



PLANNING BOARD MEETING CITY OF ST. PETE BEACH

155 Corey Avenue
St. Pete Beach, FL 33706

Monday, May 17, 2021
4:00 PM

Call to Order
Pledge of Allegiance
Roll Call

REGULAR MEETING

1. Changes to the Agenda -
2. Audience Comments - **Comments shall be limited to 3 minutes per person**
3. Approval of Minutes
 - a. **Minutes 4/19/2021**
4. Action Items
5. Discussion Items
 - a. **Comprehensive Plan Review - Element IX: Intergovernmental Coordination**
One of several discussions covering recommended amendments to the Comprehensive Plan.
 - b. **Comprehensive Plan Review - Element X: Public School Facilities**
One of several discussions covering recommended amendments to the Comprehensive Plan.
 - c. **Sunshine Public Records Training**
6. Adjournment - Next Meeting 6/21/2021

APPEAL: In accordance with 286.0105, Florida Statute (Notices of meetings and hearings must advise that a record is required to appeal), if a person decides to appeal any decision made by this committee, board, agency, or commission with respect to any matter considered at this meeting or hearing, he or she

will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

AMERICANS WITH DISABILITIES ACT (ADA): In accordance with the Americans with Disabilities Act and Florida Statutes, if any person with a disability defined by the ADA needs special accommodation to participate in this proceeding, then not later than two business days prior to the proceeding, he or she should contact City Hall at (727) 367-2735.

**The public is cordially invited to attend this meeting.
All agenda material is available for review at City Hall or www.stpetebeach.org.**

DRAFT PLANNING BOARD MEETING MINUTES

April 19, 2021 4:00 PM

PRESENT: Tiffany Secka, Chair
Rachel Ciliberti, Member
Tom DeYampert, Member
Greg Premier, Vice Chair

EXCUSED: Bev Jackson, Member

STAFF PRESENT: Matthew McConnell, Assistant City Attorney
Ginny Keeter-Bodkin, Deputy City Clerk
Wesley Wright, Community Development Director
Lynn Rosetti, Senior Planner
Brandon Berry, Planner II

Chair Secka called the meeting to order at 4:00 PM, followed by the Pledge of Allegiance.

1. Changes to the Agenda – Community Development Director Wesley Wright explained that, per the City Code of Ordinances, each year after the election of members, a Chair and Vice Chair are elected; he asked to add that item.

2. Audience Comments - There were no audience comments.

3. Approval of Minutes a. 3/15/2021

Motion: Member DeYampert moved and Member Ciliberti seconded the approval of the minutes from the March 15, 2021 meeting; the motion carried unanimously.

Vice Chair Premier entered the meeting at 3:05 PM.

Added – Election of Officers:

Motion: Member Ciliberti moved and Member DeYampert seconded the re-election of Chair Secka and Vice Chair Premier for 2021-2022; the Chair and Vice Chair accepted, and the motion carried 4-0.

4. Action Items

Chair Secka adjourned the meeting as the Planning Board and called the meeting to order as the Local Planning Agency (LPA).

a. Ordinance 2021-08 Modifying the Basis for Height Measurement:
Ordinance 2021-08, amending Land Development Code DIVISION 2 - DEFINITIONS Section 2.1 – Words, terms, and phrases defined by modifying the basis for height measurements for residential structures in the RU-1, RU-2, RLM-1, RLM-2, RM, And PAG Districts as well as accessory structures, and adding a definition for Design Flood

Elevation and Freeboard; Amending DIVISION 20 – PAG PASS-A-GRILLE OVERLAY DISTRICT, Section 20.02 – Definitions, Section 20.15 – Permitted building types, and Section 20.17 – Building height to reflect new height measurements.

Community Development Director Wesley Wright explained that since being notified in February of proposed changes to the Flood Insurance Rate Maps (FIRM), FEMA has confirmed an effective date of August 24, 2021. With the changes, the Base Flood Elevation (BFE) is being reduced in many areas of the City by one to three feet. Board and Commission discussions of the anticipated changes have been ongoing for several months. Mr. Wright indicated that a significant factor of the changes is how the City will measure ‘Height’ of residential structures; since 2003, the City has based height on the location of BFE. Staff has conferred with the City Manager and Commission and are proposing an amended definition of ‘Height’ in the five core residential districts and the Pass-a-Grille Overlay to be amended to provide the option to start measurement from eight feet above natural grade when habitable space begins at or higher than eight feet above natural grade.

Brandon Berry, Planner II, reviewed a presentation on proposed Ordinance 2021-08, an amendment to the Land Development Code. The presentation included a review of proposed, extended definitions of Design Flood Elevation, Freeboard, Height (the comments of the Board of Adjustment and Historic Preservation Board were integrated in the definition) and Building Height. Mr. Berry reviewed visual examples of impacts to height in Vina Del Mar, North Beach, North Pass-a-Grille, and Central Pass-a-Grille. The definitions and examples are made part of the permanent minutes.

The Chair asked for any audience comments. Kevin Murphy of 2511 E. Vina Del Mar Blvd. asked for clarification on effective dates to the new FIRM and other FEMA regulations and the interim period.

The Board had no further discussion.

Motion: Member Premier moved and Member DeYampert seconded to recommend the approval of Ordinance 2021-08 and find it consistent with the City’s Comprehensive Plan. The motion carried 4-0.

b. Ordinance 2021-12 Accessory Structure Amendments: Ordinance 2021-12, amending Land Development Code Division 2 – DEFINITIONS, Section 2.1 – Words, terms and phrases defined to provide a definition for patio and deck; amending Division 6 – SUPPLEMENTAL REGULATIONS, Section 6.13 – Residential Accessory Structures to reduce rear and waterfront setbacks to pools and spas, prohibit rear setback variances for pool screen enclosures, and partition and specify setbacks for decks and patios.

Mr. Wright explained that pool setback variances are the most often requested type of variance and the Land Development Code (LDC) does not currently differentiate rear-yard pool setbacks for waterfront and non-waterfront properties. At the request of the City Manager, Staff has developed a proposed Ordinance 2021-12 to address this as well as providing greater clarity

on distinctions between decks and patios and their setbacks and prohibiting rear setback variances for pool screen enclosures beyond the existing standard.

Mr. Berry provided a presentation on the Accessory Structure Amendments being proposed in Ordinance 2021-12, which included the definitions of ‘Deck’ and ‘Patio’ in Division 2 of the LDC and changes to Division 6, amending the Supplemental Regulations for these residential accessory structures. Mr. Berry reviewed a visual representation of the existing and proposed standards for pool setbacks for interior and waterfront lots. The proposed changes presented are made part of the permanent minutes.

A question and answer period followed the presentation. Utility Easements and seawall heights in relation to swimming pools were discussed. Chair Secka questioned why the required rear and side yard setbacks for decks are not the same for interior lots. Following discussion, Board consensus was to change the required deck setback to a uniform five feet for front and side yards. Mr. Wright indicated that he would make that change.

Motion: Member Premier moved and Member Ciliberti seconded to recommend the approval of Ordinance 2021-12 including changing the rear setback from ten feet to five feet for decks of two feet or less in height and find it consistent with the City’s Comprehensive Plan as stated in the staff report. The motion carried 4-0.

Chair Secka adjourned the meeting as LPA and reconvened as the Planning Board.

5. Discussion Items

a. St. Pete Beach Public Library

Ms. Rosetti provided the background of how the Library renovation began and provided photos of the improvements. The members were invited to Monday’s ribbon cutting ceremony.

b. Community Rating System (CRS) 5-Year Cycle Preliminary Rating

Ms. Rosetti explained that Staff worked diligently to complete the requirements for the Preliminary CRS rating – and the report finds that the City will retain its Class 6 rating, which means that the community keeps a 20% flood insurance discount.

c. Comprehensive Plan Review

Mr. Wright explained that Staff and Kimley-Horn have been reviewing the ten elements of the Comprehensive Plan for the last eighteen months. Beginning in May, he hopes to bring two elements each month before this Board for final review; he showed a visual of a tentative timeline.

Added – Other Items

Mr. Wright informed the Board that the Miramar project at 4200 Gulf Blvd. is proceeding; after initial City Commission review, additional landscaping has been added and the entrance improved.

The new plan will come before the City Commission on April 27th to obtain a Conditional Use Permit.

Additionally on April 27th, the Commission will review the 2017 standards that were adopted for the Pass-a-Grille Overlay regarding implementation for single-family development and waterfront setbacks.

Mr. Wright reported that the Community Development Department is growing. A new Zoning Tech has been hired – Jordan Embry, with a start date of April 26th, and interviews have been completed for a Planning Tech.

A brief discussion followed on the elimination of flashing yellow lights being considered in the Florida Legislature. Although this is an FDOT matter, Mr. Wright may ask the City's Transportation Director to address the matter when she is present during the Comprehensive Plan review. Member Premier also asked if some of the flashing crossing lights on Gulf Blvd. could be put on timers to assist with traffic flow; Mr. Wright will check on that. It was suggested that valet parking on opposing east/west sides of Gulf Blvd. might contribute to crossing/light issues and that should always be taken into consideration in planning and approvals.

6. Adjournment – Next Meeting 5/17/2021

There being no further business, Chair Secka adjourned the meeting at 5:20 PM.

These minutes will be presented for approval at May 17, 2021 Planning Board meeting.

PLANNING BOARD MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Comprehensive Plan Review - Element IX:
Intergovernmental Coordination

Date: May 17, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Community Development Director

Summary of Issue: Element IX - Intergovernmental Coordination

One of several discussions covering recommended amendments to the Comprehensive Plan.

Funding: N/A

Requested Motion: N/A

Attachments:

1. IX. Intergovernmental Coordination - Rev 02
2. IX. Intergovernmental Coordination - Review Matrix

IX. Intergovernmental Coordination

GOAL 1:

Establish a regular means of communication among officials of two or more political or other jurisdictions for the purpose of addressing and resolving issues of mutual interest that arise from the local government's comprehensive plan and plans of others.

Objective 1.1

The City shall coordinate the comprehensive plan in consideration of neighboring municipalities, jurisdictions, and local, state, and federal regulations. identify and coordinate the affects of special districts in Pinellas County with the comprehensive plan.

Policy 1.1.1

The City will review the plans and independent special district facility reports of the Southwest Florida Water Management District (SWFWMD), Pinellas County, the Florida Department of Environmental Protection (FDEP), and Tampa Bay Water (TBW) to and identify and resolve conflicts with the City's comprehensive plan, including concurrency related items.

Policy 1.1.2

The City will coordinate with the SWFWMD, Pinellas County, FDEP, and TBW staffs and governing boards in order to resolve issues identified in Policy 1.1.1.

Policy 1.1.3

The City will consider amending its comprehensive plan based upon the review of plans and discussions identified in Policy 1.1.1 and 1.1.2.

Policy 1.1.4

The City shall participate with the City of Treasure Island, Pinellas County, City of St. Petersburg and appropriate neighboring communities, state and federal agencies in the implementation of coastal management efforts.

Policy 1.1.5

The City shall continue to cooperate with the Southwest Florida Water Management District (SWFWMD) and Pinellas County to conduct water conservation programs. In the event a water shortage is declared, the City shall support Pinellas County and the SWFWMD's Water Shortage Plan in accordance with Chapter 40D-21, Florida Administrative Code (F.A.C.).

Policy 1.1.6

The City shall continue to support and implement the standards and regulations set forth in the Pinellas County and Boca Ciega Bay Aquatic Preserve Management Plan (FDEP, 2018) or most current management plan to protect and enhance the water quality of Boca Ciega Bay.

Policy 1.1.7

The City shall participate in an intergovernmental coordination process to protect coastal resources which shall address natural systems on a system-wide basis, including the threat of sea level rise, in accordance with the Coastal and Conservation Element.

Objective 1.2

The City shall identify and describe joint processes for collaborative planning on population projections.

Policy 1.2.1

The City will coordinate with ~~the Pinellas County Planning Department in order to develop~~ countywide population projections that include expected changes ~~growth shown in the comprehensive plan~~ for the community.

Policy 1.2.2

The City will continue using data from the University of Florida Bureau of Economic and Business Research, and/or other reputable sources, when considering Population Projections. ~~in its comprehensive plan.~~

Policy 1.2.3

The City will communicate forward its the population projections data used in its comprehensive plan to the Pinellas County School Board ~~for so they can consider~~ projected changes ~~growth~~ and development as it relates to the future need for schools in the School Board's 5, 10, and 20-year facility plans.

Policy 1.2.4

The City will coordinate ~~amend~~ its existing interlocal agreement with the Pinellas County School Board to include the joint utilization of consistent and coordinated population projections.

Objective 1.3

The City of ~~St. Pete Beach~~ shall continue to coordinate ~~its Comprehensive Plan~~ with ~~plans of the surrounding School Board of Pinellas County and other~~ local governments through participation in joint planning processes and procedures.

Policy 1.3.1

The City of ~~St. Pete Beach~~ shall implement the Public Schools Interlocal Agreement in coordination with the School District and the other local governments that are signatories to the Agreement (the partner local governments).

Policy 1.3.2

In fulfillment of the Public Schools Interlocal Agreement, the City of ~~St. Pete Beach~~ shall continue its participation on the Pinellas Schools Collaborative, which shall meet at least once a year to evaluate implementation of the Public Schools Interlocal Agreement and school concurrency, and propose amendments for improvement if deemed necessary.

Policy 1.3.3

The City of ~~St. Pete Beach~~, the School District, and the partner local governments shall coordinate annually in preparing a staff report on the effectiveness of school concurrency that will be presented at the annual meeting of the Pinellas Schools Collaborative, with the annual School Capacity and Level of Service Report forming the basis for the staff report.

Policy 1.3.4

The City of ~~St. Pete Beach~~, the School District, and the partner local governments shall coordinate in amending the Public School Facilities Element according to the procedures in the

Public Schools Interlocal Agreement, to ensure that the Public School Facilities Element within the local government comprehensive plans remains coordinated and consistent with one another and with the plans of the School Board.

Policy 1.3.5

~~The City of St. Pete Beach~~, through the implementation of its concurrency management system and the Public Schools Interlocal Agreement, shall coordinate and share information with the School District and the Pinellas County Planning Department to determine whether there is available public school capacity to support the anticipated students from residential site plans and final residential subdivision approvals.

Policy 1.3.6

~~The City of St. Pete Beach~~, its partner local governments, and the School District shall cooperate in establishing a procedural manual for implementation of school concurrency. This manual and any subsequent changes to the manual will be developed by the School Planning Workgroup and approved by the Pinellas Schools Collaborative.

Policy 1.3.7

~~The City of St. Pete Beach~~ shall coordinate with the School Board of ~~Pinellas County~~ to implement the public educational facilities siting requirements of Chapter 163 and Chapter 1013, Florida Statutes, by adopting an Interlocal Agreement for Public Educational Facilities Siting between the ~~City of St. Pete Beach~~ and the School Board.

Policy 1.3.8

The City shall coordinate with the Pinellas County School Board and Private Schools where possible to provide additional recreational services or shared recreation and open space opportunities.

Objective 1.4

The City shall identify and describe joint processes for collaborative planning facilities subject to concurrency.

Policy 1.4.1

The City shall review and coordinate with Pinellas County's "Potable Water Supply, Wastewater and Reuse Element" and SWFWMD's Regional Water Supply Plan ~~2015-2006~~ and their respective updates.

Policy 1.4.2

~~The City's Water Supply Facilities Work Plan shall be updated, at a minimum, every 5 years within 18 months after the SWFWMD approves an updated regional water supply plan.~~

Policy 1.4.2

The City shall continue to maintain formal agreements with Pinellas County to provide potable and reclaimed water, with the City of St. Petersburg to provide sewage treatment, and with a qualified private company to provide solid waste services consistent with adopted levels of service as referenced in the Infrastructure Element.

Policy 1.4.34

The City will coordinate, through ~~the Metropolitan Planning Organization (MPO)~~ Forward Pinellas, the transportation needs of the City with the needs of the remainder of the county and the Florida Department of Transportation (FDOT).

Policy 1.4.45

The City will forward requests for access to county or state-maintained roadways to ~~the each~~ respective agency for comment concerning their respective plans and policies.

Policy 1.4.56

The City will coordinate with service providers that have no regulatory authority over the use of land in the city to develop recommendations that address ways to improve coordination of the City's concurrency management methodologies and systems, and levels of service.

Objective 1.5

The City shall identify and describe joint processes for collaborative planning for facilities with countywide significance.

Policy 1.5.1

The City will continue to coordinate with ~~the Pinellas County Board of County Commissioners~~ staff for the provision of countywide facilities, including but not limited to, solid waste disposal, the St. Petersburg/Clearwater International Airport, and the Pinellas County Emergency Operations Center.

Policy 1.5.2

The City will continue to coordinate with ~~the MPO~~ Forward Pinellas, PSTA, FDOT, and TBARTA staff for the provision of bridges, major transportation facilities, and mass transit to improve safety and functionality of multimodal transportation networks.

Policy 1.5.3

The City will forward notice of proposed ~~Future Land Use plan element~~ policies related to hurricane shelters and evacuation routes, as well as map amendments resulting in an increase in population within coastal high hazard areas, to Forward Pinellas, to the TBRPC and the Pinellas County Emergency Management Department to determine hurricane shelter space availability and the effect of increased evacuating populations on evacuation clearance times and routes.

Objective 1.6

The City shall continue to identify and describe joint processes for collaborative planning ~~for problematic land uses as referenced within the elements of this comprehensive plan, and consistent with the Pinellas Countywide Plan.~~

Policy 1.6.1

The City will conduct a review of ~~its locational standards~~ regulation maintained in the Land Development Code and Comprehensive Plan to determine whether conflicts exist between its regulations and neighboring jurisdiction regulations, what can be done to resolve any conflicts found, and any improvement in the effectiveness or efficiency to be gained through a countywide approach to standards that would be more uniform in their application.

Policy 1.6.2

~~The City will coordinate with the PPC, or the appropriate ad hoc committees, in the development, review, and recommendation of efficient countywide guidelines to coordinate the location of problematic land uses.~~

Objective 1.7

The City shall work to bring intergovernmental disputes to closure in a timely manner through the use of voluntary dispute resolution processes.

Policy 1.7.1

The City will pursue the resolution of conflicts that may arise from the coordination of these intergovernmental coordination goals, objectives, and policies using the appropriate voluntary dispute resolution processes.

Policy 1.7.2

The City will utilize the existing countywide planning process, as appropriate, to resolve local government future land use plan disputes, as well as other planning related intergovernmental disputes.

Policy 1.7.3

The City will utilize the TBRPC's role as a mediator and conciliator as outlined in Rule 29H-13, FAC, to reconcile differences on planning and growth management issues as outlined in the Rule.

IX. Intergovernmental Coordination							
Title	KH Comment (Revision 1)	KH Comment (Revision 2)	Related Sections	GOP/Justification	Recommended Action	City Comment (4/13/2021)	Meeting Notes (4/13/2021)
Goal 1	No change recommended				Maintain		
Objective 1.1	Updated narrative				Modify		
Policy 1.1.1	Updated narrative				Modify	Add Pinellas County Reference, not just Tampa Bay Water	
Policy 1.1.2	-	Updated narrative			Maintain		
Policy 1.1.3	Updated narrative				Modify		
Policy 1.1.4		Add policy	Coastal and Conservation		INSERT		
Policy 1.1.5		Add policy	Coastal and Conservation		INSERT		
Policy 1.1.6		Add policy	Coastal and Conservation	Boca Ciega Bay Aquatic Preserve Management Plan	INSERT		
Policy 1.1.7		Add policy	Coastal and Conservation		INSERT		
Objective 1.2	No change recommended				Maintain	Add language to take into account the ERU analysis (or add another policy)	ERU evaluation vs. population projections
Policy 1.2.1	Updated narrative				Modify		
Policy 1.2.2	Updated narrative				Modify		
Policy 1.2.3	Updated narrative		Public School Facilities		Modify	Specify school age population. Use projected changes instead of growth	
Policy 1.2.4	Updated narrative		Public School Facilities		Modify		
Objective 1.3	Updated narrative		Public School Facilities		Modify	Might want to make another policy for more interlocal government coordination	
Policy 1.3.1	Updated narrative		Public School Facilities	Public Schools Interlocal Agreement	Modify		
Policy 1.3.2	Updated narrative		Public School Facilities	Public Schools Interlocal Agreement	Modify	Annual meeting requirement	
Policy 1.3.3	Updated narrative		Public School Facilities		Modify		
Policy 1.3.4	Updated narrative		Public School Facilities	Public Schools Interlocal Agreement	Modify		
Policy 1.3.5	Updated narrative		Public School Facilities	Public Schools Interlocal Agreement	Modify		
Policy 1.3.6	Updated narrative		Public School Facilities		Modify		
Policy 1.3.7	Updated narrative		Public School Facilities	Public Schools Interlocal Agreement, Chapter 163, Chapter 1013 F.S.	Modify		
Policy 1.3.8	-	Add Policy	Recreation and Open Space		INSERT		Add from Recreation and Open Space Policy 1.2.2
Objective 1.4	No change recommended				Maintain		
Policy 1.4.1	Updated narrative	Update to address removal of 1.4.2	Infrastructure Plan	SWFWMD Regional Water Supply Plan, Pinellas Potable Water Supply, Wastewater, and Reuse	Modify	City to coordinate internally regarding roles and responsibilities	
Policy 1.4.2	No change recommended	Remove	Infrastructure Plan	SWFWMD Regional Water Supply Plan	Remove	City does not have "Water Supply Facilities Work Plan"	
Policy 1.4.2		Add policy	Infrastructure Plan		INSERT		
Policy 1.4.3	Updated narrative, Renumbered (previously Policy 1.4.4)		Transportation Plan		Modify		
Policy 1.4.4	Renumbered (previously Policy 1.4.5)		Transportation Plan		Modify		
Policy 1.4.5	Renumbered (previously Policy 1.4.6)		Transportation Plan		Modify		
Policy 1.4.6	Renumbered to Policy 1.4.5				Modify		
Objective 1.5	Updated narrative				Modify		
Policy 1.5.1	Updated narrative		Infrastructure Plan	Forward Pinellas Requirement	Modify		
Policy 1.5.2	Updated narrative	Updated narrative	Transportation Plan		Modify	Should this be PSTA? - independent board, separate from Pinellas. - Add FDOT for reference to bridges	
Policy 1.5.3	Updated narrative		Future Land Use, Coastal and Conservation		Modify		Only FLU changes that impact density in the coastal high hazard area
Objective 1.6	Updated narrative			Pinellas Countywide Plan	Modify		

IX. Intergovernmental Coordination							
Title	KH Comment (Revision 1)	KH Comment (Revision 2)	Related Sections	GOP/Justification	Recommended Action	City Comment (4/13/2021)	Meeting Notes (4/13/2021)
Policy 1.6.1	No change recommended	Update narrative			Modify	What are locational standards? Have a mechanism to corroborate neighboring municipality standard - e.g. noise ordinance. - how do we apply and enforce our ordinances to not impact neighboring communities (add policy?)	Who is going to enforce this? - require an annual meeting? Send in email - Alex, Jennifer, and Nancy
Policy 1.6.2	Updated narrative	Remove	Future Land Use		Remove	Change "problematic land use" to "land use changes"	What are problematic land uses? - coordinate with Forward Pinellas, what do they consider problematic. This will also be contingent on FLU Element changes
Objective 1.7	Updated narrative				Modify		Dispute resolution process
Policy 1.7.1	No change recommended				Maintain		
Policy 1.7.2	No change recommended		Countywide Planning Process		Maintain		
Policy 1.7.3	No change recommended			Rule 29H-13 F.A.C.	Maintain		

PLANNING BOARD MEETING CITY OF ST. PETE BEACH

Agenda Report

Issue Considered: Comprehensive Plan Review - Element X: Public School Facilities

Date: May 17, 2021

Prepared By: Lynn Rosetti, Senior Planner

Through: Wesley Wright, Community Development Director

Summary of Issue: Element X - Public School Facilities
One of several discussions covering recommended amendments to the Comprehensive Plan.

Funding: N/A

Requested Motion: N/A

Attachments:

1. X. Public School Facilities
2. X. Public School Facilities - Review Matrix

X. Public School Facilities

GOAL 1:

Through partnerships and effective collaboration among local governments and the Pinellas County School District, and because of a shared commitment to educational excellence, all students of the Pinellas County School District shall be provided the opportunity for high student achievement through the availability of high quality public educational facilities.

Objective 1.1

The City of ~~St. Pete Beach~~, its partner local governments, and the School District agree to coordinate and base their plans upon consistent projections of population growth and student enrollment, and will coordinate in sharing of information on proposed school facility changes, certain planned infrastructure improvements, and proposed land use plan amendments and/or rezonings that increase or decrease residential densities.

Policy 1.1.1

The City of ~~St. Pete Beach~~, its partner local governments, and the School District, will utilize population growth projections prepared by the ~~Pinellas County Metropolitan Planning Organization's~~ the Forward Pinellas Technical Coordinating Committee, when developing their plans and student enrollment projections, consistent with the Public Schools Interlocal Agreement.

Policy 1.1.2

To ensure that land use and zoning decisions are adequately coordinated with public school facility planning, the City of ~~St. Pete Beach~~ shall continue to notify the School District of all Local Planning Agency hearings where land use plan amendments and/or rezonings will be considered that increase or decrease residential densities.

Policy 1.1.3

The City of ~~St. Pete Beach~~ shall inform the School District in advance of infrastructure projects that will restrict vehicular or pedestrian accessibility to public schools with sufficient time for School District review and comment, in compliance with the Public Schools Interlocal Agreement. An example would be infrastructure projects that would disrupt the use of sidewalks that are utilized by students accessing public school facilities.

Policy 1.1.4

The School District shall notify the City of ~~St. Pete Beach~~ of the need for on site or off-site improvements to support new, proposed expansion, or redevelopment of existing schools within the jurisdiction of the City of ~~St. Pete Beach~~. Thereafter, representatives of the School District and the City of ~~St. Pete Beach~~ will meet and determine the responsibility for making such improvements and identify other agencies that should be involved. The School District and the City of ~~St. Pete Beach~~ will then meet with the other agencies to coordinate the completion of the on-site and off-site improvements, in accordance with the Public Schools Interlocal Agreement.

Objective 1.2

The City of ~~St. Pete Beach~~, through implementation of its concurrency management system for public school facilities, and in coordination with the School District, shall ensure that there is available public school capacity to support the anticipated students from residential site plans and final residential subdivision approvals ("Residential Approvals") consistent with the adopted level-of-service standard

for public school concurrency throughout the five years covered by the Five-Year Work Program, as amended, and the period of the long-range planning program contained in the Public School Facilities Element.

Policy 1.2.1

The City of ~~St. Pete Beach~~ hereby adopts, consistent with the Public Schools Interlocal Agreement, the following level-of-service standard, which shall be applied consistently district-wide by all partner local governments within Pinellas County and by the School District.

District-wide Level-of-Service Standard: Student enrollment plus vested students divided by Florida Inventory of School Houses (FISH) School Capacity plus additional capacity does not exceed 100 percent. This level-of-service standard shall apply to each type of public school facility.

Policy 1.2.2

If the utilization rate established by the State Requirements for Educational Facilities (SREF) is changed and it will impact how the School District determines school capacity, the School District will notify all partner local governments of the change.

Policy 1.2.3

Amendments to the adopted level-of-service standard shall be accomplished using the procedure contained in the Public Schools Interlocal Agreement.

Policy 1.2.4

School concurrency shall be measured and applied on the basis of Concurrency Service Areas, as established by the School Board and as documented in the data and analysis support section of the Public School Facilities Element.

Policy 1.2.5

The School Board shall maximize school capacity through program adjustments and/or through adjustments to Concurrency Service Area boundaries, consistent with the Public Schools Interlocal Agreement, to ensure that each Concurrency Service Area will, in the aggregate, operate at the adopted level-of-service standard throughout the five-year period covered by the Five-Year Work Program, as amended.

Policy 1.2.6

When adjusting Concurrency Service Area boundaries, the School Board shall take into consideration the factors identified in the Public Schools Interlocal Agreement.

Policy 1.2.7

Consistent with Sections 1002.33(1) and 1002.33(2), Florida Statutes, the City of ~~St. Pete Beach~~ and the School District shall recognize charter schools as public school facilities. Such facilities shall serve to expand the school capacity of the School District and are a potential option for mitigating the impact that new Residential Approvals may have on public school facilities.

Policy 1.2.8

The City of ~~St. Pete Beach~~, its partner local governments, and the School District shall utilize the uniform, district-wide procedure in the Public Schools Interlocal Agreement to implement school concurrency within their respective jurisdictions.

Policy 1.2.9

The City of ~~St. Pete Beach~~ and the School District shall utilize the School Capacity and Level of Service Report, prepared by the School District, approved by the School Board, and delivered to the City of ~~St. Pete Beach~~, no later than November 30th of each year, and as adjusted throughout the year based on the official student enrollment count of the fall semester and the estimated number of vested students, as the basis for assessing the existing level of service conditions and the available capacity within each Concurrency Service Area.

Policy 1.2.10

In order to facilitate the accurate annual assessment of projected public school facility capacity, the City of ~~St. Pete Beach~~ shall, throughout the year, notify the Pinellas County Planning Department of development permits, including certificates of occupancy issued for new dwelling units and expired school concurrency Residential Approvals, that affect the availability of school capacity, consistent with the Public Schools Interlocal Agreement, so that an estimate of the number of vested students can be maintained for school concurrency purposes.

Policy 1.2.11

A school concurrency Residential Approval shall be valid for purposes of the issuance of development orders or permits 24 months from the date of issuance.

Policy 1.2.12

In accordance with the Public Schools Interlocal Agreement, if the School District determines that there is not Available Capacity within an affected Concurrency Service Area to accommodate the estimated number of students that would be generated by a proposed Residential Approval and maintain the adopted level-of-service standard, then the School District shall consider whether there is Available Capacity in the contiguous Concurrency Service Area(s).

Policy: 1.2.13

If the School District determines that, in the aggregate, there is Available Capacity in the affected Concurrency Service Area and in the contiguous Concurrency Service Area(s) to accommodate the estimated number of students from the proposed Residential Approval, then an adequate level of service would be provided and the Residential Approval shall be issued a School Concurrency Approval by the City of ~~St. Pete Beach~~.

Policy 1.2.14

If the School District determines that, in the aggregate, there is not Available Capacity within an affected Concurrency Service Area and the adjacent Concurrency Service Area(s) to accommodate the estimated number of students from the proposed Residential Approval, a proposed Residential Approval will not proceed without execution of a legally binding development mitigation agreement between the applicant, the School Board, and the City of ~~St. Pete Beach~~ designed to mitigate the impacts anticipated to be caused by the proposed Residential Approval on public school facilities, consistent with Section 163.3180, Florida Statutes, and the Public Schools Interlocal Agreement. The applicant and the School Board shall attempt to negotiate a development mitigation agreement. If the applicant and the School Board are unable to agree on an acceptable form of mitigation, the City of ~~St. Pete Beach~~ may utilize the conflict resolution provision in the Public Schools Interlocal Agreement to attempt to resolve the impasse.

Policy 1.2.15

A development mitigation agreement shall include the applicant's commitment to continue to renew the development agreement until the mitigation is completed as determined by the School Board or as determined through the conflict resolution procedures provided for in the Public Schools Interlocal Agreement, if applicable.

Policy 1.2.16

Acceptable forms of proportionate share mitigation that may be allowed by the School Board and the standards that determine the appropriate use of any mitigation funds required by the School District are identified in the Public Schools Interlocal Agreement.

Policy 1.2.17

The City of ~~St. Pete Beach~~ and the School District shall utilize student generation rates developed by the School District for purposes of calculating the anticipated number of public school students that would be generated by Residential Approvals and for developing student enrollment projections.

Policy 1.2.18

Prior to the utilization of new student generation rates, the City of ~~St. Pete Beach~~, through its participation on the School Planning Workgroup, will have the opportunity to review and comment on the proposed student generation rates developed by the School District before they are finalized by the District.

Objective 1.3

The City of ~~St. Pete Beach~~ five-year schedule of capital improvements shall include those projects necessary to address any existing public school facility deficiencies and future public school facility needs consistent with the adopted level-of-service standard.

Policy 1.3.1

By December 1st of each year, the City of ~~St. Pete Beach~~ shall amend its Capital Improvements Element to incorporate, by reference, the updated School District Five-Year Work Program adding a new fifth year to maintain a financially feasible capital improvements program and to ensure the level-of-service standard will continue to be achieved and maintained throughout the subsequent five-year planning period.

Objective 1.4

The City of ~~St. Pete Beach~~ shall practice effective intergovernmental coordination with its partner local governments and the School District to ensure that land use plans, development approvals, and capital facilities planning are coordinated with the availability of public school facilities.

Policy 1.4.1

The City of ~~St. Pete Beach~~ shall appoint one elected official to represent the City's ~~City of St. Pete Beach~~'s interest to the Pinellas Schools Collaborative, to provide for collaborative oversight and to provide coordination and direction regarding the conduct of the school concurrency process and implementation of the Public Schools Interlocal Agreement.

Policy 1.4.2

The City of ~~St. Pete Beach~~, the School District, and partner local governments shall coordinate annually in preparing a staff report on the effectiveness of school concurrency that will be

presented at the annual meeting of the Collaborative, with the annual School Capacity and Level of Service Report forming the basis for the staff report.

Policy 1.4.3

The City of ~~St. Pete Beach~~ shall coordinate with the Pinellas County Planning Department in the maintenance of a countywide residential development tracking system, by providing necessary and timely development data, including demolitions and vested development data, required to accurately assess the impact of Residential Approvals on available school capacity.

Policy 1.4.4

Amendment of the Public Schools Facilities Element shall occur according to the procedure in the Public Schools Interlocal Agreement to ensure that the Element within the local government comprehensive plans remains coordinated and consistent with one another and with the plans of the School Board.

Policy 1.4.5

The City of ~~St. Pete Beach~~, its partner local governments, and the School District shall coordinate in establishing a procedural manual for implementation of school concurrency. This manual and any subsequent changes to the manual will be developed by the School Planning Workgroup and approved by the Pinellas Schools Collaborative.

GOAL 2:

The City of ~~St. Pete Beach~~ shall coordinate with its partner local governments and the School District on projects that encourage cohesive neighborhoods, that contribute to community building, and that provide for long-term sustainability.

Objective 2.1

The City of ~~St. Pete Beach~~ shall support efforts that facilitate coordination of planning between the City of ~~St. Pete Beach~~ and the School District for the location and development of public educational facilities.

Policy 2.1.1

The City of ~~St. Pete Beach~~ shall participate with the School District in the process of evaluating potential school closures, significant renovations to existing schools, and school site selection before land acquisition in accordance with Section 4 of the existing Public Schools Interlocal Agreement filed on April 24, 2007.

Policy 2.1.2

For purposes of Objective 2.1, public educational facilities are defined as elementary schools, special education facilities, alternative education facilities, middle schools, high schools, and area vocational-technical schools of the Pinellas County School District.

Policy 2.1.3

Public educational facilities of the School District are an allowable use within the following future land use categories:

Residential Urban

Residential Low Medium

Residential Medium

Residential High

Residential/Office General

Institutional

Policy 2.1.4

The location and construction of new public educational facilities, or the expansion of an existing site, within one of the future land use categories listed in Policy 2.1.3 shall only be allowed upon a determination by the City of St. Pete Beach that the proposed site is consistent with the City of St. Pete Beach Comprehensive Plan.

Policy 2.1.5

In addition to consistency with the City of St. Pete Beach Comprehensive Plan, the proposed location of a new or expanded public educational facility of the School Board within one of the land use categories listed in Policy 2.1.3 shall be reviewed and considered with the following general criteria:

1. The proposed location is compatible with present and projected uses of adjacent property.
2. The site area of the proposed location is adequate for its intended use based on the State Requirements for Educational Facilities and provides sufficient area to accommodate all needed utilities and support facilities and allow for adequate buffering of surrounding land uses.
3. Based on the Five-Year Work Program of the School Board and the City of St. Pete Beach Comprehensive Plan, there will be adequate public services and facilities to support the public educational facility.
4. There are no significant environmental constraints that would preclude development of a public educational facility on the site.
5. There will be no adverse impact on archaeological or historic sites listed in the National Register of Historic Places or designated by a local government as locally significant historic or archaeological resources.
6. The proposed location is well drained and soils are suitable for development or are adaptable for development and outdoor educational purposes with drainage improvements.
7. The proposed location is not in conflict with the City of St. Pete Beach Stormwater Watershed Management Master Plan and ~~any watershed management plans~~ adopted by the City of St. Pete Beach, if applicable.
8. The proposed location is not in a velocity flood zone or a floodway.
9. The proposed location can accommodate the required parking and anticipated queuing of vehicles onsite.
10. The proposed location lies outside the area regulated by Section 333.03(3), Florida Statutes, regarding the construction of public educational facilities in the vicinity of an airport.

Policy 2.1.6

The following criteria shall also be used to evaluate whether proposed locations of specific types of schools are consistent with the City of St. Pete Beach Comprehensive Plan:

Elementary Schools, Special Education Facilities, and Alternative Education Facilities

1. The proposed location shall have direct access to at least a collector road or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.

Middle Schools

1. The proposed location shall have direct access to at least a collector road or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
2. Outdoor recreational facilities and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.

High Schools

1. The proposed location shall have direct access to at least a collector road, or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
2. Stadiums, outdoor recreational facilities, and similar support facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.

Vocational-Technical Schools

1. The proposed location shall have direct access to at least a collector road, or as otherwise approved by the local government after determination of acceptable traffic impacts on adjacent roads of lesser classification.
2. Industrial education facilities shall be located and buffered on the proposed site to minimize impacts on adjacent properties.

Policy 2.1.7

Proposed locations that are less than the standard site acreage as prescribed in the Florida Department of Education State Requirements of Educational Facilities may be determined to be consistent with the City of St. Pete Beach Comprehensive Plan provided the requirements of Section 1013.36, Florida Statutes, are met and off-site impacts can be adequately mitigated.

Policy 2.1.8

A consistency determination for a proposed new site or additional property with the City of St. Pete Beach Comprehensive Plan may be conditioned with references to specific types of public educational facilities.

Policy 2.1.9

At the time of consistency determination, ~~City of St. Pete Beach~~ may impose reasonable conditions for development of the site as it relates to any of the criteria in Policies 2.1.5 and 2.1.6. Conditions may not be imposed which conflict with those established in Chapter 1013 of the Florida Statutes or the State Uniform Building Code, unless mutually agreed to by ~~City of St. Pete Beach~~ and the School District.

Policy 2.1.10

Before a significant change of program at a public educational facility is implemented, the School District and ~~City of St. Pete Beach~~ shall require a review of the facility's onsite and offsite impacts. The School District and the ~~City of St. Pete Beach~~ will work cooperatively to mitigate onsite and offsite impacts, including impacts to public facilities, identified through the review.

Policy 2.1.11

The policies in Objective 2.1 are intended to be consistent with, and not conflict with, the provisions in Chapter 1013, Florida Statutes.

Objective 2.2

Consistent with Section 163.3177(6)(a), Florida Statutes, and consistent with the City of ~~St. Pete Beach~~ future land use policies, the City of ~~St. Pete Beach~~ shall explore those opportunities where co-location of public facilities and public schools provides a mutual benefit, serves a desirable community purpose, or represents an efficient use of finances and staff resources.

Policy 2.2.1

As the opportunity arises, the City of ~~St. Pete Beach~~ and the School Board, shall evaluate the ability to enter into an agreement to co-locate existing or planned school sites with other public facilities, including but not limited to: bike and pedestrian pathways, transit facilities, libraries, parks, community and recreational centers and facilities, museums, performing arts centers, auditoriums, stadiums, healthcare and social services and other uses as may be determined appropriate.

Policy 2.2.2

Should the City of ~~St. Pete Beach~~ and the School Board determine that the co-location of public facilities is mutually advantageous and desirable, the appropriate method of agreement will be decided upon, and could include such options as, but not be limited to, interlocal agreement, the City of ~~St. Pete Beach~~ resolution, or memorandum of understanding.

Objective 2.3

The City of ~~St. Pete Beach~~ will support the School District's commitment to sustainable design and operations, as public schools are integral contributors to the quality of the surrounding community.

Policy 2.3.1

The City of ~~St. Pete Beach~~ and the School District will share information on sustainable design and green building practices, encourage multimodal transportation connection to schools, and take advantage of opportunities to incorporate ~~demonstration projects~~ sustainable practices and technologies onsite, so that local schools can serve as community models of environmental efficiency.

GOAL 3:

The City of ~~St. Pete Beach~~ will coordinate with the School District and other local governments to improve the safety of students as they access public school facilities.

Objective 3.1

The City of ~~St. Pete Beach~~ shall collaborate with the School District and other local governments to promote safe access for students to public school facilities.

Policy 3.1.1

The City of ~~St. Pete Beach~~ shall participate on the Forward Pinellas School Transportation Safety Committee (STSC) of the ~~Pinellas County Metropolitan Planning Organization (MPO)~~ to identify locations within the County where student safety is a concern, and to develop recommendations in response to student safety issues raised by the School District, local governments, ~~the School Transportation and Enhanced Pedestrian Safety (STEPS) Committee~~, or the community to enhance the safety of students accessing public school facilities.

Policy 3.1.2

The City of ~~St. Pete Beach~~ shall consider implementation of recommendations from the STSC that affect its jurisdiction, in coordination with the School District and any agencies that have some involvement in the identified action, to support student access to public schools in a manner that both improves student safety and is compatible with the surrounding community.

Policy 3.1.3

The City of ~~St. Pete Beach~~ shall cooperate with School District initiatives that implement STSC recommendations for modifications to a school campus.

Policy 3.1.4

The City of ~~St. Pete Beach~~ shall, in its capital improvement program, give priority to the construction of those sidewalks, crosswalks, bicycle paths, and other improvements that help to provide continuous access to public schools for pedestrians and bicyclists.

Policy 3.1.5

The City of ~~St. Pete Beach~~ shall annually update its Capital Improvements Element to identify the School District's capital needs in the Comprehensive Plan, enabling the coordination of existing and planned public school facilities with the required local capital projects needed to provide support services for the safety of public school students.

Policy 3.1.6

For new development or redevelopment within a two-mile radius of any existing or planned public school facility, the City of ~~St. Pete Beach~~ shall require the developer to construct sidewalks along the corridor contiguous to the property being developed that directly serves the public school facility, in support of Section 1013.36 (5), Florida Statutes and the Forward Pinellas MPO 2025 2045 Transportation Plan.

GOAL 4:

Opportunities are maximized for public schools to be designed such that they can serve a vital emergency management purpose in times of disaster.

Objective 4.1

The safety of the public shall be a high priority when designing future public school facilities and renovating existing facilities.

Policy 4.1.1

The City of ~~St. Pete Beach~~ shall coordinate with the School District and Pinellas County on emergency preparedness issues, including the use of public school facilities for emergency shelters.

Policy 4.1.2

Future public school facilities that are not located within category 1, 2 or 3 evacuation zones, shall be designed to serve the public as emergency shelters, consistent with Section 1013.372, Florida Statutes. These public school facilities shall be designed according to the public shelter criteria outlined in the Florida Building Code.

Policy 4.1.3

The City of ~~St. Pete Beach~~ shall annually update its Capital Improvements Element to ensure that the School District's capital needs are reflected in the Comprehensive Plan, enabling the coordination of existing and planned public school facilities with the required local capital projects needed to provide emergency shelter spaces, as identified by the ~~Tampa Bay Regional Hurricane Evacuation Study~~2010 Statewide Regional Evacuation Study for Tampa Bay and The Tampa Bay Catastrophic Plan, developed by the Tampa Bay Regional Planning Council.

X. Public School Facilities

10/23/2020 - Revisions reviewed by Pinellas County district school board attorneys

Coordinator of School Planning - Marshall Touchton 727-588-5190

Title	KH Comment	Related Sections	GOP/Justification	Recommended Action
Goal I	No change recommended	Intergovernmental Coordination		Maintain
Objective 1.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.1.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.1.2	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.1.3	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.1.4	Updated Narrative	Intergovernmental Coordination		Modify
Objective 1.2	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.2.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.2.2	No change recommended	Intergovernmental Coordination		Maintain
Policy 1.2.3	No change recommended			Maintain
Policy 1.2.4	No change recommended			Maintain
Policy 1.2.5	No change recommended	Intergovernmental Coordination		Maintain
Policy 1.2.6	No change recommended	Intergovernmental Coordination		Maintain
Policy 1.2.7	Updated Narrative	Intergovernmental Coordination	Sections 1002.33(1) and 1002.33(2)	Modify
Policy 1.2.8	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.2.9	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.2.10	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.2.11	No change recommended			Maintain
Policy 1.2.12	No change recommended			Maintain
Policy 1.2.13	Updated Narrative			Modify
Policy 1.2.14	Updated Narrative	Intergovernmental Coordination	Section 163.3180	Modify
Policy 1.2.15	No change recommended			Maintain
Policy 1.2.16	No change recommended			Maintain
Policy 1.2.17	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.2.18	Updated Narrative	Intergovernmental Coordination		Modify
Objective 1.3	Updated Narrative			Modify
Policy 1.3.1	Updated Narrative			Modify
Objective 1.4	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.4.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.4.2	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.4.3	Updated Narrative	Intergovernmental Coordination		Modify
Policy 1.4.4	No change recommended	Intergovernmental Coordination		Maintain
Policy 1.4.5	Updated Narrative	Intergovernmental Coordination		Modify
Goal II	Updated Narrative	Intergovernmental Coordination		Modify

X. Public School Facilities

10/23/2020 - Revisions reviewed by Pinellas County district school board attorneys

Coordinator of School Planning - Marshall Touchton 727-588-5190

Title	KH Comment	Related Sections	GOP/Justification	Recommended Action
Objective 2.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 2.1.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 2.1.2	No change recommended			Maintain
Policy 2.1.3	No change recommended	FLU Section		Maintain
Policy 2.1.4	Updated Narrative			Modify
Policy 2.1.5	Updated Narrative	Element V	Section 333.03(3)	Modify
Policy 2.1.6	No change recommended			Maintain
Policy 2.1.7	No change recommended		Section 1013.36	Maintain
Policy 2.1.8	No change recommended			Maintain
Policy 2.1.9	Updated Narrative			Modify
Policy 2.1.10	Updated Narrative	Intergovernmental Coordination		Modify
Policy 2.1.11	No change recommended			Maintain
Objective 2.2	Updated Narrative		Section 163.3177(6)(a)	Modify
Policy 2.2.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 2.2.2	Updated Narrative	Intergovernmental Coordination		Modify
Objective 2.3	Updated Narrative	Intergovernmental Coordination		Modify
Policy 2.3.1	Updated Narrative	Intergovernmental Coordination		Modify
Goal III	Updated Narrative	Intergovernmental Coordination	Section 1006.23	Modify
Objective 3.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 3.1.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 3.1.2	Updated Narrative	Intergovernmental Coordination		Modify
Policy 3.1.3	Updated Narrative	Intergovernmental Coordination		Modify
Policy 3.1.4	Updated Narrative			Modify
Policy 3.1.5	Updated Narrative	Intergovernmental Coordination		Modify
Policy 3.1.6	Updated Narrative		Section 1013.36 (5)	Modify
Goal IV	No change recommended			Maintain
Objective 4.1	No change recommended			Maintain
Policy 4.1.1	Updated Narrative	Intergovernmental Coordination		Modify
Policy 4.1.2	No change recommended		Section 1013.372	Maintain
Policy 4.1.3	Updated Narrative	Intergovernmental Coordination		Modify

**PLANNING BOARD MEETING
CITY OF ST. PETE BEACH**

Agenda Report

Issue Considered: Sunshine Public Records Training

Date: May 17, 2021

Prepared By: Dickman Law Firm, City Attorney

Through:

Summary of Issue: A review of Florida's public records laws, Sunshine laws, and ethics!

Funding: N/A

Requested Motion: N/A

Attachments: 1. Sunshine Law Presentation - 2020 Final
(00087602-2xE1F64)

OPEN GOVERNMENT OVERVIEW:

January 2020

Patricia R. Gleason

Special Counsel for Open Government

Attorney General Ashley Moody



SUNSHINE LAW

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

SCOPE OF THE SUNSHINE LAW

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



SCOPE OF THE SUNSHINE LAW

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

SCOPE OF THE SUNSHINE LAW

There are three basic requirements:

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

SCOPE OF THE SUNSHINE LAW

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

SCOPE OF THE SUNSHINE LAW

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

SCOPE OF THE SUNSHINE LAW

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

BOARD MEETINGS

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

BOARD MEETINGS

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

PENALTIES

- Civil action
- Criminal penalties
- Suspension or removal from office

PUBLIC RECORDS LAW

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

THE TERM “PUBLIC RECORDS” MEANS:

- a) All “documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software or other material, regardless of the physical form, characteristics, or means of transmission” (**includes electronic communications like text messages, emails**).
- b) Made or received pursuant to law or ordinance or in connection with the transaction of official business
- c) By any agency [including a private entity acting ‘on behalf of’ a public agency]
- d) Which are used to perpetuate, communicate, or formalize knowledge.

PROVIDING PUBLIC RECORDS

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

PROVIDING PUBLIC RECORDS

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

FEES

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

FEEES

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



RETENTION

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

PENALTIES FOR NONCOMPLIANCE

- A. Criminal penalties
- B. Civil action
- C. Attorney's fees



ADDITIONAL RESOURCES

- Office of Attorney General Ashley Moody website:
<http://www.myfloridalegal.com>
- First Amendment Foundation website:
<http://www.floridafaf.org>