OF 4





TEMMORI & Associates, Inc.
 Consulting Engineers
 112 East New River Avenue
 Titusville, Florida 32781
 Email: info@temmori.com
 Website: www.temmori.com
 CERTIFICATE OF AUTHORIZATION # 12283

NO.	DATE	REVISIONS

KRAMER LANE
 PRE-DEVELOPMENT PLAN
 PREPARED FOR: [Redacted]
 BY: MALABAR
 3540 KRAMER LANE MALABAR, FLORIDA 32950

PROJECT NO: 2023-108
 FILE NO: 2023108C1a
 DRAWN BY: VBT
 CHECKED BY: VBT
 DATE: 10-15-2023
 DRAWING NO:

C-2
 SHEET 2 OF 4



PRE-DEVELOPMENT PLAN

SCALE: 1" = 50'



- NOTE**
- NO TITLE OR ABSTRACT RESEARCH WAS PERFORMED BY OR PROVIDED TO THE UNDERSIGNED SURVEYOR.
 - IMPROVEMENTS ARE AS RECORDED AND SURVEYED UNLESS OTHERWISE NOTED AND ARE RECORDED.
 - NO IMPROVEMENTS SURVEYED OR LOCATED UNLESS SPECIFICALLY NOTED ON MAP OF SURVEY.
 - BEARING MARKERS ON THE ASSUMPTION THAT THE WEST LINE OF SECTION 12 BEARS S 09° 04' 43" E ASSUMED.
 - PROPERTY LIES IN SECTION 12, TOWNSHIP 29 SOUTH RANGE 37 EAST.
 - PROPERTY LIES IN FLOODED ZONE X, FLOOD INSURANCE RATE MAP NUMBER 30002-000-E DATED 4/2/09.
 - MONUMENTATION HAS NO LEGIBLE NUMBER UNLESS NOTED.
 - FENCE NOT SHOWN TO SCALE AND IS NOTED AS BEING ON OR OFF SUBJECT PROPERTY.
 - ON-SITE WETLANDS HAVE BEEN SURVEYED AND ARE INCOMPLETE. SEE WETLAND REPORT FROM BREVARD COUNTY - ERP FILE NUMBER 09-38018-00. INFORMAL WETLAND DETERMINATION. OTHER WETLANDS AND IMPROVEMENTS HAVE NOT BEEN SURVEYED OR IMPROVED.
 - CONTRACTOR MUST VERIFY AS-BUILT PRIOR TO CONSTRUCTION.
 - ELEVATION DATUM N.G.V.D. 1989, CITY OF MALABAR BENCHMARK SC 533.
 - INTERIOR FENCE LINES NOT SURVEYED.
 - SEPTIC POINT NOT SHOWN.
- LEGEND**
- PWR DENOTES 4"x4.5" ELECTRIC POWER POLE
 - OR DENOTES CONCRETE RIGID PIPE
 - OP DENOTES PLAT
 - OF DENOTES FIELD
 - DENOTES 4" WIRE FENCE
 - SEP 1-SEP 13 AND SEP 40-SEP 46 DENOTES FOUND FLAGS (WETLAND DETERMINATION LINES)
 - DENOTES ELEVATION
 - CPW DENOTES COATED METAL PIPE
 - VWP DENOTES VOID POWER POLE
 - CS DENOTES CONCRETE SLAB/FOUNDATION
 - FF DENOTES FINISH FLOOR ELEVATION
 - SIC DENOTES 36" 1/2"x3/4" IRON ROD & CAP PLS 3300

Owner:

Joy Maximin,
3040 Kramer Lane Malabar FL 32950

General statement:

The planned construction is to construct 315' of unpaved road with roadside swale for stormwater management system on the existing 30' unimproved right of way. This road will be constructed in accordance with the unpaved road Ordinance and requirements of Town of Malabar with additional road right of way being dedicated.

The project lies within flood zone "X" per flood insurance rate map # 12009CD 605 E dated 4/3/89.

Drainage Calculations

Total Drainage area = 19,742 sf
Impervious area = 8,300 sf
Pervious area = 11,442 sf
Total drainage area = 19,742 sf

Required Retention Volume:

(19,742 sf X 1/12 ft) = 1,645 cf

or

(8,300 sf X 1.25/12 ft) + (19,742 sf x 0.5/12) = 1,687 cf

Pollutant Loading Analysis:

Pre-development loading; from table 11.7-3 of Applicant Handbook, Forests, Type D soil; Loading Rate= 0.070 Kg/ac-yr

Post-development loading; from table 11.7-3 of Applicant Handbook, Highway Max 50% Impervious, Type D soil;

Loading Rate= 0.871 Kg/ac-yr

Required Removal Efficiency = (0.871-0.07) / 0.871 x 100% = 92 %

From table 11.7-29, 2.0" of treatment volume is needed.

(19,742 sf X 2.0/12 ft) = 3,290 cf (2.0" of treatment)

Required retention = 3,290 cf

The retention pond is shallow swales on north & south of the road from bottom elevation of 23.0' which is the existing grade swale on the east side of the road.

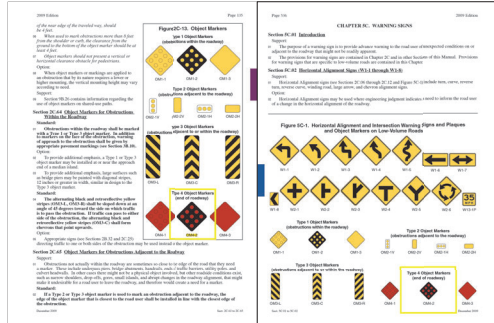
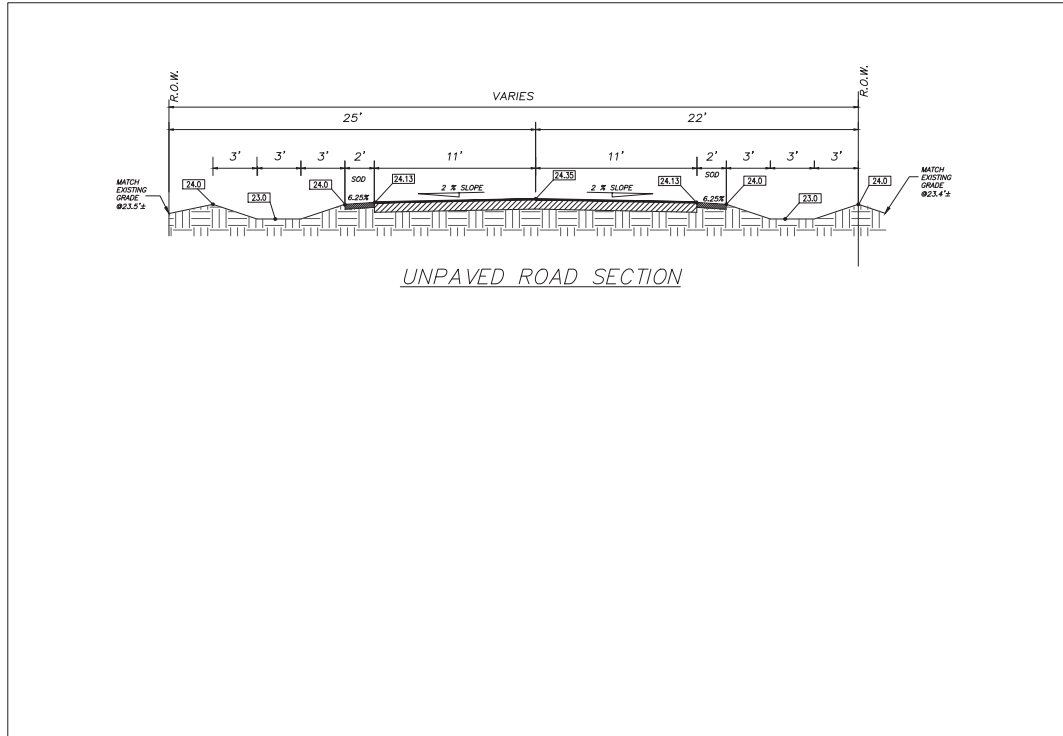
Total Volume of swale = 3,779 CF

Provided retention volume = 3,779 cf @ 24.0 (2.3" of treatment)

Recovery time for treatment volume (based on the method in SJRWMD handbook)

Retention Volume, cf = 3,779
Retention Elevation, ft = 24
Area of Retention Bottom, sf = 1878
Bottom Elevation = 23
Seasonal High Water = 22.5
Horizontal Permeability, ft/hr = 0.35
Vertical Permeability, ft/hr = 0.25
Impermeable Layer, ft = 10
Porosity = 0.1
Vu = A_v f h_v = 94
hv = 1
hu = 0.05
Kvu = 0.17
Id = 0.08
t_{ret} = f h_v / I_d = 0.60

Remaining volume = 3685
Remaining volume elev. = 23.9
h_c = h_b = 0.5
h₂ = 0.9
H_r = h_b + h₂ = 1.4
F_v = h_c / H_r = 0.36
L = 640
W = 9
F_x = 0.45
H = 12.5
D = H + h_c / 2 = 12.75
t = W² / 4 K_v D F_v² = 22.41
T = 23.01



- 1. WHERE YOU NEW ROADWAY BEGINS, INSTALL ONE (1) "NO OUTLET" SIGN, W14-2 ON THE RIGHT HAND SIDE OF THE ROADWAY, 4 FEET FROM THE EDGE OF THE DRIVING SURFACE.
- 2. AT THE END OF THE NORTH BOUND LANE INSTALL TWO (2) "OMA-2" TYPE 4 OBJECT MARKERS, EQUALLY SPACED.
- 3. ALL SIGNS TO BE PRISMATIC, HIGH REFLECTIVITY PANELS.

Vaheed B Teimouri
Digitally signed by Vaheed B Teimouri
Date: 2023.11.15 10:37:23 -05'00'

TEIMOURI & Associates, Inc.
Consulting Engineers
32 East New Haven Avenue
Malabar, Florida 32950
E-mail: vaheed@teimouri.com
Phone: 888-234-2342
CERTIFICATE OF AUTHORIZATION # 2293

NO.	DATE	REVISIONS

KRAMER LANE UNPAVED ROAD
PREPARED FOR:
JOY MAXIMIN
3040 KRAMER LANE MALABAR, FLORIDA 32950

PROJECT NO:	2023-108
FILE NO:	2023108C1a
DESIGNED BY:	VBT
DRAWN BY:	VBT
CHECKED BY:	
DATE:	10-15-2023
DRAWING NO:	

C-4
SHEET 4 OF 4

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 14.a.
Meeting Date: March 5th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Amend Meeting Times for RTCMs

BACKGROUND/HISTORY:

Town Staff is seeking direction on the preferred meeting time for RTCMs. Traditionally, RTCMs have been held at 7:30 PM, and Council Workshops have been held at 7:00 PM.

Three of the Town's 4 advisory board/committees meet at 6:00 PM, and one, the Parks and Recreation Board, meets at 5:00 PM

Town Staff is seeking an earlier RTCM Meeting time to allow for an improved public participation.

ATTACHMENTS:

None

ACTION:

Discussion and possible direction to Staff on future meeting times.

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 14.b.
Meeting Date: March 4th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Discussion of Quiet Zones - Tabled

BACKGROUND/HISTORY:

At the January 8th RTCM, Clerk Kohler provided Council with information relating to Quiet Zones along the Florida East Coast Railway. The Transportation Planning Organization (TPO) held a workshop in December to provide information on the topic.

A Quiet Zone is an area of 1/4 mile on each side of a Railroad crossing which restricts the routine sounding of horns. All public authorities involved in a crossing would have to agree to a Quiet Zone. For Example, the Town of Malabar would be required to partner with the State of Florida Department of Transportation to request a Quiet Zone for the Malabar Road Crossing. The Only two railroad crossing in Malabar are Malabar Road (S.R. 514) and Jordan Blvd. Before a Quiet Zone can be approved, a thorough review process is completed, including but not limited to a Notice of Intent (NOI), Quiet Zone Calculator, Supplemental Safety Measures, and Warning Devices.

No action was taken at the January 8th RTCM. CM Hofmeister/CM Vail motioned to table continued discussion of the topic until a full Council was present. The item was not removed from the Table at the 2/5/2024 RTCM due to a full Council not being present. A motion to untable to item will be required before discussion can resume.

ATTACHMENTS:

None.

ACTION:

Motion to untable "Discussion of Quiet Zones".

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 14.C.

Meeting Date: March 5th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Form 6 Litigation

BACKGROUND/HISTORY:

During the 2023 Florida Legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1.

On February 15, 2024, a group of municipalities and municipal elected officials filed two lawsuits, one in State Court and one in Federal Court, seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined.

Weiss Serota Helfman Cole and Bierman, PL (Firm) was retained to represent the municipalities and municipal elected officials in the lawsuits. The Firm will charge the municipality a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the Municipality and the individual elected officials who chose to participate as plaintiffs, for the lawsuits in the trial court. The flat fee may be less than the actual attorneys' fees and costs incurred, and if the Municipality and elected officials prevail in the lawsuits, the Firm may apply with the Court for its actual reasonable attorneys' and costs from the defendants.

If the Town Council desires to join the lawsuit, Staff will draft a Resolution to be heard at the March 18th RTCM.

Staff requests direction regarding this matter.

ATTACHMENTS:

- Request and Agreement to Serve and Named Plaintiff
- Form 6 State Complaint Filed
- Form 6 Federal Complaint Filed
- Resolution 750 (Adopted by the City of Indian Harbour Beach)
- Resolution 4237 (Adopted by the City of Melbourne)

ACTION:

Discussion and possible direction to Staff to prepare a Resolution.

Request and Agreement to Serve As Named Plaintiff

On _____, 2024, the City of _____ approved Resolution No. _____ (the "Resolution"), authorizing the participation of the City of _____, and any of its elected officials who choose to participate, in a lawsuit as a plaintiff seeking a declaration that the provisions of Section 112.144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 Financial Disclosure Forms is unconstitutional and invalid (the "Lawsuit"). I hereby request and agree to serve as a named plaintiff in the Lawsuit, pursuant to the terms of the Resolution, including the section related to conflicts of interest, and for the law firm of Weiss Serota Helfman Cole + Bierman PL to represent me in the Lawsuit.

Signature: _____

Name: _____

Position: _____

Municipality: City of _____

Date: _____, 2024

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA

CASE NO.

TOWN OF BRINY BREEZES, FLORIDA, a
Florida municipal corporation;

CITY OF MIAMI SPRINGS, FLORIDA, a
Florida municipal corporation;

CITY OF LIGHTHOUSE POINT, FLORIDA, a
Florida municipal corporation;

TOWN OF PALM BEACH, FLORIDA, a
Florida municipal corporation;

NORTH BAY VILLAGE, FLORIDA, a Florida
municipal corporation;

TOWN OF GOLDEN BEACH, FLORIDA, a
Florida municipal corporation;

VILLAGE OF INDIAN CREEK, FLORIDA, a
Florida municipal corporation;

VILLAGE OF BAL HARBOUR, FLORIDA, a
Florida municipal corporation;

CITY OF WESTON, FLORIDA, a Florida
municipal corporation;

CITY OF DELRAY BEACH, FLORIDA, a
Florida municipal corporation;

CITY OF SAFETY HARBOR, FLORIDA, a
Florida municipal corporation;

COOPER CITY, FLORIDA, a Florida municipal
corporation;

CITY OF CORAL SPRINGS, FLORIDA, a
Florida municipal corporation;

CITY OF ST. AUGUSTINE, FLORIDA, a
Florida municipal corporation;

CITY OF MARCO ISLAND, FLORIDA, a Florida municipal corporation;

VILLAGE OF KEY BISCAYNE, FLORIDA, a Florida municipal corporation;

CITY OF WILTON MANORS, FLORIDA, a Florida municipal corporation;

CITY OF MARGATE, FLORIDA, a Florida municipal corporation;

CITY OF DESTIN, FLORIDA, a Florida municipal corporation;

CITY OF LAUDERHILL, FLORIDA, a Florida municipal corporation;

CITY OF DEERFIELD BEACH, FLORIDA, a Florida municipal corporation;

CITY OF AVENTURA, FLORIDA, a Florida municipal corporation;

VILLAGE OF WELLINGTON, FLORIDA, a Florida municipal corporation;

VILLAGE OF PINECREST, FLORIDA, a Florida municipal corporation;

CITY OF NEW SMYRNA BEACH, FLORIDA, a Florida municipal corporation;

CITY OF SEBASTIAN, FLORIDA, a Florida municipal corporation;

PRESIDENT OF TOWN COUNCIL ELIZABETH A. LOPER, ALDERMAN KEITH J. BLACK, ALDERMAN KATHLEEN M. GROSS and ALDERMAN WILLIAM BIRCH, elected officials of the Town of Briny Breezes;

COUNCILMEMBERS WALTER FAJET and JACKY BRAVO, elected officials of Miami Springs, Florida;

COMMISSIONER PATRICIA PETRONE, an elected official of Lighthouse Point, Florida;

MAYOR DANIELLE H. MOORE, PRESIDENT OF TOWN COUNCIL MARGARET A. ZEIDMAN, COUNCIL MEMBER EDWARD A. COONEY, COUNCIL MEMBER LEWIS CRAMPTON, COUNCIL MEMBER JULIE ARASKOG and COUNCIL MEMBER BOBBIE LINDSAY, elected officials of the Town of Palm Beach, Florida;

MAYOR BRENT LATHAM, VICE MAYOR RICHARD CHERVONY, and COMMISSIONER ANDY ROTONDARO, elected officials of North Bay Village, Florida;

MAYOR GLENN SINGER, an elected official of the Town of Golden Beach, Florida;

MAYOR BERNARD KLEPACH, an elected official of Indian Creek, Florida;

MAYOR JEFFREY P. FREIMARK, VICE-MAYOR SETH E. SALVER, COUNCILMAN DAVID ALBAUM, and COUNCILMAN DAVID WOLF, elected officials of the Village of Bal Harbour, Florida;

MAYOR MARGARET BROWN, COMMISSIONER MARY MOLINA-MACFIE, COMMISSIONER CHRIS EDDY, COMMISSIONER HENRY MEAD, and COMMISSIONER BYRON L. JAFFE, elected officials of the City of Weston, Florida;

MAYOR SHELLY PETROLIA, VICE-MAYOR RYAN BOYLSTON, DEPUTY VICE-MAYOR ROB LONG, COMMISSIONER ADAM FRANKEL, and COMMISSIONER ANGELA BURNS, elected officials of the City of Delray Beach, Florida;

MAYOR JOSEPH AYOUB, COMMISSIONER ANDY STEINGOLD, COMMISSIONER

CARLOS DIAZ, COMMISSIONER NANCY J. BESORE, and COMMISSIONER CLIFF MERZ, elected officials of the City of Safety Harbor, Florida;

COMMISSIONER JEREMY KATZMAN, an elected official of Cooper City, Florida;

MAYOR SCOTT J. BROOK, VICE-MAYOR SHAWN CERRA, COMMISSIONER JOSHUA SIMMONS, COMMISSIONER JOY CARTER, and COMMISSIONER NANCY METAYER BOWEN, elected officials of the City of Coral Springs, Florida;

VICE-CHAIR ERIK BRECHNITZ, an elected official of the City of Marco Island, Florida;

VICE MAYOR ARLENE SCHWARTZ, COMMISSIONER ANTONIO V. ARSERIO, COMMISSIONER JOANNE SIMONE, and COMMISSIONER ANTHONY N. CAGGIANO, elected officials of the City of Margate, Florida;

MAYOR ROBERT T. WAGNER, COUNCIL MEMBER JOHN STEPHENS III, COUNCIL MEMBER TORY CJ GEILE, COUNCIL MEMBER JAMES B. BAGBY, and COUNCIL MEMBER TERESA R. HEBERT, elected officials of the City of Destin, Florida;

MAYOR KENNETH R. THURSTON, COMMISSIONER MELISSA P. DUNN, and COMMISSIONER SARAI “RAY” MARTIN, elected officials of the City of Lauderhill, Florida,

MAYOR BILL GANZ, VICE-MAYOR BERNIE PARNES, COMMISSIONER BEN PRESTON, and COMMISSIONER MICHAEL HUDAK, elected officials of the City of Deerfield Beach, Florida;

VICE-MAYOR PAUL A. KRUSS and
COMMISSIONER RACHEL FRIEDLAND,
elected officials of the City of Aventura, Florida;

VICE-MAYOR MICHAEL NAPOLEONE,
COUNCILWOMAN TANYA SISKIND,
COUNCILMAN JOHN T. MCGOVERN, and
COUNCILMAN MICHAEL DRAHOS, elected
officials of the Village of Wellington;

MAYOR FRED CLEVELAND, elected official
of the City of New Smyrna Beach, Florida;

COUNCILMEMBER JENNIFER ANDREU,
elected official of the City of Plantation, Florida;

COUNCILMEMBER KEM E. MASON, elected
official of the Town of Lantana, Florida, and

MAYOR CHARLES EDWARD DODD, VICE
MAYOR KELLY DIXON, COUNCIL
MEMBER FREDERICK B. JONES, COUNCIL
MEMBER BOB MCPARTLAN, AND
COUNCIL MEMBER CHRISTOPHER NUNN,
elected officials of the City of Sebastian, Florida,

Plaintiffs,

vs.

ASHLEY LUKIS, in her official capacity as
Chair of the Florida Commission on Ethics;
MICHELLE ANCHORS, in her official capacity
as Vice Chair of the Florida Commission on
Ethics; WILLIAM P. CERVONE, in his official
capacity as a Member of the Florida Commission
on Ethics; TINA DESCOVICH, in her official
capacity as Member of the Florida Commission
on Ethics; FREDDIE FIGGERS, in his official
capacity as a Member of the Florida Commission
on Ethics; LUIS M. FUSTE, in his official
capacity as a Member of the Florida Commission
on Ethics; and WENGAY M. NEWTON, SR., in
his official capacity as a Member of the Florida
Commission on Ethics,

Defendants.

COMPLAINT

Plaintiffs bring this action against Defendants for declaratory and injunctive relief, and state as follows:

OVERVIEW

1. This is an action by a large number of Florida municipalities and elected municipal officials challenging a recently enacted law (“SB 774”) that requires municipal elected officials in office as of January 1, 2024, to disclose quintessentially private, highly personal financial information, including, among other things, the exact amount of their net worth and income, the total dollar value of their household goods, and the precise value of every asset and amount of every liability in excess of \$1,000, on or before July 1, 2024, or otherwise face significant fines, civil penalties, and even potential removal from office.

2. SB 774 amended, among other statutes, sections 112.3144, and 99.061, Florida Statutes, and renders elected municipal officials and candidates subject to the financial disclosure requirements of article II, section 8(j) of the Florida Constitution.

3. Prior to the enactment of SB 774, elected municipal officials and candidates were required to provide financial disclosures via a document called “Form 1,” pursuant to section 112.3145, Florida Statutes, but were not subject to the requirements of article II, section 8(j). However, sections 112.3144 and 99.061, as amended by SB 774 in 2023, make all elected municipal officers and candidates subject to the filing requirements of “Form 6,” which demands much more intrusive financial disclosures as outlined in the Florida Constitution and section 112.3144. A copy of Form 1 is attached as Exhibit A, and a copy of Form 6 is attached as Exhibit B.

4. Forcing municipal elected officials and candidates to publicly disclose such private information impairs their right to privacy under the Florida Constitution. Because the right to privacy is enumerated as a fundamental right, any such impairment is impermissible unless it is the least restrictive means of achieving a compelling state interest.

5. Rather than being the *least restrictive* means of accomplishing a compelling state interest, the new financial disclosure requirements imposed on municipal officials and candidates through SB 774 are the *most restrictive* means available—stricter and more onerous than those required of federal elected officials (including the President of the United States) and of elected officials in other states throughout the country.

6. The additional financial information required to be disclosed by Form 6 (*e.g.*, the exact net worth, exact income, and precise values of household goods and other assets and liabilities), as compared to Form 1, has little bearing, if any, on an elected official's municipal service, does not prevent conflicts of interest or public corruption, and does not increase public confidence in government.

7. Form 1 is a less restrictive alternative means of accomplishing the same governmental interests, as would be the less onerous disclosure forms used by the federal government or any of the other states in the United States.

8. Indeed, municipal elected officials and candidates operated under the requirements of Form 1 for decades, and nothing in the Legislature's enactment of the new Form 6 requirement reflected that Form 1 was insufficient and necessitated a change.

9. As such, this action seeks an order (i) declaring the 2023 amendments to sections 112.3144 and 99.061, Florida Statutes, related to elected municipal officials and candidates and any penalties arising therefrom, including those in section 112.317, Florida Statutes, violate Article

1, Section 23 of the Florida Constitution, and (ii) enjoining Defendants from enforcing the disclosure requirements.

JURISDICTION AND VENUE

10. This is an action for declaratory relief, pursuant to Chapter 86, Florida Statutes, seeking to declare that the 2023 amendments to sections 112.3144 and 99.061, Florida Statutes, and any penalties arising therefrom, including those in section 112.317, Florida Statutes, are unconstitutional and invalid. The Court has jurisdiction to grant declaratory relief. *See* §§ 86.011, 86.021, 86.101, Fla. Stat. The Court further has jurisdiction to grant supplemental relief, including injunctive relief. § 86.061, Fla. Stat.

11. Venue is proper in Leon County because Defendants are all members of the Commission on Ethics, which is located and conducts business in Leon County, Florida. In addition, any enforcement of the Form 6 requirement would take place in Leon County, Florida.

12. All conditions precedent to the institution of this lawsuit have been, or will be, satisfied or waived.

THE PARTIES

13. The Plaintiffs in this action consist of Florida municipalities and current elected officials of Florida municipalities.

A. The Municipal Plaintiffs

14. The Florida municipal plaintiffs, each of which is an incorporated municipality existing under the laws of the State of Florida (collectively, “Municipal Plaintiffs”), consist of:

- a. Town of Briny Breezes, located in Palm Beach County, Florida;
- b. City of Miami Springs, located in Miami-Dade County, Florida;
- c. City of Lighthouse Point, located in Broward County, Florida;

- d. Town of Palm Beach, located in Palm Beach County, Florida;
- e. North Bay Village, located in Miami-Dade County, Florida;
- f. Town of Golden Beach, located in Miami-Dade County, Florida;
- g. Village of Indian Creek, located in Miami-Dade County, Florida;
- h. Village of Bal Harbour, located in Miami-Dade County, Florida;
- i. City of Weston, located in Broward County, Florida;
- j. City of Delray Beach, located in Palm Beach County, Florida;
- k. City of Safety Harbor, located in Pinellas County, Florida;
- l. Cooper City, located in Broward County, Florida;
- m. City of Coral Springs, located in Broward County, Florida;
- n. City of St. Augustine, located in St. Johns County, Florida;
- o. City of Marco Island, located in Collier County, Florida;
- p. Village of Key Biscayne, located in Miami-Dade County, Florida;
- q. City of Wilton Manors, located in Broward County, Florida;
- r. City of Margate, located in Broward County, Florida;
- s. City of Destin, located in Okaloosa County, Florida;
- t. City of Lauderdale, located in Broward County, Florida;
- u. City of Deerfield Beach, located in Broward County, Florida;
- v. City of Aventura, located in Miami-Dade County, Florida;
- w. Village of Wellington, located in Palm Beach County, Florida;
- x. Village of Pinecrest, located in Miami-Dade County, Florida;
- y. City of New Smyrna Beach, located in Volusia County, Florida, and
- z. City of Sebastian, located in Indian River County, Florida.

15. As a result of SB 774, as of January 1, 2024, each elected member of, and candidate for, the governing body of every Municipal Plaintiff herein is required to file a Form 6.

16. The Municipal Plaintiffs each have a strong interest in having qualified people run for, and continue to serve in, municipal elected office. The Form 6 requirement will deter qualified people from running for and serving in elected office in the Municipal Plaintiffs. In fact, the Florida League of Cities has advised that, throughout Florida, over 100 municipal elected officials have already resigned rather than be subjected to the filing of a Form 6 financial disclosure, significantly disrupting the operations of those municipalities.

17. For example, in plaintiff Briny Breezes, former Mayor Gene Adams, former Council President Christina Adams, and former Alderman and Council President Sue Thaler all resigned in December 2023 because of the Form 6 requirement. As a result of resignations, municipalities, including Municipal Plaintiffs, have been (and/or will be) forced to expend significant public funds for filling vacancies, including temporary appointments and special elections. In addition, the vacancies have disrupted municipal operations.

18. In addition, pursuant to section 112.3144(9), a municipal elected official can be subject to “an order recommending that the officer or employee be removed from his or her public office” for refusing to file the Form 6, potentially creating even more vacancies, disrupting Municipal Plaintiffs’ operations, and causing the additional expenditure of public funds to fill those vacancies.

19. The Florida Legislature has expressly recognized the strong interest of the Municipal Plaintiffs to attract qualified candidates to run for and hold office, and the importance of ensuring that ethics laws not deter people from seeking municipal elected office:

It is also essential that government attract those citizens best qualified to serve. Thus, the law against conflict of interest must be so designed as not to impede

unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve. Public officials should not be denied the opportunity, available to all other citizens, to acquire and retain private economic interests except when conflicts with the responsibility of such officials to the public cannot be avoided.

§ 112.311, Fla. Stat. The application of the Form 6 disclosure requirement does precisely what the law says it is not to do, to the detriment of the Municipal Plaintiffs: it “impede[s] unreasonably or unnecessarily the recruitment and retention by government of those best qualified to serve.” Indeed, its impact is particularly felt at the municipal level where local legislators volunteer to serve their fellow residents, often with little or no compensation.

20. The Municipal Plaintiffs thus have a statutorily recognized interest in ensuring that qualified candidates run for office and remain in office and thus have a substantial interest in this action.

B. The Elected Official Plaintiffs

21. The “Elected Official Plaintiffs” consist of the following, each of whom is currently serving as a municipal elected official:

- a. Town of Briny Breezes President of Town Council Elizabeth A. Loper;
- b. Town of Briny Breezes Alderman Keith J. Black;
- c. Town of Briny Breezes Alderman Kathleen M. Gross;
- d. Town of Briny Breezes Alderman William Birch;
- e. City of Miami Springs Councilmember Walter Fajet;
- f. City of Miami Springs Councilmember Jacky Bravo;
- g. City of Lighthouse Point Commissioner Patricia Petrone;
- h. Town of Palm Beach Mayor Danielle H. Moore;
- i. Town of Palm Beach President of Town Council Margaret A. Zeidman;

- j. Town of Palm Beach Council Member Edward A. Cooney;
- k. Town of Palm Beach Council Member Lewis Crampton;
- l. Town of Palm Beach Council Member Julie Araskog;
- m. Town of Palm Beach Council Member Bobbie Lindsay;
- n. North Bay Village Mayor Brent Latham;
- o. North Bay Village Vice Mayor Richard Chervony;
- p. North Bay Village Commissioner Andy Rotondaro;
- q. Golden Beach Mayor Glenn Singer;
- r. Indian Creek Mayor Bernard Klepach;
- s. Village of Bal Harbour Mayor Jeffrey P. Freimark ;
- t. Village of Bal Harbour Vice-Mayor Seth E. Salver;
- u. Village of Bal Harbour Councilman David Albaum;
- v. Village of Bal Harbour Councilman David Wolf;
- w. City of Weston Mayor Margaret Brown;
- x. City of Weston Commissioner Mary Molina-Macfie;
- y. City of Weston Commissioner Chris Eddy;
- z. City of Weston Commissioner Henry Mead;
- aa. City of Weston Commissioner Byron L. Jaffe;
- bb. City of Delray Beach Mayor Shelly Petrolia;
- cc. City of Delray Beach Vice Mayor Ryan Boylston;
- dd. City of Delray Beach Deputy Vice-Mayor Rob Long;
- ee. City of Delray Beach Commissioner Adam Frankel;
- ff. City of Delray Beach Commissioner Angela Burns;

gg. City of Safety Harbor Mayor Joseph Ayoub;

hh. City of Safety Harbor Commissioner Andy Steingold;

ii. City of Safety Harbor Commissioner Carlos Diaz;

jj. City of Safety Harbor Commissioner Nancy J. Besore;

kk. City of Safety Harbor Commissioner Cliff Merz;

ll. Cooper City Commissioner Jeremy Katzman;

mm. City of Coral Springs Mayor Scott J. Brook;

nn. City of Coral Springs Vice Mayor Shawn Cerra;

oo. City of Coral Springs Commissioner Joshua Simmons;

pp. City of Coral Springs Commissioner Joy Carter;

qq. City of Coral Springs Commissioner Nancy Metayer Bowen;

rr. City of Marco Island Vice-Chair Erik Brechnitz;

ss. City of Margate Vice-Mayor Arlene Schwartz;

tt. City of Margate Commissioner Antonio V. Arserio;

uu. City of Margate Commissioner Joanne Simone;

vv. City of Margate Commissioner Anthony N. Caggiano;

ww. City of Destin Mayor Robert T. Wagner;

xx. City of Destin Council Member John Stephens III;

yy. City of Destin Council Member Torey CJ Geile;

zz. City of Destin Council Member James B. Bagby;

aaa. City of Destin Council Member Teresa R. Hebert;

bbb. City of Lauderhill Mayor Kenneth R. Thurston;

ccc. City of Lauderhill Commissioner Melissa P. Dunn;

ddd. City of Lauderhill Commissioner Sarai “Ray” Martin;
eee. City of Deerfield Beach Mayor Bill Ganz;
fff. City of Deerfield Beach Vice-Mayor Bernie Parness;
ggg. City of Deerfield Beach Commissioner Ben Preston;
hhh. City of Deerfield Beach Commissioner Michael Hudak;
iii. City of Aventura Vice-Mayor Paul A. Kruss;
jjj. City of Aventura Commissioner Rachel Friedland;
kkk. Village of Wellington Vice-Mayor Michael Napoleone;
lll. Village of Wellington Councilwoman Tanya Siskind;
mmm. Village of Wellington Councilwoman John T. McGovern;
nnn. Village of Wellington Councilwoman Michael Drahos;
ooo. City of New Smyrna Beach Mayor Fred Cleveland;
ppp. City of Plantation Councilmember Jennifer Andreu;
qqq. Town of Lantana Councilmember Kem E. Mason;
rrr. City of Sebastian Mayor Charles Edward Dodd;
sss. City of Sebastian Vice Mayor Kelly Dixon;
ttt. City of Sebastian Council Member Frederick B. Jones;
uuu. City of Sebastian Council Member Bob McPartlan; and
vvv. City of Sebastian Council Member Christopher Nunn.

22. The Elected Official Plaintiffs are each elected Mayors or members of the governing bodies of incorporated municipalities existing under the laws of the State of Florida, who are currently in office.

23. As a result of the passage of SB 774, as of January 1, 2024, each Elected Official Plaintiff is subject to the Form 6 financial disclosure requirements of section 8, article II of the Florida Constitution, and section 112.3144, Florida Statutes, and are further subject to the fines, penalties and other enforcement mechanisms outlined therein and in sections 112.317 and 112.324, Florida Statutes, if they do not timely file Form 6 financial disclosures.

24. Each Elected Official Plaintiff is therefore required to file the requisite Form 6 (rather than the prior Form 1) on or before July 1, 2024.

25. The failure of any municipal elected official to file a Form 6, including each Elected Official Plaintiff, subjects him or her to a daily fine of \$25 per day up to a maximum of \$1,500 and, following an investigation and public hearing, a potential civil penalty of up to \$20,000 and, among other things, a potential recommendation of removal from office. *See* §§ 112.3144(8)(f), 112.324(4), 112.317, Fla. Stat.

26. The Elected Official Plaintiffs now face the Hobson's choice of either sacrificing their constitutionally protected right to privacy by filing a Form 6 on or before the imminent deadline of July 1, 2024, as now required by section 112.3144, or face fines, penalties, and other enforcement, including the possible removal from office. Throughout Florida, more than 100 municipal elected officials have resigned rather than agree to surrender their constitutionally protected privacy. The Elected Official Plaintiffs strongly desire to continue to serve the public and have therefore not yet resigned, but instead have chosen to challenge the new requirement.

27. Accordingly, the Elected Official Plaintiffs each has a significant interest in this action.

C. The Defendants

28. Defendant, Ashley Lukis (“Lukis”) is the Chair and a Member of the Florida Commission on Ethics (“Commission”), a commission existing pursuant to article II, section 8(h)(1) of the Florida Constitution and section 112.320, Florida Statutes. Lukis is sued in her official capacity as Chair of the Commission.

29. Defendant, Michelle Anchors (“Anchors”) is the Vice Chair and a Member of the Commission. Anchors is sued in her official capacity as Vice Chair of the Commission.

30. Defendant, William P. Cervone (“Cervone”) is a Member of the Commission. Cervone is sued in his official capacity as Member of the Commission.

31. Defendant Tina Descovich (“Descovich”) is a Member of the Commission. Descovich is sued in her official capacity as Member of the Commission.

32. Defendant, Freddie Figgers (“Figgers”) is a Member of the Commission. Figgers is sued in his official capacity as Member of the Commission.

33. Defendant, Luis Fuste (“Fuste”) is a Member of the Commission. Fuste is sued in his official capacity as Member of the Commission.

34. Defendant, Wengay M. Newton, Sr. (“Newton”) is a Member of the Commission. Newton is sued in his official capacity as Member of the Commission.

35. Lukis, Anchors, Cervone, Descovich, Figgers, Fuste, and Newton, collectively, comprise the Commission.

36. “The Agency Head is the entire Commission, which is responsible for final agency action.” *See* Statement of Organization and Operation of the Commission on Ethics, <https://www.ethics.state.fl.us/Documents/Ethics/statement%20of%20org.pdf?cp=2024127>, last accessed February 12, 2024.

37. The Commission, through each Defendant, is charged with implementing and enforcing the State's financial disclosure laws, including, among many other things, the receipt of the Form 6 disclosure forms, training regarding Form 6, investigating alleged violations regarding Form 6 filings, imposing fines for failure to file Form 6, holding enforcement hearings regarding failure to file Form 6, making recommendations of removal from office for failure to file Form 6, and rendering legally binding advisory opinions regarding Form 6. *See* Art II, § 8(g), Fla. Const.; §§ 112.3144, 112.317, 112.320, Fla. Stat.

38. The Commission is also required to identify every person required to file Form 6, provide notice of said requirements to each person subject to these disclosures, and ensure compliance with the disclosure requirements by each person subject thereto. *See* Art II, § 8(g), Fla. Const.; §§ 112.3144, 112.317, 112.320, Fla. Stat.

39. In addition, the Commission's 2022 Annual Report (as well as previous annual reports) expressly requested that the Legislature enact legislation to require municipal elected officials to complete Form 6, rather than Form 1, leading to the enactment of SB 774. *See* Annual Report to the Florida Legislature for Calendar Year 2022, p. 23, <https://ethics.state.fl.us/Documents/Publications/2022%20Annual%20Report.pdf?cp=202425> (last accessed February 12, 2024). The only justification given by the Commission for its recommendation was:

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population or revenue of the municipality.

40. Nowhere in its report did the Commission conclude that there has been an increase in the need to oppose corruption or conflicts of interest at the municipal level or that Form 1 in any

way was insufficient to the task of guarding against those governmental ills. In short, the Commission justified its recommendation merely by noting that municipal officials should have to disclose the same information others already disclose, without regard to the municipality's population, revenue, annual budget, or any elected municipal compensation amount, if any.

41. Plaintiffs bring this action against the state officers (namely, the members of the Commission) who have the responsibility to enforce the Form 6 requirement against municipal elected officials (including the Elected Official Plaintiffs) and seek only declaratory and injunctive relief to end the continuing violations of Article 1, Section 23 of the Florida Constitution. Plaintiffs do not seek damages in this action.

BACKGROUND

A. History of Ethical Standards in Florida

42. Beginning in the late 1960s, the Florida Legislature has enacted numerous laws regulating ethical conduct for Florida's elected officials, including laws related to the solicitation or acceptance of gifts, unauthorized compensation, misuse or abuse of public position, disclosure of certain information, doing business with one's agency, conflicting employment, lobbying restrictions, dual public employment, anti-nepotism, conflicts of interest, and financial disclosure. *See generally* Chapter 112, Fla. Stat.

43. The interests that the financial disclosures are intended to serve are stated by the Commission: "Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government." *See* Florida Commission on Ethics, Financial Disclosure Information, www.ethics.state.fl.us/FinancialDisclosure/Index.aspx, last accessed February 12, 2024.

44. In 1976, the Florida Constitution was amended to require that all elected state constitutional officers annually file a full and public disclosure of their financial interests, which is done through the state-adopted Form 6, which requires the disclosure of highly personal financial information. *See* Art. II, § 8, Fla Const.; § 112.3144, Fla. Stat. *See also* Exh. B.

45. The Form 6 requirement did not apply to elected municipal officials or candidates for elected municipal office prior to 2024.

B. The Change from Form 1 to Form 6 For Elected Municipal Officials

46. Instead, until 2024, elected municipal officials have been required to make a more limited financial disclosure that nevertheless provides sufficient information to satisfy the interest of preventing conflicts of interest and public corruption and increasing public confidence in government. *See* § 112.3145, Fla. Stat. The elected municipal officials' financial disclosure has for years been accomplished through the use of Form 1. *See* Exh. A.

47. In the 2023 legislative session, the Florida Legislature duly enacted (and the Governor signed) SB 774, which was codified at Laws of Florida 2023-09, and which amended (in relevant part) sections 99.061, 112.3144 and 112.317, Florida Statutes to change the financial disclosure requirements to now require that all elected municipal mayors and elected members of the governing board (and candidates for such offices) file a Form 6 financial disclosure, rather than the previously required Form 1. *See* S.B. 774; § 112.3144, Fla. Stat. (2023).

C. Comparison of Form 6 to Form 1

48. Form 6 represents a highly intrusive and extreme level of required financial disclosure, mandating the disclosure of private financial information unrelated to any official duties and unnecessary to satisfy the interest of preventing conflicts of interest and public corruption or increasing public confidence in government.

49. Specifically, Form 6 requires that the official disclose:

(a) the official's exact net worth, to the penny, (b) the exact aggregate value of all household goods and personal effects, (c) the precise value of every other asset individually valued at over \$1,000 (including a description of the asset), (d) the exact outstanding amount of all liabilities in excess of \$1,000, including the name and address of the creditor, (e) every primary source of income that exceeded \$1,000 during the year, including the name and address of the source of income and the precise amount of income, (f) every secondary source of income in excess of \$1,000 from any business of which the official owns more than 5%, including the name of the business entity, the major sources of business income (namely, any that account for 10% or more of the business's revenue), and the address and principal business activity or source, and (g) any interest in certain specified types of businesses.

See Exh. A.

50. In contrast, Form 1 requires that the official disclose:

(a) the name, address and principal business active for every primary sources of income in excess of \$2,500 (but not the amount), (b) every secondary source of income in excess of \$5,000 from any business of which the official owns more than 5%, including the name of the business entity, the major source of business income (any that account for 10% or more of the business's revenue), and the address and principal business activity or source, (c) a description of all real property (but not the value) of which the official had more than a 5% ownership interest, (d) a description (but not the value) of intangible property owned by the official and valued at more than \$10,000, (e) the name and address of each creditor to whom the official owed more than \$10,000 (but not the amount owed), and (f) any interest in certain specified types of businesses.

See Exh. B.

51. The information in Form 1 and Form 6 of each filer is made publicly available through the Commission's website.

D. The Applicable Constitutional Protection

52. In 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the "Right to Privacy," which states that "[e]very natural person has the right to be let alone and free from governmental intrusion into the person's private life except as otherwise

provided herein.” The *only* limitation on this right codified in the Florida Constitution is that the right “shall not be construed to limit the public’s right of access to public records and meetings as provided by law.” Art. I, § 23, Fla. Const.

53. Because the right to privacy is a fundamental right within Florida’s constitution, the Florida Supreme Court has required that any law intruding on that right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means.” *See, e.g., Winfield v. Div. of Pari-Mutuel Wagering*, 477 So. 2d 544 (Fla. 1985).

E. The Impact of the Change from Form 1 to Form 6 for Municipal Elected Officials

54. The imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy of municipal elected officials, most of whom receive little or no compensation for their service; (b) unnecessarily risks the safety of such officials (making them targets of, among other things, robbery, identity theft, and extortion); and (c) will deter many otherwise qualified and interested citizens from running for local office.

55. The Florida League of Cities has indicated that over 100 elected municipal officials resigned on or before December 31, 2023, stating that they did not want to be subject to the Form 6 filing requirement (which applies to municipal elected officials in office beginning on January 1, 2024).

56. Requiring that uncompensated (or minimally compensated) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest. Form 1 disclosures have for years provided sufficient transparency to inform the public of potential conflicts, prevent corruption, and create public confidence in government.

COUNT I

VIOLATION OF RIGHT TO PRIVACY UNDER FLORIDA CONSTITUTION

57. The Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 56, inclusive, as if fully set forth herein.

58. This count is an action for declaratory judgment, pursuant to sections 86.011, *et. seq.*, Florida Statutes, seeking a declaration from the Court that the requirement in section 112.3144, Florida Statutes, that municipal elected officials file Form 6 financial disclosures violates article I, section 23 of the Florida Constitution, and is therefore unconstitutional and invalid, and to enjoin the enforcement thereof.

59. Any law that intrudes on Florida's Constitutional right to privacy under article 1, section 23 is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means."

60. Form 6 requires the disclosure of highly private and confidential financial information that the Elected Official Plaintiffs have kept private and desire to continue to keep private.

61. Once disclosure occurs through the filing of Form 6 with the Commission, the highly private financial information will be readily available on the Internet by anyone for many years to come and will be readily associated with the individual filer.

62. Although Plaintiffs recognize the government's interest in preventing conflicts of interest and deterring corruption, SB 774's expansion of section 112.3144 and the requirements of Form 6 to municipal elected officials and candidates is not narrowly tailored to achieve this interest.

63. The highly intrusive disclosures required by Form 6 (as opposed to Form 1 or the forms used by the federal government and every other state in the United States) are not the least restrictive means to accomplish any compelling government purpose.

64. An actual controversy exists between Plaintiffs and Defendants, who have adverse legal interests of sufficient immediacy to warrant the issuance of a declaratory judgment and injunctive relief.

65. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration that the requirement in section 112.3144, Florida Statutes, that municipal elected officials file Form 6 financial disclosures violates article I, section 23 of the Florida Constitution.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Plaintiffs' constitutionally protected rights and privileges are dependent upon the law applicable to the facts.
- d. The Plaintiffs and the Defendants have an actual, present, adverse, and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

Prayer for Relief

WHEREFORE, the Plaintiffs respectfully request that judgment be entered in their favor:

- A. Declaring that the requirement in section 112.3144, Florida Statutes, that municipal elected officials (including the Elected Official Plaintiffs) and candidates file Form 6 financial disclosures violates Article I, Section 23 of the Florida Constitution.
- B. Pursuant to the Court's power to grant supplemental relief under section 86.061, Florida Statutes, temporarily and permanently enjoining the Defendants from enforcing section 112.3144 (including the imposition of any fines, penalties, or other enforcement) arising from the failure of any of the Elected Official Plaintiffs or candidates or elected official of any of the Municipal Plaintiffs, for the failure to file a Form 6.
- C. Awarding Plaintiffs their costs incurred in bringing this action, and
- D. Granting such other relief as this Court deems just and proper.

Dated this 15th day of February, 2024.

WEISS SEROTA HELFMAN
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Email: tsander@romanokopplaw.com

Co-Counsel for City of Destin, Florida

Exhibit A

2023 Form 1 - Statement of Financial Interests

General Information

Name: DISCLOSURE FILER

Address: SAMPLE ADDRESS

County: SAMPLE COUNTY

PID SAMPLE

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Disclosure Period

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2023 .

Primary Sources of Income

PRIMARY SOURCE OF INCOME (Over \$2,500) (Major sources of income to the reporting person)
(If you have nothing to report, write "none" or "n/a")

Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity

Secondary Sources of Income

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

Real Property

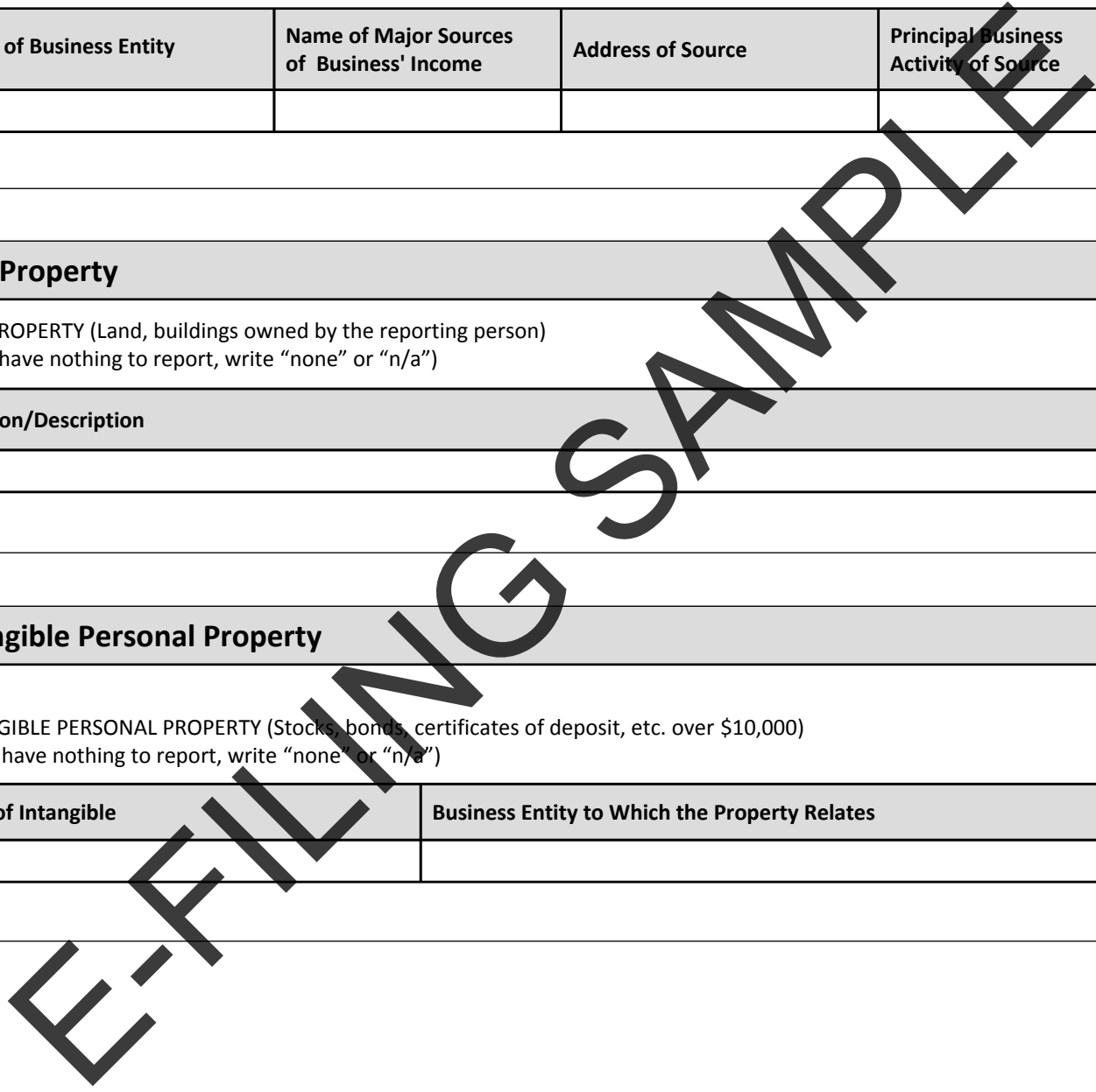
REAL PROPERTY (Land, buildings owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Location/Description

Intangible Personal Property

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000) (If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates



2023 Form 1 - Statement of Financial Interests

Liabilities

LIABILITIES (Major debts valued over \$10,000):
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

Interests in Specified Businesses

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

E-FILED SAMPLE

Signature of Filer

Digitally signed:

Filed with COE:

E-FILING SAMPLE

Exhibit B

General Information

Name: DISCLOSURE FILER
 Address: SAMPLE ADDRESS PID SAMPLE
 County: SAMPLE COUNTY

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Net Worth

My Net Worth as of December 31, 2023 was \$ [AMOUNT].

Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is N/A.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

Description of Asset	Value of Asset

2023 Form 6 - Full and Public Disclosure of Financial Interests

Liabilities

LIABILITIES IN EXCESS OF \$1,000:

Name of Creditor	Address of Creditor	Amount of Liability

JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:

Name of Creditor	Address of Creditor	Amount of Liability

Income

Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2022 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.

I elect to file a copy of my 2023 federal income tax return and all W2s, schedules, and attachments.

PRIMARY SOURCES OF INCOME:

Name of Source of Income Exceeding \$1,000	Address of Source of Income	Amount

SECONDARY SOURCES OF INCOME (Major customers, clients, etc. of businesses owned by reporting person):

Name of Business Entity	Name of Major Sources of Business Income	Address of Source	Principal Business Activity of Source

Interests in Specified Businesses

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

Signature of Reporting Official or Candidate

Under the penalties of perjury, I declare that I have read the foregoing Form 6 and that the facts stated in it are true.

Digitally signed:

Filed with COE:

UNITED STATE DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No.

PRESIDENT OF TOWN COUNCIL
ELIZABETH A. LOPER, ALDERMAN KEITH
J. BLACK, ALDERMAN KATHLEEN M.
GROSS and ALDERMAN WILLIAM BIRCH,
elected officials of the Town of Briny Breezes;

COUNCILMEMBERS WALTER FAJET and
JACKY BRAVO, elected officials of Miami
Springs, Florida;

COMMISSIONER PATRICIA PETRONE, an
elected official of Lighthouse Point, Florida;

MAYOR DANIELLE H. MOORE,
PRESIDENT OF TOWN COUNCIL
MARGARET A. ZEIDMAN, COUNCIL
MEMBER EDWARD A. COONEY, COUNCIL
MEMBER LEWIS CRAMPTON, COUNCIL
MEMBER JULIE ARASKOG and COUNCIL
MEMBER BOBBIE LINDSAY, elected
officials of the Town of Palm Beach, Florida;

MAYOR BRENT LATHAM, VICE MAYOR
RICHARD CHERVONY, and
COMMISSIONER ANDY ROTONDARO,
elected officials of North Bay Village, Florida;

MAYOR GLENN SINGER, an elected official
of the Town of Golden Beach, Florida;

MAYOR BERNARD KLEPACH, an elected
official of Indian Creek, Florida;

MAYOR JEFFREY P. FREIMARK, VICE-
MAYOR SETH E. SALVER, COUNCILMAN
DAVID ALBAUM, and COUNCILMAN
DAVID WOLF, elected officials of the Village
of Bal Harbour, Florida;

MAYOR MARGARET BROWN,
COMMISSIONER MARY MOLINA-MACFIE,
COMMISSIONER CHRIS EDDY,

COMMISSIONER HENRY MEAD, and
COMMISSIONER BYRON L. JAFFE, elected
officials of the City of Weston, Florida;

MAYOR SHELLY PETROLIA, VICE-
MAYOR RYAN BOYLSTON, DEPUTY
VICE-MAYOR ROB LONG,
COMMISSIONER ADAM FRANKEL, and
COMMISSIONER ANGELA BURNS, elected
officials of the City of Delray Beach, Florida;

MAYOR JOSEPH AYOUB, COMMISSIONER
ANDY STEINGOLD, COMMISSIONER
CARLOS DIAZ, COMMISSIONER NANCY J.
BESORE, and COMMISSIONER CLIFF
MERZ, elected officials of the City of Safety
Harbor, Florida;

COMMISSIONER JEREMY KATZMAN, an
elected official of Cooper City, Florida;

MAYOR SCOTT J. BROOK, VICE-MAYOR
SHAWN CERRA, COMMISSIONER JOSHUA
SIMMONS, COMMISSIONER JOY CARTER,
and COMMISSIONER NANCY METAYER
BOWEN, elected officials of the City of Coral
Springs, Florida;

VICE-CHAIR ERIK BRECHNITZ, an elected
official of the City of Marco Island, Florida;

VICE MAYOR ARLENE SCHWARTZ,
COMMISSIONER ANTONIO V. ARSERIO,
COMMISSIONER JOANNE SIMONE, and
COMMISSIONER ANTHONY N.
CAGGIANO, elected officials of the City of
Margate, Florida;

MAYOR ROBERT T. WAGNER, COUNCIL
MEMBER JOHN STEPHENS III, COUNCIL
MEMBER TORY CJ GEILE, COUNCIL
MEMBER JAMES B. BAGBY, and COUNCIL
MEMBER TERESA R. HEBERT, elected
officials of the City of Destin, Florida;

MAYOR KENNETH R. THURSTON, COMMISSIONER MELISSA P. DUNN, and COMMISSIONER SARAI "RAY" MARTIN, elected officials of the City of Lauderhill, Florida,

MAYOR BILL GANZ, VICE-MAYOR BERNIE PARNES, COMMISSIONER BEN PRESTON, and COMMISSIONER MICHAEL HUDAK, elected officials of the City of Deerfield Beach, Florida;

VICE-MAYOR PAUL A. KRUSS and COMMISSIONER RACHEL FRIEDLAND, elected officials of the City of Aventura, Florida;

VICE-MAYOR MICHAEL NAPOLEONE, COUNCILWOMAN TANYA SISKIND, COUNCILMAN JOHN T. MCGOVERN, and COUNCILMAN MICHAEL DRAHOS, elected officials of the Village of Wellington;

MAYOR FRED CLEVELAND, elected official of the City of New Smyrna Beach, Florida;

COUNCILMEMBER JENNIFER ANDREU, elected official of the City of Plantation, Florida,

COUNCILMEMBER KEM E. MASON, elected official of the Town of Lantana, Florida; and

MAYOR CHARLES EDWARD DODD, VICE MAYOR KELLY DIXON, COUNCIL MEMBER FREDERICK B. JONES, COUNCIL MEMBER BOB MCPARTLAN, AND COUNCIL MEMBER CHRISTOPHER NUNN, elected officials of the City of Sebastian, Florida,

Plaintiffs,

vs.

ASHLEY LUKIS, in her official capacity as Chair of the Florida Commission on Ethics; MICHELLE ANCHORS, in her official capacity as Vice Chair of the Florida Commission on Ethics; WILLIAM P. CERVONE, in his official

capacity as a Member of the Florida Commission on Ethics; TINA DESCOVICH, in her official capacity as Member of the Florida Commission on Ethics; FREDDIE FIGGERS, in his official capacity as a Member of the Florida Commission on Ethics; LUIS M. FUSTE, in his official capacity as a Member of the Florida Commission on Ethics; and WENGAY M. NEWTON, SR., in his official capacity as a Member of the Florida Commission on Ethics,

Defendants.

COMPLAINT

Plaintiffs bring this action against Defendants for declaratory and injunctive relief, and state as follows:

OVERVIEW

1. This is an action by a large number of Florida elected municipal officials challenging a recently enacted law (“SB 774”) that on or before July 1, 2024 compels elected municipal officials in office as of January 1, 2024 to utter very specific statements, in writing and available to the public at large through the Internet, regarding the elected officials’ personal finances, including, among other things, stating the exact amount of their net worth and income, the total dollar value of their household goods, and the precise value of every asset and amount of every liability in excess of \$1,000. An elected municipal official’s failure to make these public statements will result in significant fines, civil penalties, and even potential removal from office.

2. SB 774 amended, among other statutes, Fla. Stat. § 112.3144, and renders elected municipal officials in office as of January 1, 2024, and municipal candidates subject to the financial disclosure requirements of Fla. Const., art. II, § 8(j).

3. Prior to the enactment of SB 774, elected municipal officials and municipal candidates were required to provide financial disclosures via a document called “Form 1” pursuant

to Fla. Stat. § 112.3145, but were not subject to the requirements of Fla. Const., art. II, § 8(j). However, Florida Statute sections 112.3144 and 99.061, as amended by SB 774 in 2023, respectively make *all* elected municipal officers and municipal candidates subject to the filing requirements of “Form 6,” which demands much more intrusive financial disclosures as outlined in the Florida Constitution and section 112.3144. A copy of Form 1 is attached as Exhibit A, and a copy of Form 6 is attached as Exhibit B.

4. Forcing municipal elected officials and municipal candidates to publicly make such statements impairs their right to be free of government-compelled, content-based, non-commercial speech, in violation of the First Amendment to the United States Constitution.

5. Rather than being the least restrictive, narrowly tailored means of accomplishing a compelling state interest, these new, financial disclosure requirements imposed on elected municipal officials and municipal candidates through SB 744 are the most restrictive means available – stricter and more onerous than required of federal elected officials (including the President of the United States) and of elected officials in other states throughout the country.

6. The additional, financial information statements required to be made by Form 6 (*e.g.*, the disclosure of exact net worth, exact income and precise values of household goods and other assets and liabilities), as compared to Form 1, have little, if any, bearing on an elected official’s municipal service, does not prevent or even ameliorate conflicts of interest or public corruption, and does not increase public confidence in government.

7. Form 1 is a less restrictive, alternative means of accomplishing the same governmental interests, as would be the less onerous disclosure forms used by the federal government or any of the other states in the United States.

8. Indeed, municipal elected officials and candidates operated under the requirements of Form 1 for decades, and nothing in the Legislature's enactment of the new Form 6 requirement reflected that Form 1 was insufficient and necessitated a change.

9. As such, this action seeks an order (i) declaring the 2023 amendments to Fla. Stat. § 112.3144 related to elected municipal officials and any penalties arising therefrom, including those in Fla. Stat. § 112.317, are unconstitutional under the First Amendment of the United States Constitution, and (ii) enjoining Defendants from enforcing the disclosure requirements.

JURISDICTION AND VENUE

10. The Court has subject matter jurisdiction over this case pursuant to this Court's federal question jurisdiction, 28 U.S.C. § 1331, as this case arises under the First Amendment to the United States Constitution, as made applicable to the States by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

11. This case seeks declaratory and injunctive relief, pursuant to the Declaratory Judgment Act, 28 U.S.C. §§ 2201 and 2202, Federal Rule of Civil Procedure 57, and 42 U.S.C. § 1983.

12. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b), as two of the Defendants (Freddie Figgers and Luis M. Fuste) reside in this District (and all are residents of this State), the majority of the plaintiffs reside and serve as elected officials in the District, and a substantial part of the events giving rise to the claim herein occurred in this District.

THE PARTIES

A. Plaintiffs

13. Plaintiffs in this action consist of the following current, elected officials of Florida municipalities:

- a. Town of Briny Breezes President of Town Council Elizabeth A. Loper;
- b. Town of Briny Breezes Alderman Keith J. Black;
- c. Town of Briny Breezes Alderman Kathleen M. Gross;
- d. Town of Briny Breezes Alderman William Birch;
- e. City of Miami Springs Councilmember Walter Fajet;
- f. City of Miami Springs Councilmember Jacky Bravo;
- g. City of Lighthouse Point Commissioner Patricia Petrone;
- h. Town of Palm Beach Mayor Danielle H. Moore;
- i. Town of Palm Beach President of Town Council Margaret A. Zeidman;
- j. Town of Palm Beach Council Member Edward A. Cooney;
- k. Town of Palm Beach Council Member Lewis Crampton;
- l. Town of Palm Beach Council Member Julie Araskog;
- m. Town of Palm Beach Council Member Bobbie Lindsay;
- n. North Bay Village Mayor Brent Latham;
- o. North Bay Village Vice Mayor Richard Chervony;
- p. North Bay Village Commissioner Andy Rotondaro;
- q. Golden Beach Mayor Glenn Singer;
- r. Indian Creek Mayor Bernard Klepach;
- s. Village of Bal Harbour Mayor Jeffrey P. Freimark ;
- t. Village of Bal Harbour Vice-Mayor Seth E. Salver;
- u. Village of Bal Harbour Councilman David Albaum;
- v. Village of Bal Harbour Councilman David Wolf;
- w. City of Weston Mayor Margaret Brown;
- x. City of Weston Commissioner Mary Molina-Macfie;

- y. City of Weston Commissioner Chris Eddy;
- z. City of Weston Commissioner Henry Mead;
- aa. City of Weston Commissioner Byron L. Jaffe;
- bb. City of Delray Beach Mayor Shelly Petrolia;
- cc. City of Delray Beach Vice Mayor Ryan Boylston;
- dd. City of Delray Beach Deputy Vice-Mayor Rob Long;
- ee. City of Delray Beach Commissioner Adam Frankel;
- ff. City of Delray Beach Commissioner Angela Burns;
- gg. City of Safety Harbor Mayor Joseph Ayoub;
- hh. City of Safety Harbor Commissioner Andy Steingold;
- ii. City of Safety Harbor Commissioner Carlos Diaz;
- jj. City of Safety Harbor Commissioner Nancy J. Besore;
- kk. City of Safety Harbor Commissioner Cliff Merz;
- ll. Cooper City Commissioner Jeremy Katzman;
- mm. City of Coral Springs Mayor Scott J. Brook;
- nn. City of Coral Springs Vice Mayor Shawn Cerra;
- oo. City of Coral Springs Commissioner Joshua Simmons;
- pp. City of Coral Springs Commissioner Joy Carter;
- qq. City of Coral Springs Commissioner Nancy Metayer Bowen;
- rr. City of Marco Island Vice-Chair Erik Brechnitz;
- ss. City of Margate Vice-Mayor Arlene Schwartz;
- tt. City of Margate Commissioner Antonio V. Arserio;
- uu. City of Margate Commissioner Joanne Simone;
- vv. City of Margate Commissioner Anthony N. Caggiano;

- ww. City of Destin Mayor Robert T. Wagner;
- xx. City of Destin Council Member John Stephens III;
- yy. City of Destin Council Member Torey CJ Geile;
- zz. City of Destin Council Member James B. Bagby;
- aaa. City of Destin Council Member Teresa R. Hebert;
- bbb. City of Lauderhill Mayor Kenneth R. Thurston;
- ccc. City of Lauderhill Commissioner Melissa P. Dunn;
- ddd. City of Lauderhill Commissioner Sarai “Ray” Martin;
- eee. City of Deerfield Beach Mayor Bill Ganz;
- fff. City of Deerfield Beach Vice-Mayor Bernie Parness;
- ggg. City of Deerfield Beach Commissioner Ben Preston;
- hhh. City of Deerfield Beach Commissioner Michael Hudak;
- iii. City of Aventura Vice-Mayor Paul A. Kruss;
- jjj. City of Aventura Commissioner Rachel Friedland;
- kkk. Village of Wellington Vice-Mayor Michael Napoleone;
- lll. Village of Wellington Councilwoman Tanya Siskind;
- mmm. Village of Wellington Councilwoman John T. McGovern;
- nnn. Village of Wellington Councilwoman Michael Drahos;
- ooo. City of New Smyrna Beach Mayor Fred Cleveland;
- ppp. City of Plantation Councilmember Jennifer Andreu;
- qqq. Town of Lantana Councilmember Kem E. Mason;
- rrr. City of Sebastian Mayor Charles Edward Dodd;
- sss. City of Sebastian Vice Mayor Kelly Dixon;
- ttt. City of Sebastian Council Member Frederick B. Jones;

uuu. City of Sebastian Council Member Bob McPartlan; and

vvv. City of Sebastian Council Member Christopher Nunn.

14. Plaintiffs are each duly elected or appointed officials of incorporated municipalities existing under the laws of the State of Florida and are currently in office.

15. As a result of the passage of SB 774, as of January 1, 2024, each, individual Plaintiff is subject to the financial disclosure requirements of Fla. Const., art. II, § 8(j) and Fla. Stat. § 112.3144, and are further subject to the fines, penalties and other enforcement mechanisms outlined in Fla. Stat. §§ 112.317 and 112.324.

16. Each Plaintiff is, therefore, required to file the requisite Form 6 (rather than the prior Form 1) on or before July 1, 2024.

17. The failure of any municipal elected official, including each Plaintiff, to make the compelled statements subjects him or her to a daily fine of \$25 per day up to a maximum of \$1,500 and, following an investigation and public hearing, a potential civil penalty of up to \$20,000 and, among other things, a potential recommendation of removal from office. *See* Fla. Stat. §§ 112.3144(8)(f), 112.324(4), and 112.317.

18. Plaintiffs now face prior to the imminent deadline of July 1, 2024, the obligation to engage in non-commercial, content-based speech requirement to publicly disclose, against their will, the financial information required in Form 6, or face fines or other penalties.

19. Throughout Florida, more than 100 municipal elected officials resigned rather than agree to engage in such unwanted speech.

20. Plaintiffs strongly desire to continue to serve the public and have therefore not yet resigned, but instead have chosen to challenge the new compelled speech requirement.

21. Accordingly, Plaintiffs have each suffered a concrete and particularized injury-in-fact that is actual or imminent.

B. Defendants

22. Defendant, Ashley Lukis (“Lukis”) is the Chair and a member of the Florida Commission on Ethics (“Commission”), a commission existing pursuant to Fla. Const., Art. II, § 8(h)(1) and Fla. Stat. § 112.320. Lukis is sued in her official capacity as Chair of the Commission.

23. Defendant, Michelle Anchors (“Anchors”) is the Vice Chair and a member of the Commission. Anchors is sued in her official capacity as Vice Chair of the Commission.

24. Defendant, William P. Cervone (“Cervone”) is a member of the Commission. Cervone is sued in his official capacity as member of the Commission.

25. Defendant Tina Descovich (“Descovich”) is a member of the Commission. Descovich is sued in her official capacity as member of the Commission.

26. Defendant, Freddie Figgers (“Figgers”) is a member of the Commission. Figgers is sued in his official capacity as member of the Commission and is a resident of this District.

27. Defendant, Luis Fuste (“Fuste”) is a member of the Commission. Fuste is sued in his official capacity as member of the Commission and is a resident of this District.

28. Defendant, Wengay M. Newton, Sr. (“Newton”) is a member of the Commission. Newton is sued in his official capacity as member of the Commission.

29. Lukis, Anchors, Cervone, Descovich, Figgers, Fuste, and Newton, collectively, comprise the Commission.

30. “The Agency Head is the entire Commission, which is responsible for final agency action.” *See* Statement of Organization and Operation of the Commission on Ethics, <https://www.ethics.state.fl.us/Documents/Ethics/statement%20of%20org.pdf?cp=2024127> (last accessed February 12, 2024).

31. The Commission, through each Defendant, is charged with implementing and enforcing the State’s financial disclosure laws, including, among many other things, the receipt of

Form 6 disclosures, training regarding Form 6, investigating alleged violations regarding Form 6 filings, imposing fines for failure to file Form 6, holding enforcement hearings regarding failure to file Form 6, making recommendations of removal from office for failure to file Form 6, and rendering legally binding advisory opinions regarding Form 6. *See* Fla. Const., Art. II, § 8(g); Fla. Stat. §§ 112.3144, 112.317, 112.320.

32. The Commission is also required to identify every person required to file Form 6, provide notification of said requirement to each person subject to these disclosures, and ensure compliance with the disclosure requirements by each person subject thereto. *See* Fla. Const., Art. II, § 8(g); Fla. Stat. §§ 112.3144, 112.317, 112.320.

33. In addition, the Commission's 2022 Annual Report (as well as previous annual reports) expressly requested that the Legislature enact legislation to require that elected municipal officials complete Form 6, rather than Form 1, leading to the enactment of SB 774. *See* Annual Report to the Florida Legislature for Calendar Year 2022, pg. 23, <https://ethics.state.fl.us/Documents/Publications/2022%20Annual%20Report.pdf?cp=202425> (last accessed February 12, 2024).

34. The only justification given by the Commission for its recommendation was:

Elected municipal officials are very important and administer vast amounts of public resources. For these, and other reasons, their disclosure should be on par with that of county officials and others who file Form 6, rather than Form 1. The Commission believes the enhanced disclosure should be applied to all elected municipal officials regardless of the population or revenue of the municipality.

35. Nowhere in its report did the Commission conclude that there has been an increase in the need to oppose corruption or conflicts of interest at the municipal level or that Form 1 in any way was insufficient to the task of guarding against those governmental ills. In short, the Commission justified its recommendation merely by noting that municipal officials should have

to disclose the same information others already disclose, without regard to the municipality's population, revenue, annual budget, or any elected municipal compensation amount, if any.

36. All acts alleged herein by Defendants and their agents, servants, employees, or persons acting on their behalf were done and are continuing to be done under color of state law.

37. Plaintiffs bring this action against the state officers (namely, the members of the Commission) who have the responsibility to enforce the Form 6 requirement against municipal elected officials (including Plaintiffs) and seek only prospective equitable relief to end the continuing violations of the First Amendment to the United States Constitution.

BACKGROUND

A. History of Ethical Standards in Florida

38. Beginning in the late 1960s, the Florida Legislature has enacted numerous laws regulating ethical conduct for Florida's elected officials, including laws related to the solicitation or acceptance of gifts, unauthorized compensation, misuse or abuse of public position, disclosure of certain information, doing business with one's agency, conflicting employment, lobbying restrictions, dual public employment, anti-nepotism, conflicts of interest, and financial disclosure. *See generally* Fla. Stat., Chapter 112.

39. The interests that the financial disclosures are intended to serve are stated by the Commission: "Financial disclosure is required of public officials and employees because it enables the public to evaluate potential conflicts of interest, deters corruption, and increases public confidence in government." *See* Florida Commission on Ethics, Financial Disclosure Information, www.ethics.state.fl.us/FinancialDisclosure/Index.aspx, last accessed February 12, 2024.

40. In 1976, the Florida Constitution was amended to require that all elected, state constitutional officers annually file a full and public disclosure of their financial interests, which

is done through the state-adopted Form 6, requiring the disclosure of highly personal financial information. *See* Fla. Const. Art. II, § 8; Fla. Stat. § 112.3144; Exh. B.

41. The Form 6 requirement did not apply to elected municipal officials or candidates for municipal office prior to January 1, 2024.

B. The Change from Form 1 to Form 6 for Elected Municipal Officials

42. Instead, prior to January 1, 2024, elected municipal officials were required to make a more limited financial disclosure that nevertheless provides sufficient information to satisfy the interests of preventing conflicts of interest and public corruption and increasing public confidence in government. *See* Fla. Stat. § 112.3145. The elected municipal officials' financial disclosure was done through the state-adopted Form 1. Exh. A.

43. In the 2023 legislative session, the Florida Legislature duly enacted (and the Governor signed) SB 774, which was codified at Laws of Florida 2023-09, and which amended (in relevant part) Fla. Stat. § 112.3144, to change the financial disclosure requirements to require, as of January 1, 2024, that all elected municipal mayors and elected members of municipal governing boards (and candidates for such offices) file a Form 6 financial disclosure, rather than the previously required Form 1. *See* Fla. S.B. 774; Fla. Stat. §§ 99.061, 112.3144 (2023).

C. Comparison of Form 6 to Form 1

44. Form 6 is a highly intrusive and extreme level of required, public financial disclosure, mandating the disclosure of private financial information unrelated to any official duties and unnecessary to satisfy the interest of preventing conflicts of interest and public corruption or increasing public confidence in government. *See* Exh. B.

45. Specifically, Form 6 requires that the official disclose:

(a) the official's exact net worth, to the penny, (b) the exact aggregate value of all household goods and personal effects, (c) the precise value of every other asset individually valued at over \$1,000 (including a description of

the asset), (d) the exact outstanding amount of all liabilities in excess of \$1,000, including the name and address of the creditor, (e) every primary source of income that exceeded \$1,000 during the year, including the name and address of the source of income and the precise amount of income, (f) every secondary source of income in excess of \$1,000 from any business of which the official owns more than 5%, including the name of the business entity, the major sources of business income (namely, any that account for 10% or more of the business's revenue), and the address and principal business activity or source, and (g) any interest in certain specified types of businesses.

See Exh. B.

46. In contrast, Form 1 requires that the official disclose:

(a) the name, address and principal business active for every primary sources of income in excess of \$2,500 (but not the amount), (b) every secondary source of income in excess of \$5,000 from any business of which the official owns more than 5%, including the name of the business entity, the major source of business income (any that account for 10% or more of the business's revenue), and the address and principal business activity or source, (c) a description of all real property (but not the value) of which the official had more than a 5% ownership interest, (d) a description (but not the value) of intangible property owned by the official and valued at more than \$10,000, (e) the name and address of each creditor to whom the official owed more than \$10,000 (but not the amount owed), and (f) any interest in certain specified types of businesses.

See Exh. A.

47. The information in Form 1 and Form 6 of each filer is made publicly available through the Commission's website.

COUNT I

COMPELLED, CONTENT-BASED SPEECH IN VIOLATION OF THE FIRST AMENDMENT OF THE U.S. CONSTITUTION, PURSUANT TO 42 U.S.C. § 1983

48. Plaintiffs reallege and incorporate by reference the allegations contained in paragraphs 1 through 47, as if fully set forth herein.

49. The First Amendment to the United States Constitution, as applied to the States by the Fourteenth Amendment, prohibits the government, including Defendants, from abridging Plaintiffs' freedom of speech though government-compelled speech.

50. The First Amendment's speech rights include the right to speak freely, the right to refrain from speaking at all, and the right not to speak certain words or messages.

51. The statements required by Fla. Stat. § 112.3144, through Form 6, constitute non-commercial, compelled speech from Plaintiffs in violation of the First Amendment.

52. Specifically, Fla. Stat. § 112.3144 unconstitutionally compels Plaintiffs to make invasive, public disclosures about their personal finances through Form 6.

53. The required disclosures of Fla. Stat. § 112.3144, through Form 6, are content-based speech because they compel individuals to speak a particular message. Compelled speech is no less compelled and no less speech because it is required to be in writing.

54. For example, among many other things, on July 1, 2024, each Plaintiff will be forced to say the words: "My Net Worth as of December 31, 2023 was \$_____." *See* Exh. B at 1.

55. Plaintiffs would not otherwise engage in such non-commercial, content-based speech (namely, publicly disclosing to the public their exact net worth, income, asset values and other personal financial information required in Form 6) but for the requirements of Fla. Stat. § 112.3144 and the threat of fines, penalties and other enforcement mechanisms set forth in Fla. Stat. § 112.317.

56. The compelled speech in Form 6, as required by Fla. Stat. § 112.3144, is readily reviewable (now and for many years to come) by the public on the Internet, and the information in each filed Form 6 is clearly and readily associated with the individual filer (i.e., via the name of each individual Plaintiff).

57. Because the compelled speech is effectuated through state statute, the constitutional deprivation at issue here is caused by official policy of the state and under color of state law.

58. Although Plaintiffs recognize the government's interest in preventing conflicts of interest, deterring corruption, and increasing public confidence in government, Fla. Stat. § 112.3144, as amended by SB 744, and the application of Form 6 to elected municipal officials are not narrowly tailored to achieve these interests.

59. Requiring Plaintiffs to make the additional, compelled speech required by Form 6 (as opposed to the statements previously required through Form 1) are not the least restrictive means to accomplish any compelling government purpose.

60. Accordingly, an actual controversy exists between Plaintiffs and Defendants, each of whom have adverse legal interests of sufficient immediacy to warrant the issuance of a declaratory judgment and injunctive relief.

WHEREFORE, Plaintiffs respectfully request that judgment be entered in their favor:

A. Declaring, pursuant to 28 U.S.C. § 2201, 42 U.S.C. § 1983, and Rule 57, Fed. R. Civ P., that Fla. Stat. § 112.3144 (2023) compels Plaintiffs to engage in content-based, non-commercial speech in violation of the First Amendment of the United States Constitution and is, therefore, unconstitutional;

B. Enjoining, pursuant to 28 U.S.C. § 2202, Defendants from enforcing Fla. Stat. § 112.3144 (including the imposition of any fines, penalties or other enforcement) against Plaintiffs, arising from the failure of any Plaintiffs to file a Form 6 while subject to such requirements;

C. Awarding Plaintiffs their costs and expenses (including attorneys' fees) incurred in bringing in this action, pursuant to 42 U.S.C. § 1988, 28 U.S.C. § 1920, and other applicable law; and

D. Granting such other relief as this Court deems just and proper.

Dated this 15th day of February, 2024.

WEISS SEROTA HELFMAN
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Counsel for Plaintiffs

Exhibit A

2023 Form 1 - Statement of Financial Interests

General Information

Name: DISCLOSURE FILER
 Address: SAMPLE ADDRESS
 County: SAMPLE COUNTY

PID SAMPLE

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

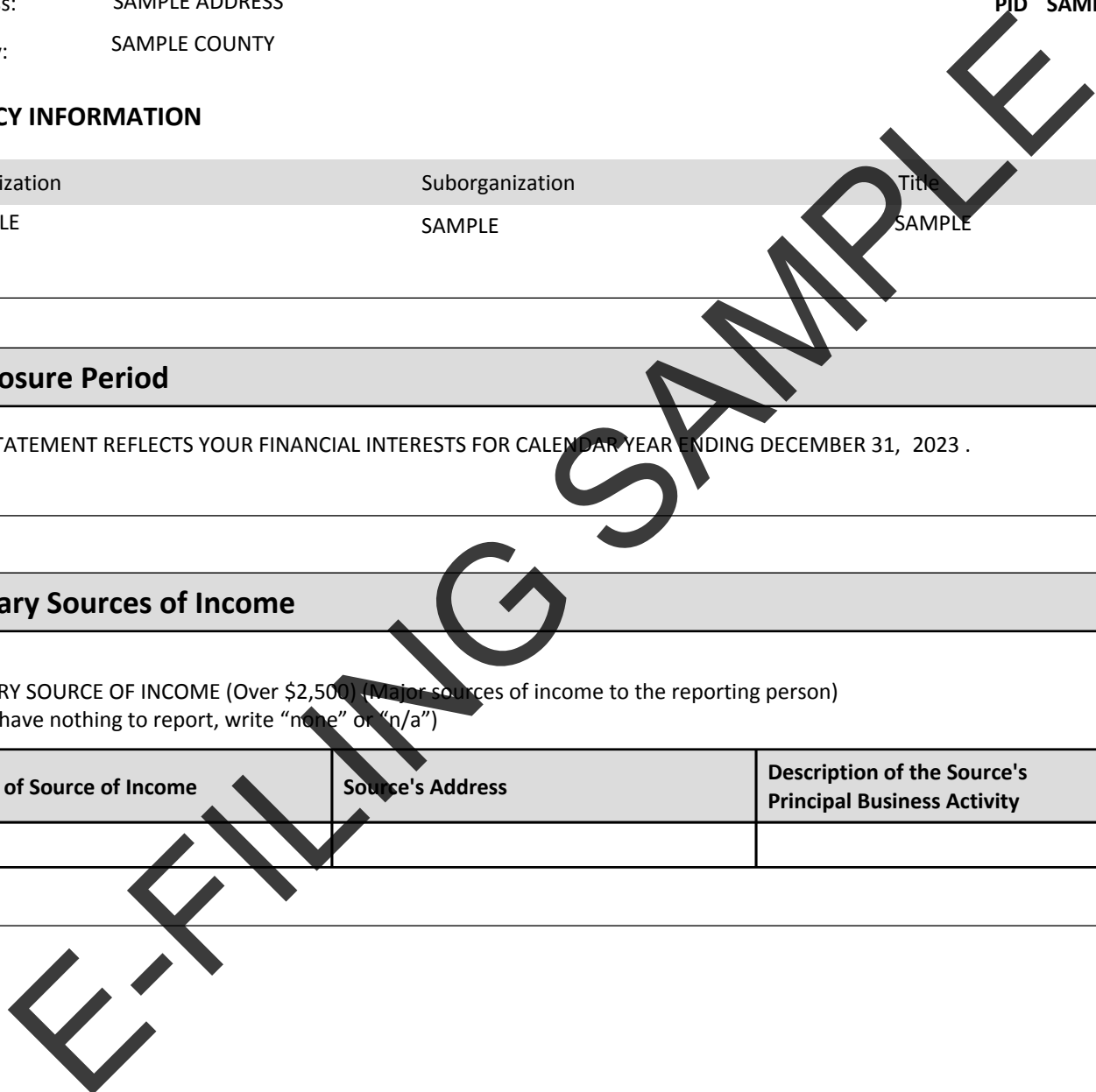
Disclosure Period

THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR CALENDAR YEAR ENDING DECEMBER 31, 2023 .

Primary Sources of Income

PRIMARY SOURCE OF INCOME (Over \$2,500) (Major sources of income to the reporting person)
 (If you have nothing to report, write "none" or "n/a")

Name of Source of Income	Source's Address	Description of the Source's Principal Business Activity



2023 Form 1 - Statement of Financial Interests

Secondary Sources of Income

SECONDARY SOURCES OF INCOME (Major customers, clients, and other sources of income to businesses owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Name of Business Entity	Name of Major Sources of Business' Income	Address of Source	Principal Business Activity of Source

Real Property

REAL PROPERTY (Land, buildings owned by the reporting person) (If you have nothing to report, write "none" or "n/a")

Location/Description

Intangible Personal Property

INTANGIBLE PERSONAL PROPERTY (Stocks, bonds, certificates of deposit, etc. over \$10,000) (If you have nothing to report, write "none" or "n/a")

Type of Intangible	Business Entity to Which the Property Relates

E-FILED SAMPLE

2023 Form 1 - Statement of Financial Interests

Liabilities

LIABILITIES (Major debts valued over \$10,000):
(If you have nothing to report, write "none" or "n/a")

Name of Creditor	Address of Creditor

Interests in Specified Businesses

INTERESTS IN SPECIFIED BUSINESSES (Ownership or positions in certain types of businesses)
(If you have nothing to report, write "none" or "n/a")

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

E-FILING SAMPLE

2023 Form 1 - Statement of Financial Interests

Signature of Filer

Digitally signed:

Filed with COE:

E-FILING SAMPLE

Exhibit B

2023 Form 6 - Full and Public Disclosure of Financial Interests

General Information

Name: DISCLOSURE FILER
 Address: SAMPLE ADDRESS PID SAMPLE
 County: SAMPLE COUNTY

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Net Worth

My Net Worth as of December 31, 2023 was \$ [AMOUNT].

Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is N/A.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

Description of Asset	Value of Asset

2023 Form 6 - Full and Public Disclosure of Financial Interests

Liabilities		
LIABILITIES IN EXCESS OF \$1,000:		
Name of Creditor	Address of Creditor	Amount of Liability
JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:		
Name of Creditor	Address of Creditor	Amount of Liability

Income			
Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2022 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.			
<input type="checkbox"/> I elect to file a copy of my 2023 federal income tax return and all W2s, schedules, and attachments.			
PRIMARY SOURCES OF INCOME:			
Name of Source of Income Exceeding \$1,000	Address of Source of Income	Amount	
SECONDARY SOURCES OF INCOME (Major customers, clients, etc. of businesses owned by reporting person):			
Name of Business Entity	Name of Major Sources of Business Income	Address of Source	Principal Business Activity of Source

2023 Form 6 - Full and Public Disclosure of Financial Interests

Interests in Specified Businesses

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

Signature of Reporting Official or Candidate

Under the penalties of perjury, I declare that I have read the foregoing Form 6 and that the facts stated in it are true.

Digitally signed:

Filed with COE:

RESOLUTION NO. 750

A RESOLUTION OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA; AUTHORIZING PARTICIPATION IN LITIGATION SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID, AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form ("Form 6") that requires, among other things, the disclosure of the specific amounts of an official's net worth, income and asset values; and

WHEREAS, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form ("Form 1") that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official's net worth, income and asset values; and

WHEREAS, the Mayor and all current elected members of the City of Indian Harbour Beach (the "City Elected Officials") were elected by the voters of the City subject to and in reliance upon Florida law that required them to annually file Form 1 (not Form 6) financial disclosures forms; and

WHEREAS, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

WHEREAS, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the "Right to Privacy," which states that "[e]very natural person has the right to be left alone and free from governmental intrusion into the person's private life except as otherwise provided herein"; and

WHEREAS, because the right of privacy is a fundamental right within Florida's constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means;" and

WHEREAS, the First Amendment to the United States Constitution, and Article 1, Section 4 of the Florida Constitution, protects the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a "compelling state interest" which the law serves or protects through the "least restrictive means;" and

WHEREAS, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

WHEREAS, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

WHEREAS, in fact, over 100 municipal elected officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

WHEREAS, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

WHEREAS, requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

WHEREAS, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

WHEREAS, a group of municipalities and municipal elected officials filed two lawsuits, one in State Court and one in Federal Court, on February 15, 2024, seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the “Lawsuits”); and

WHEREAS, the City of Indian Harbour Beach believes it is in the best interest of the citizens and residents of the City to participate in the lawsuits and urges other municipalities and their elected officials to also participate as plaintiffs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA AS FOLLOWS:

Section 1: That the foregoing “**WHEREAS**” clauses are ratified and confirmed as being true and correct and are made a specific part of this Resolution.

Section 2: The City of Indian Harbour Beach hereby authorizes the participation of the City, and any of individual Members of the City Council who choose to participate as plaintiffs, in the Lawsuits.

Section 3: Weiss Serota Helfman Cole + Bierman, PL (the “Firm”) is hereby retained to represent the City in the Lawsuits. The Firm will charge the City a flat fee, inclusive of attorneys’ fees and costs, of \$10,000 to represent the City and the individual elected officials who choose to participate as plaintiffs, for the Lawsuits in the trial court. The City and elected officials recognize that such flat fee may be less than the actual attorneys’ fees and costs incurred, and that if the

City and elected officials prevail in the Lawsuits, the Firm may apply with the Court for its actual reasonable attorneys' and costs from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The City and its elected officials also acknowledge that the Firm will be representing other local governments and officials in this lawsuit and waives any conflicts related to such representation. ~~The City further acknowledges that, from time to time, the Firm may be called upon by client to represent them as to requests for various approvals and as to other matters with respect to or involving the City.~~ The City hereby waives any potential conflict of interest in the Firm's representation of those clients arising from its representation of the City in the Lawsuit.

Section 4: The City of Indian Harbour Beach invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

Section 5: The City Clerk is directed to distribute this Resolution to all local municipalities in Brevard County.

Section 6: That the appropriate City Officials are hereby authorized to do all things necessary and expedient to carry out the aims of this Resolution.

Section 7: That this Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF INDIAN HARBOUR BEACH, BREVARD COUNTY, FLORIDA, ON THIS 27TH DAY OF FEBRUARY, 2024.



X Scott Nickle

Scott Nickle
Mayor

X Sue Frank

Sue Frank, MMC
City Clerk

RESOLUTION NO. 4237

A RESOLUTION OF THE CITY OF THE CITY OF MELBOURNE, BREVARD COUNTY, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING A DECLARATION THAT THE PROVISIONS OF SECTION 112.144(1)(d), FLORIDA STATUTES, THAT REQUIRE MUNICIPAL ELECTED OFFICIALS TO FILE FORM 6 FINANCIAL DISCLOSURE FORMS IS UNCONSTITUTIONAL AND INVALID; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR ADOPTION.

WHEREAS, since 1976, Article II, Section 8 of the Florida Constitution has required that all elected State constitutional officers file a full and public disclosure of their financial interests, which is done through a state-adopted form ("Form 6") that requires, among other things, the disclosure of the specific amounts of an official's net worth, income, and asset values; and

WHEREAS, historically, municipal elected officials have been required to make a more limited financial disclosure that is done through a different state-adopted form ("Form 1") that requires, among other things, the disclosure of information related to sources of income, real property, intangible personal property liabilities and interests in specified businesses, but does not include the specific amounts of an official's net worth, income and asset values; and

WHEREAS, the Mayor and all current elected members of the City of Melbourne (the "City Elected Officials") were elected by the voters of the City subject to and in reliance upon Florida law that required the Mayor and Council Members to annually file Form 1 (not Form 6) financial disclosures forms; and

WHEREAS, although the State Legislature has the power in the Florida Constitution to require that additional public officers file a full and public disclosure of their financial interests, it must do so consistent with other constitutional limitations; and

WHEREAS, in 1980, the voters of Florida amended the Florida Constitution by adopting Article 1, Section 23, the “Right to Privacy,” which states that “[e]very natural person has the right to be let alone and free from governmental intrusion into the person’s private life except as otherwise provided herein”; and

WHEREAS, because the right of privacy is a fundamental right within Florida’s Constitution, the Florida Supreme Court has consistently required that any law intruding on the right is presumptively unconstitutional and must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means”; and

WHEREAS, the First Amendment to the United States Constitution and Article 1, Section 4 of the Florida Constitution, protect the freedom of speech, which includes the right to choose what to say and what not to say, any impairment of which must be justified by a “compelling state interest” which the law serves or protects through the “least restrictive means”; and

WHEREAS, during the 2023 legislative session, Senate Bill 774 was passed and codified at Law of Florida 2023-09, amending Fla. Stat. § 112.3144, to change the financial disclosure requirements and now require that all elected municipal mayors and elected members of the governing board file a Form 6 financial disclosure, which is substantially more burdensome and personally intrusive than the Form 1; and

WHEREAS, the imposition of the Form 6 disclosure requirements at the municipal level (a) represents an unwarranted intrusion into the privacy rights of municipal elected officials, most of which receive little or no compensation for their service, (b) unnecessarily risks the safety of such officials (making them targets of, among other

things, burglary, identity theft and extortion), and (c) will deter many otherwise qualified and interested citizens from running for office; and

WHEREAS, in fact, many municipal officials resigned from office prior to December 31, 2023, as a result of the new disclosure requirements, disrupting the ability of some local governments to operate for lack of a quorum; and

WHEREAS, the imposition of the intrusive Form 6 disclosure requirements at the municipal level is not the least restrictive means of serving the governmental interests of preventing abuse of the public trust, as demonstrated by, among other things, the lack of such requirements at the municipal level in other states and at the federal level (even the President of the United States and members of the U.S. Congress are not required to make such extensive disclosures); and

WHEREAS, requiring that unpaid (or low paid) municipal elected officials disclose their precise net worth, income and assets does not serve (let alone constitute the least restrictive means of serving) any compelling interest – Form 1 disclosures constitutes sufficient transparency to inform the public of potential conflicts; and

WHEREAS, the imposition of new financial disclosure requirements upon municipal elected officials who were elected without such requirements violates due process, is fundamentally unfair and violates fundamental constitutional rights; and

WHEREAS, the City desires to participate in a lawsuit seeking a declaration that the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms are unconstitutional and invalid and should be enjoined (the “Lawsuit”); and

WHEREAS, the City of Melbourne believes it is in the best interest of the citizens and residents of the City to participate in the Lawsuit and urges other municipalities and their elected officials to also participate as plaintiffs.

BE IT RESOLVED BY THE CITY OF MELBOURNE, FLORIDA:

SECTION 1. That the foregoing recitals are ratified and confirmed as being true and correct and are made a specific part of this resolution.

SECTION 2. That the City of Melbourne hereby authorizes the participation of the City, and any of individual Members of the City Council who choose to participate as plaintiffs, in a lawsuit seeking declaratory, injunctive and other appropriate relief challenging the provisions of Section 112.3144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 financial disclosure forms, based upon any appropriate legal theories, including those set forth above, subject to the participation of at least ten municipalities.

SECTION 3. That Weiss, Serota, Helfman, Cole and Bierman, PL (the "Firm") is hereby retained to represent the City in this litigation. The Firm will charge the City a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the City and the individual elected official(s) who choose to participate as plaintiffs, for the litigation in the trial court. The City and elected official(s) recognize that such flat fee may be less than the actual attorneys' fees and costs incurred, and that if the City and elected official(s) prevail in the Lawsuit, the Firm may apply with the Court for its actual reasonable attorneys' and costs from the defendants. The filing of any appeals will be authorized by separate resolution under the terms thereof. The City and its elected official(s) also acknowledge that the Firm will be representing other local governments and officials in


this lawsuit and waives any conflicts related to such representation. The City further acknowledges that, from time to time, the Firm may be called upon by the client to represent them as to requests for various approvals and as to other matters with respect to or involving the City. The City hereby waives any potential conflict of interest in the Firm's representation of those clients arising from its representation of the City in the Lawsuit.

SECTION 4. That the City of Melbourne invites and urges other local governments and elected officials to join the City as plaintiffs in the Lawsuit and to coordinate their efforts with the City.

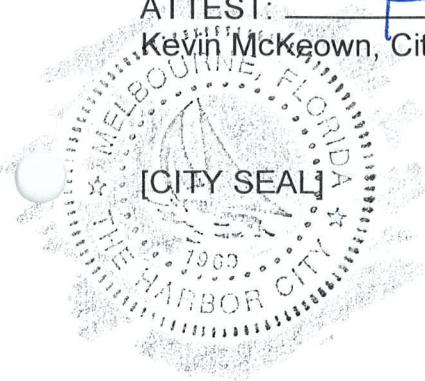
SECTION 5. That the City Clerk is hereby directed to distribute a copy of this resolution to all local governments in Brevard County.

SECTION 6. That this resolution shall become effective immediately upon its adoption in accordance with the Charter of the City of Melbourne.

SECTION 7. That this resolution was duly adopted at a regular meeting of the City Council on the 13th day of February, 2024.

BY: 
Paul Alfrey, Mayor


ATTEST: 
Kevin McKeown, City Clerk




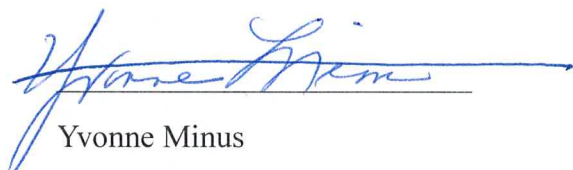
Attachment: Exhibit "A" – Request and Agreement to Serve As Named Plaintiff
Resolution No. 4237

REQUEST AND AGREEMENT TO SERVE AS NAMED PLAINTIFF

On February 13, 2024, the City of Melbourne, Florida, unanimously approved Resolution No. 4237 (the "Resolution"), authorizing the participation of the City of Melbourne, Florida, and any of its elected official(s), who choose to participate, in a lawsuit as a plaintiff seeking a declaration that the provisions of Section 112.144(1)(d), Florida Statutes, that require municipal elected officials to file Form 6 Financial Disclosure Forms is unconstitutional and invalid (the "Lawsuit"). The following City of Melbourne elected official(s) hereby request and agree to serve as a named plaintiffs in the Lawsuit, pursuant to the terms of the Resolution, including the section related to conflicts of interest, and for the law firm of Weiss Serota Helfman Cole + Bierman PL to represent me in the Lawsuit individually as an elected member of the City of Melbourne City Council.


Signature: 
Name: Paul Alfrey
Position: Mayor
Municipality: City of Melbourne
Date: 2/13/2024

2/15/2024 

Signature: 
Name: Yvonne Minus
Position: Vice Mayor
Municipality: City of Melbourne
Date: 2/13/2024

Rescind year
2/20/24

Signature: 
Name: Mark LaRusso
Position: Council Member
Municipality: City of Melbourne
Date: 2/13/2024

Signature: 

Name: Tim Thomas
Position: Council Member
Municipality: City of Melbourne
Date: 2/13/2024

Signature: _____

Name: Rachael Bassett
Position: Council Member
Municipality: City of Melbourne
Date: 2/13/2024

Signature: _____

Name: Mimi Hanley
Position: Council Member
Municipality: City of Melbourne
Date: 2/13/2024

Signature: _____

Name: Julie Kennedy
Position: Council Member
Municipality: City of Melbourne
Date: 2/13/2024

TOWN OF MALABAR

REGULAR TOWN COUNCIL MEETING

AGENDA ITEM NO: 14.d.
Meeting Date: March 5th, 2024

Prepared By: Richard W. Kohler, Town Clerk

SUBJECT: Town Hall and Historical House Location Discussion - CM Vail

BACKGROUND/HISTORY:

Town Council has discussed building a new Town Hall at Malabar Community Park. Council has also discussed placing the Huggins Historical House at Malabar Community Park.

Staff is seeking a discussion to better determine the location of both buildings for future planning purposes.

ATTACHMENTS:

Aerial map of Malabar Community Park.

ACTION:

Discussion on the location of a future Town Hall and the Huggins Historical House.



All BCPAO maps and/or map applications are maintained for assessment and illustrative purposes only and do not represent surveys, plats, or any other legal instrument. Likewise, measurement and location tools are for assessment and illustrative purposes only and do not necessarily reflect real-world conditions. Due to the nature of Geographic Information Systems (GIS) and cadastral mapping, map layers may not precisely align and may not represent precise location, shape, and/or legal boundaries. Only a Florida-licensed surveyor can determine legally-relevant property boundaries, elevation, distance, area, and/or location in Florida.



New Malabar Town Hall

Town Hall

- 60' width x 100' length
- 6,000 sqft
- Fire station is 60' width x 110' length
- 75' setback from Malabar Rd
- 1 or 2 story building
- Model like Grant/Valkaria's Town Hall
 - 50' width x 88' length building
 - 8' width x 96' length front porch
 - 8' width x 50' length side porch

Benefits

- We own the land
- Close to Fire Station
- More of a Town Center

Disadvantage

- Expensive Cost