



AGENDA
VILLAGE COUNCIL MEETING
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE ■ PALM SPRINGS, FL 33461
SEPTEMBER 11, 2025
6:30 PM

COUNCIL

- ☐ Mayor Bev Smith
- ☐ Vice Mayor Kim Schmitz ☐ Mayor Pro Tem Gary Ready
- ☐ Council Member Johnnie Tieche ☐ Council Member Patti Waller

ADMINISTRATION

- ☐ Village Manager Michael Bornstein ☐ Village Attorney Christy Goddeau
- ☐ Village Clerk Kimberly Wynn

If an individual wishes to challenge any decision made by the Council regarding any matter under consideration, they must have a copy of the proceedings. To do so, they may need to ensure that a complete and accurate record of the proceedings is available. This recording should include all testimonies and evidence that will form the basis of the appeal.

CALL TO ORDER

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Motion	Second	Vote

CONSENT AGENDA

(Public Comment on Consent Agenda Items is permissible prior to voting)

1. **Approval of August 21, 2025, Village Council Special Meeting Minutes:** Motion

for the approval of August 21, 2025, Village Council Special Meeting Minutes
Staff: Kimberly Wynn, Village Clerk

2. **Approval of August 21, 2025 Village Council Meeting Minutes:** Motion for the approval of August 21, 2025, Village Council Meeting Agenda Minutes.
Staff: Kimberly Wynn, Village Clerk
3. **Appointment to the Planning and Zoning Board:** Motion to appoint Junior Alternate Ralph Wiles to the Planning and Zoning Board as a Regular Member to serve an unexpired three-year term.
Staff: Kimberly Wynn, Village Clerk
4. **Reappointment to the Police Officers' Pension Board of Trustees:** Motion to approve reappointment of Mr. Donald Bell as a Resident Member to the Palm Springs Police Officers' Pension Board of Trustees for a term that ends September 30, 2027.
Staff: Kimberly Wynn, Village Clerk
5. **Approval of the FY 2026 Council Meeting Schedule:** Motion for the approval of the FY 2026 Village Council Meeting Schedule.
Staff: Kimberly Wynn, Village Clerk
6. **Approval of Insurance Renewal (FY 2026) - Property, Casualty, Liability, Special Coverage & Workers Compensation - Florida Municipal Insurance Trust (FMIT):** Motion for approval to renew insurance coverage for Property, Casualty, Liability, Special Coverage & Workers Compensation with Florida Municipal Insurance Trust (FMIT) for FY 2026.
Staff: Ashley Saingilus, Human Resources Director
7. **Service Employees International Union/Florida Public Services Union (SEIU/FPSU) Agreement - Reopener Amendments (TA):** Motion to approve the SEIU Agreement - Reopener Amendments (TA) contingent upon the union passing the vote on September, 2025. The Agreement will provide a 4% Across the Board increase effective as of October 1, 2025. Employees will be eligible for a 1% Merit increase for FY 26. The impacts related to the proposed salary increases are within the approved FY 2026 Budget - General Fund.
Staff: Ashley Saingilus, Human Resources Director

End of Consent Agenda....

Motion	Second	Vote

PRESENTATIONS

8. **Proclamation - Recognizing Hispanic Heritage Month on September 15, 2025–October 15, 2025.**

Staff: Juan Ruiz, Director of Parks and Recreation

9. **Proclamation - Recognizing HR Professionals Day on September 26, 2025**

Staff: Ashley Saingilus, Human Resources Director

REGULAR AGENDA

PUBLIC COMMENT (Three-minute limit)

PUBLIC HEARINGS

10. **(First Reading/First Public Hearing) Ordinance No. 2025-08 - Establish Fiscal Year (FY 25/26) Millage Rates - Operating & Debt Service:** Motion to approve Ordinance No. 2025-08 on First Reading for the FY 25-26 operating millage rate for the Village of Palm Springs is hereby levied for 3.5000 mills which is a 1.12% decrease, below the rolled-back rate of \$3.6754. The real property tax roll for the current calendar year has been certified by the Palm Beach County Property Appraiser for a nonexempt valuation of \$2,195,209,535 and of tangible personal property for nonexempt valuation of \$90,931,845 of a total gross taxable value for operating purposes of \$2,286,141,380. If approved, the final public hearing to adopt the FY 25-26 millage rate for operating and debt service is scheduled for September 25, 2025.

Staff: Mara Frederiksen, Finance Director

Motion	Second	Vote

11. **(First Reading/First Public Hearing) Ordinance No. 2025-09 Adopt FY 2025-2026 Budget:** Motion to approve Ordinance No. 2025-09; adopting an annual budget for the year beginning October 1, 2025, and ending September 30, 2026, in the amount of \$87,959,04 for the Village's projected operating expenditures on the First Reading.

Staff: Mara Frederiksen, Finance Director

Motion	Second	Vote

12. **(Second Reading) Ordinance No. 2025-07 Approval of Amendments to Employee Regulations Handbook:** Motion for the approval of Ordinance No. 2025-07; to amend Ordinance No. 2023-08 Employment Regulations for Village employees.

Staff: Ashley Saingilus, Human Resources Director

Motion	Second	Vote

13. **(Second Reading) Ordinance No. 2025-06 - Village Code Amendment - Section 14-61 - Hours of Operation of Establishments and Section 34-891 - Hours of Operation and Hours of Construction Activity:** Motion to approve Ordinance No. 2025-06 to amend the Code of Ordinances, Chapter 14, “Businesses”, Article III, “Alcoholic Beverages”, Section 14-61, to clarify existing regulations on the sale of alcoholic beverages; and amend Chapter 34, Article VI, Section 34-891, to permit extended hours of operation for fuel and gas stations.
Staff: Iramis Cabrera, PZB Director

Motion	Second	Vote

14. **(Second Reading) Approve Ordinance No. 2025-01 - Revise the Purchasing Policy and Ordinance:** Motion to approve Ordinance No. 2025-01 to amend Chapter 58, “Purchasing Code” of the Village Code of Ordinances to increase the Village Manager’s purchasing authority; by updating, clarifying, and deleting certain purchasing provisions; by adding provisions for the acquisition of real property and settlement authority of claims; by allowing for the adoption of a new procurement policy with Village Manager.
Staff: Mara Frederiksen, Finance Director

Motion	Second	Vote

15. **(Second Reading) Ordinance No. 2025-05 - Repealing Section 34-1337 of the Village of Palm Springs Code Ordinance to comply with Section 366.94, Florida Statutes:** Motion to approve Ordinance No. 2025-05 to repeal Section 34-1337 (Ordinance No. 2023-05) to comply with Section 366.94, of the Florida Statutes, which preempted to the state the regulation of electric vehicle charging stations.
Staff: Iramis Cabrera, PZB Director

Motion	Second	Vote

ACTIONS AND REPORTS

VILLAGE MANAGER COMMENTS

VILLAGE COUNCIL COMMENTS

ADJOURNMENT

NEXT MEETING
THURSDAY, SEPTEMBER 25, 2025, AT 6:30 PM
(IMMEDIATELY FOLLOWING THE PALM SPRINGS CRA SPECIAL MEETING)

Village of Palm Springs

Title VI/Nondiscrimination Policy

I. Policy Statement:

The Village of Palm Springs values diversity and welcomes input from all interested parties, regardless of cultural identity, background, or income level. Moreover, the Village believes the best programs and services result from careful consideration of the needs of all its communities and when those communities are involved in the decision-making process. The Village does not tolerate discrimination in any of its programs, services, or activities. Pursuant to Title VI of the Civil Rights Act of 1964 and other federal and state authorities, the Village will not exclude from participation in, deny the benefits of, or subject to discrimination anyone on the grounds of race, color, national origin, sex, age, disability, religion, or family status.

II. Persons with Disabilities:

Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) and related federal and state laws and regulations forbid discrimination against those who have disabilities. These laws require federal-aid recipients and other government entities to take affirmative steps to reasonably accommodate those with disabilities and ensure that their needs are equitably represented.

The Village will make every effort to ensure that its facilities, programs, services, and activities are accessible to those with disabilities. The Village will also make every effort to ensure that its advisory committees, public involvement activities and all other programs, services and activities include representation by communities with disabilities and disability service groups.

The Village encourages the public to report any facility, program, service, or activity that appears inaccessible to those who are disabled. Also, the Village will provide reasonable accommodation to individuals with disabilities who wish to participate in public involvement events or who require special assistance to access facilities, programs, services, or activities. Because providing reasonable accommodation may require outside assistance, the Village asks that requests be made at least three (3) business days prior to the need for accommodation. Questions, concerns, comments, or requests for accommodation should be made to the Village ADA Officer:

Name: Ashley Saingilus, Human Resources Director
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: asaingilus@vpsfl.org
Phone: (561) 584-8200 Ext. 8421

III. Complaint Procedures:

The Village has established a discrimination complaint procedure and will take prompt and reasonable action to investigate and eliminate discrimination when found. Any person who believes that he or she has been subjected to discrimination based upon race, color, national origin, sex, religion, age, disability or family status in any Village program, service or activity may file a complaint with the Village Title VI/Nondiscrimination Coordinator:

Name: Janette Piedra, Human Resources Manager
Address: 226 Cypress Lane, Palm Springs, FL 33461
Email: jpiedra@vpsfl.org
Phone: (561) 584-8200 Ext. 8422



**SPECIAL MEETING MINUTES
VILLAGE HALL COUNCIL CHAMBERS
226 CYPRESS LANE
PALM SPRINGS, FLORIDA
AUGUST 21, 2025 AT 6:00 PM**

CALL TO ORDER

Mayor Bev Smith called the Special Meeting to order at 6:00 PM

ROLL CALL

Present: Mayor Bev Smith, Vice Mayor Kim Schmitz, Mayor Pro Tem Gary Ready, and Council Member Patti Waller

Absent: None

Also Present: Village Manager Michael Bornstein, Village Attorney Christy Goddeau, Village Clerk Kimberly M. Wynn, Police Chief Tom Ceccarelli, Sergeant-In-Arms, Planning, Zoning, and Building Director Iramis Cabrera, Utilities Director Jimmie Johnson, Assistant Utilities Director Paul Ward, Public Works Director Felipe Lofaso, Assistant Public Works Director Timothy Crespo, Finance Director Mara Frederiksen, Procurement Manager Sylvia Ward, Deputy Village Clerk Jane Worth, Records Clerk Andrea Medero, Project Manager Andrew Klausner, and Human Resources Director Ashley Sainglus.

ORDER OF BUSINESS

1. **Council Seat Vacancy - District #4 - Appointment:** Consider the appointment of Johnnie Tieche as Council Member for District #4, to fill an unexpired term until March 2027 due to the resignation of former Council Member Joni Brinkman.

Staff: Kimberly Wynn, Village Clerk

SUMMARY: Council Member Joni Brinkman resigned from the District #4 Council seat on July 23, 2025, creating a vacancy. Under Section 3.07 of the Village Charter, this vacancy must be filled by a majority vote of the Council until the next election.

The Village advertised the vacancy on its website, social media platforms, LED message board, and through legal advertisements.

On August 5, 2025, Mr. Johnnie Tieche submitted his application along with a letter of interest regarding appointment to District #4 Council. Mr. Tieche has expressed his intention to serve in the District #4 Council seat until the upcoming Municipal Election scheduled for March 2027.

Mayor Smith presented this item. She explained that Council Member Joni

Brinkman resigned from the District #4 Council seat on July 23, 2025, creating a vacancy. The Village advertised the vacancy widely. On August 5, 2025, Mr. Johnnie Tieche submitted his application and letter of interest to fill the District #4 seat until the Municipal Election in March 2027.

Mayor Smith commented on Mr. Tieche's credentials. He is a longtime resident, with his family, in the Village and an active member of the community. He has served on the boards in Palm Springs, Florida, as Chairman of both the Planning and Zoning Board and the Property Improvement Program (PIP) matching grant program. He has participated in and attended multiple events in the Village.

The Council commented on Mr. Tieche's experience, background, and community service.

They were pleased to welcome him to the Council.

Mayor Smith offered the public an opportunity to speak. There were no further comments from the public.

Vice Mayor Schmitz motioned for the approval to appoint Mr. Johnnie Tieche to fill an unexpired term for District #4, Council seat, until March 2027. Council Member Waller seconded the motion. The said motion carried 4-0.

Fiscal Impact: There is no direct fiscal impact on the Village as a result of the vacant District #4 Council seat.

2. **Oath of Office for Newly-Appointed Candidate:** The newly appointed Council Member will be sworn in by the Village Clerk.

Staff: Kimberly Wynn, Village Clerk

SUMMARY: Newly appointed Council Member will be sworn into office for District #4, to serve an unexpired term until March 2027.

The Village Clerk, Ms. Wynn, swore in the newly appointed Council Member Johnnie Tieche.

Fiscal Impact: There is no fiscal impact to the Village.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the meeting at 6:13 PM

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **August 21, 2025**. The minutes were formally approved and adopted by the Village Council on **September 11, 2025**.

Kimberly M. Wynn
Village Clerk



**VILLAGE COUNCIL MEETING MINUTES,
VILLAGE HALL - COUNCIL CHAMBERS
226 CYPRESS LANE PALM SPRINGS, FLORIDA
AUGUST 21, 2025 AT 6:30 PM**

CALL TO ORDER

Mayor Bev Smith called the Village Council Regular Meeting to order at 6:15 PM
(Immediately following the Special Meeting).

ROLL CALL

Present: Mayor Bev Smith, Vice Mayor Kim Schmitz, Mayor Pro Tem Gary Ready,
Council Member Johnnie Tieche, and Council Member Patti Waller

Absent: None

Also Present: Village Manager Michael Bornstein, Village Attorney Christy Goddeau,
Village Clerk Kimberly M. Wynn, Police Chief Tom Ceccarelli, Sergeant-In-Arms,
Planning, Zoning, and Building Director Iramis Cabrera, Utilities Director Jimmie
Johnson, Assistant Utilities Director Paul Ward, Public Works Director Felipe Lofaso,
Assistant Public Works Director Timothy Crespo, Finance Director Mara
Frederiksen, Procurement Manager Sylvia Ward, IT Assistant Director Anthony
Parsells, Deputy Village Clerk Jane Worth, Records Clerk Andrea Medero, Project
Manager Andrew Klausner, and Human Resources Director Ashley Sainglus.

INVOCATION

Village Manager Bornstein led the Invocation.

PLEDGE OF ALLEGIANCE

Council Member Tieche led the Pledge of Allegiance.

ADDITIONS, DELETIONS OR MODIFICATIONS, AND APPROVAL OF AGENDA

Mayor Smith requested that Item #3, Approval of Transportation Planning
Agency Member Appointment be moved to the Regular Agenda Item #15A.

Mayor Pro Tem Ready motioned for the approval of the agenda as amended and
Vice Mayor Schmitz seconded the motion. The said motion carried 5-0.

CONSENT AGENDA

1. **Approval of July 24, 2025, Budget Workshop Minutes:** Motion for the
approval of July 24, 2025, Budget Workshop Minutes.
Staff: Kimberly Wynn, Village Clerk

2. **Approval of July 24, 2025, Village Council Regular Meeting Minutes: Motion for the approval of July 24, 2025, Village Council Regular Meeting Minutes.**

Staff: Kimberly Wynn, Village Clerk

3. **MOVED TO ITEM #15A Approval of Transportation Planning Agency Member Appointment:** Motion to approve the Council appointment of Mayor Smith to the Transportation Planning Agency Board.

Staff: Kimberly Wynn, Village Clerk

SUMMARY: The Transportation Planning Agency (TPA) Board is responsible for transportation planning in Palm Beach County, Florida.

As a result of Council Member Joni Brinkman's resignation, a vacancy on the TPA Board was created. Mayor Bev Smith has volunteered to fill this position.

The Council has been requested to approve the appointment of Mayor Bev Smith to the TPA Board.

Mayor Smith spoke on this item. Mayor Smith suggested that since Vice Mayor Schmitz participates in a lot of activities on behalf of the Village, the Council would consider nominating Council Member Tieche as the Alternate Member on the TPA Board. In addition, Council Member Tieche currently works with the transportation plan.

Mayor Pro Tem Ready motioned to appoint Mayor Smith as the Regular Member on the TPA and Council Member Tieche as the Alternate Member and Vice Mayor Schmitz seconded. The said motion carried 5-0.

Fiscal Impact: The proposed appointment does not have a fiscal impact to the Village.

4. **Appointments to the General Employees' Pension Board: Motion to approve the appointment of Mayor Pro Tem Ready and Mara Frederiksen to the General Employees' Pension Board to serve at the pleasure of the Village Council, and the Village Manager, respectively.**

Staff: Kimberly Wynn, Village Clerk

SUMMARY: Mayor Smith resigned from the General Employees' Pension Board effective August 6, 2025, leaving a vacancy for a Council Member on the pension board. Assistant Village Manager Kimberly Glas-Castro resigned from the General Pension Board effective August 11, 2025, leaving a vacancy for the Village Manager designee position on the pension board.

Mayor Pro Tem Gary Ready and Finance Director Mara Fredericksen have expressed an interest in filling the two vacant seats. If appointed, Mayor Pro Tem Ready will serve at the pleasure of the Council in an ex officio capacity. Ms. Fredericksen will serve as the Village Manager's designee at the pleasure of the Manager.

If approved, the General Employees' Pension Board will have one (1) vacancy for a Resident Member.

Fiscal Impact: No fiscal impact.

5. **Approval of the Village Attorney Agreement - Torcivia, Donlon, Goddeau & Rubin, P. A.** Motion for the approval to enter into an agreement with Torcivia, Donlon, Goddeau & Rubin, P.A. to provide legal services to the Village. The agreement will expire September 30, 2028.

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Torcivia, Donlon, Goddeau & Rubin, P.A., has provided professional legal services to the Village since November 2007. Mr. Torcivia, Ms. Goddeau, and staff have developed a good working relationship with the Village, which has resulted in positive legal solutions/outcomes for the Village.

The scope of work provided varies and includes, but is not limited to:

- Growth management/annexation advice
- Review of the Village's resolutions, ordinances, contracts, etc., for legal form and sufficiency
- Provide legal opinions/interpretations.
- Labor and employment counsel
- General litigation representation
- Attendance at all Village Council meetings, Code Enforcement Special Magistrate Hearings, and Planning & Zoning Board meetings

Ms. Goddeau is requesting to renew the expiring agreement (September 30, 2025) with the following proposed amendments:

- A new term that would expire **on September 30, 2028**
- An approximate 2% increase in compensation for attorneys (\$250 per hour), with an annual increase of \$5 per hour beginning October 1, 2026.

Fiscal Impact: Funds to support legal services from Torcivia, Donlon, Goddeau & Rubin, P.A. are within FY 2026 General Budget.

6. **Resolution No. 2025-52 - Approve Acquisition of Real Property at 242 Cypress Lane and Budget Transfer:** Motion for the approval of Resolution No. 2025-52 to approve the acquisition of the property at 242 Cypress Lane for the negotiated price of \$645,000, amending the budget to transfer funds

from Council Contingency, General Government, and Public Works.

Staff: Michael Bornstein, Village Manager

SUMMARY: The Village has expressed an interest in procuring real property located at 242 Cypress Lane (PCN 70-43-44-18-37-060-0081). Kathleen and Jeffrey Nelson, on behalf of their mother/mother-in-law, Ms. Margaret Murphy, owner, have agreed to the terms and price for the purchase of the property. The objective is to acquire the site for municipal use.

The staff are seeking the Village Council's authorization to proceed with the purchase of the property at the negotiated price of \$645,000 + \$120,000 contingency for any demolition, clearing, and sodding or costs that occur related to the property and the portion of Cypress Lane in front of the Police Department building. The Village Attorney and the Village Manager have evaluated the terms of the agreement.

Note: The Village Manager authorized Phase 1 and asbestos assessments to be conducted at a price of \$7,885.

Note: The property was appraised at \$665,000 in January 2024.

Budget Amendment to allocate funds from various departments in the amount of \$765,000 to cover the expense.

Fiscal Impact: The purchase price of \$645,000 and \$120,000 is covered through a budget transfer from various departments, including Council Contingency, General Government, and Public Works.

7. **Professional Services Agreement - Lobbying Services - Ronald L. Book, P.A.:** Motion to approve a Professional Services Agreement with Ronald L. Book, P.A., for a retainer amount of \$50,000 for state lobbying services. Funding that is available is the proposed FY 2026 Village Council Budget.

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: For the past two years, the Village has engaged a law firm that specializes in lobbying services to represent our interests in Tallahassee and place us in a better position for State discretionary funding. With the assistance of the team from Ronald L. Book, P.A., the Village was able to obtain a State appropriation of \$1 million for the Congress Avenue Sanitary Sewer Force Main project in FY24 (\$750,000 for 2nd Avenue North Stormwater Improvements was approved by the Legislature in FY25, but vetoed by the Governor).

Staff are recommending that the Village again engage Ronald L. Book, P.A., who has an office in Tallahassee (Florida) and Hollywood (Florida). They bring extensive experience in legislative representation as well as professional respect among legislators. Locally, they have represented the Village of Royal Palm Beach, Loxahatchee Groves, Palm Beach County, and numerous other South

Florida cities.

The staff recommends that the Village Council approve the proposed Professional Services Agreement with Ronald L. Book, P.A., for State lobbying services.

Fiscal Impact: The proposed Fiscal Year 2026 Village Council budget includes \$50,000 for a lobbyist. The item is budgeted in account 01111-53100 for Fiscal Year 2026.

8. **Resolution No. 2025-33 - Lease Agreement with Charles J. Taylor Post 4360 VFW For Use of Village Building as Clubhouse and Meeting Hall:** Motion for the approval of Resolution No. 2025-33 to enter the new Lease Agreement with Charles J. Taylor Post 4360 VFW for five years, with an option to renew for 5 additional years, for use of the Village Building at 222 Cypress Lane as a Clubhouse and Meeting Hall.

Staff: Kimberly Glas-Castro, Assistant Village Manager

SUMMARY: Charles J. Taylor VFW Post 4360 has leased the Village-owned building located at 222 Cypress Lane, within the Municipal Complex, since 1964 as its clubhouse and meeting hall. The most recent Lease Agreement expired on July 23, 2024, and VFW Post 4360 desires to enter into a new lease to continue utilizing the building.

The proposed Lease Agreement provides for a five (5) year initial term commencing on approval of the new lease by the Village Council with one (1) five (5) year option to renew. A nominal annual rent charge of \$1.00 is proposed. As part of the new lease, VFW Post 4360 agrees to maintain the required insurance, indemnify the Village, maintain the building and premises, and adhere to rules including, but not limited to, not utilizing the Lake Worth Drainage District easement for parking and/or access to the premises.

Note: The provided policy expires in December 2025.

Fiscal Impact: If approved, VFW Post 4360 would pay rent of \$1.00 per year for the full ten (10) year term (if the five-year renewal option is exercised).

9. **Resolution No. 2025-50 Contract Award – ITB No. 2025B - 009 – Main & Pratt WTP Protective Coating System Restoration (TO #343 & TO #344) - Utilities Department – Shamrock Restoration Services Inc.** Motion to approve Resolution No. 2025-50 to enter into a contract with Shamrock Restoration Services, in the amount of \$929,644 for the Main & Pratt WTP Protective Coating System Restoration (TO #343 & TO #344). Funding is available from the Water Sewer fund.

Staff: Jimmie Johnson, Utilities Director

SUMMARY: The Utilities Department needs to perform protective coating

system restoration work to the infrastructure at the Main and Pratt Water Treatment Plant (WTP). The existing protective coatings were done in the early 2000s and have reached their end of life and have begun to deteriorate, leaving the Plant susceptible to corrosion and degradation. The coating systems applied to infrastructure are critical in prolonging service life and mitigating long-term damage to equipment and piping.

The Utilities Department advertised the project for bid on May 27th, 2025, and received the following eight (8) proposals.

Bid Proposals:

1. Creative Contracting Group - \$813,900
2. Sun Art Painting Corp. - \$873,560
3. Shamrock Restoration Services, Inc. - \$929,644
4. Restoration & Protective Solutions LLC - \$971,000
5. Southern Star Contractors, Inc. - \$991,700
6. Titan Construction Management LLC - \$1,575,000
7. Southern Road & Bridge, LLC - \$1,591,500
8. WGM Quality Painting, Inc. - \$2,000,000

After reviewing all the submitted bids, the Village determined that Creative Contracting Group and Sun Art Painting Corp had the lowest bids, but both were disqualified. Creative Contracting Group did not meet the required qualifications, and Sun Art Painting Corp submitted an incomplete bid package. Therefore, the Village's Project Management Team and the contracted engineer recommend awarding the contract to Shamrock Restoration Services. They are the lowest bidder who meets all the requirements. The project cost is not to exceed \$929,644.

Fiscal Impact: The agreement with Shamrock Restoration Services Inc., for the Main & Pratt WTP Protective Coatings (TO #343 & TO #344) will be funded by Account No. 41336-56300 at a cost not to exceed \$929,644 which is below the FY2025 approved budget of \$1,800,000.00 for this project.

10. **Professional Services Agreement - Owner's Representative/Project Manager for Utilities Operations Building Project (Task Order No.331) - Gregory H. Siefker:** Motion to approve a Professional Services Agreement with Gregory H. Siefker for an amount not to exceed \$239,475.00 to serve as the project manager during the design and construction of the Utilities Operations Building Project (Task Order No. 331). Funding is available from the Water and Sewer Enterprise Fund.

Staff: Jimmie Johnson, Utilities Director

SUMMARY: The Utilities department has requested the professional services of an "owner's representative" to serve as the project manager during the design

and construction of the Utilities Operations Building Project (Task Order No. 331). An Owner's Representative represents the Village's interests and ensures coordination between the Construction Manager at Risk (To be Determined) and Design Professionals (Currie Sowers Aguila Architects and CHA Consulting, Inc.).

The Village staff recommends retaining Gregory (Greg) Siefker as the project manager. Mr. Siefker has over 30 years of construction experience. He has been a construction manager and owner's representative for many projects, such as FPL, Marriott, Norton Museum of Art, and is currently representing the Village as the Owner's Representative on the Villages Police Department Expansion Project. He will bring a level of expertise and experience that cannot be provided by Village staff.

The scope of services provided as the Village's Owner's Representative includes

Pre-Construction Services

1. Assist in completing the design with the Engineer/Architect.
2. Look for value engineering opportunities.
3. Be a member of, or advisor to, the Construction Manager (CM) at Risk Request For Proposal (RFP) Selection Committee.
4. Provide professional review of contract documents with supporting vendors.
5. Review of permit and scope documents to support pricing.
6. Review of Guaranteed Maximum Price (GMP) Proposal from the CM at risk.

Construction Services

1. Participate in telephone and electronic communications with the client and project team to coordinate the Project, discuss Project strategy, and provide periodic updates. OAC meetings are anticipated weekly, with separate update meetings scheduled as needed for Utilities management.
2. Review proposed contract changes in order to validate changes or scope deficiencies and confirm that proposed material and labor rates are in line.
3. Review the validation of Contractors' monthly pay applications and vendors' invoices. Manage all Notices to Owner, logging monthly partial releases associated with contractor's applications for payment.
4. Coordinate with Village of Palm Springs Building Department staff to develop a punch list of items needed to be completed to obtain a certificate of completion for each project component.

5. Support warranty process and compilation of manufacturers' warranties.
6. Support Project closeout with review of final lien releases and Final Affidavit by General Contractor.

Mr. Siefker has committed his attention to the Village's construction project for the duration of the effort. His hourly rate is \$195 through December 31, 2025, and will be increased to \$215 per hour through the end of the project, and he estimates an average of 15–20 hours during pre- construction and 15–20 hours per week during construction, with variations as each phase progresses. The total amount to be paid by the Consultant under this Agreement shall not exceed Two Hundred Thirty-Nine Thousand Four Hundred Seventy-Five Dollars (\$239,475.00).

Note: Greg Siefker is recommended due to his value-added approach that results in project cost savings, proximity to the Village, and his professionalism. He has agreed to the terms of the draft professional services agreement that was drafted by the Village Attorney.

The Village has previously worked with Mr. Siefker, but his references commented that he provided excellent service in their construction efforts.

Fiscal Impact: The cost for these services will be included in the Utilities Operation Building construction project and funded through account #56200 in the Water and Sewer Enterprise Fund with a total amount does not exceed Two Hundred Thirty-Nine Thousand Four Hundred Seventy-Five Dollars (\$239,475.00).

11. **Resolution No. 2025-20 - Approve a Three-year Contract Renewal with Epicurean Park LLC for Landscape Services Village Wide:** Motion to approve Resolution No. 2025-20 to renew an amended agreement with Epicurean Park, LLC for three years and improve an increase for the total annual cost of \$156,294.00. Funding is available from multiple departments. Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Village's Public Works Department actively manages all the mowing, edging, trimming, and weeding of all public facilities, green spaces, and parks. As part of maintaining a high level of service for our residents and stakeholders on Village-owned property, Landscape Services was contracted out in 2022 to Epicurean Park LLC. The vendor has performed exceptionally well and maintains a high standard for landscape maintenance services throughout the Village. The initial contract period is for a 3-year term expiring on September 5, 2025, with the option to renew for an additional 3-year term beginning on September 6, 2025. The initial 3-year contract period held all contract rates with no increases. The contractor has submitted a request for cost increases of approximately 17%, which equates to \$27,204.00. The increase in costs comes after the contractor experienced labor wage, insurance, and equipment cost increases across the board.

The Public Works Department is recommending the First Amendment to Epicurean Park LLC Landscape Services Agreement for the 3-year renewal at an annual cost of \$156,294.00.

Fiscal Impact: The First Amendment to the Epicurean Park LLC Landscape Services Agreement has an annual cost of \$156,294.00, which is funded through the General Fund, comprising the Public Works, Parks and Recreation, and Water Utility Departments. The contract's financial breakdown is as follows: Public Works - \$72,174.00, Parks and Recreation - \$67,380.00, Water Utilities - \$16,740.00

12. **Resolution No. 2025-51 Approval of the Agreement between the Village of Palm Springs and Palm Beach County for the FY26 Community Development Block Grant (CDBG) for the Lakewood Gardens Park Improvements Project:** Motion to approve Resolution No. 2025-51 to authorize the Mayor or their designee to approve an Interlocal Agreement with Palm Beach County to provide CDBG funding for Lakewood Gardens Park Improvements and the Village for \$129,228 in FY 26.

Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Village of Palm Springs is located within the Housing and Urban Development (HUD) entitlement area and therefore receives Community Development Block Grant (CDBG) funds each year as allocated. For FY26, the Village is scheduled to receive \$129,228.00 from the Palm Beach County (PBC) CDBG program for the purposes of Capital Improvements for Public Facilities Improvements. Staff have identified Lakewood Gardens Park at 4000 Lakewood Road, Palm Springs, as a good candidate for capital improvements to replace the existing fencing and improve the on-street parking for vehicles. The total improvements are estimated to cost approximately \$130,000 and be fully funded through the CDBG fund allocation.

Fiscal Impact: The approval of the Agreement with the Village of Palm Springs and Palm Beach County is being funded with a CDBG grant in the amount of \$129,228.00 which is fully reimbursable.

End of Consent Agenda....

Mayor Smith offered the public an opportunity to speak on the Consent agenda. There were no comments from the public.

Mayor Pro Tem Ready motioned for the approval of the Consent Agenda as presented and Council Member Waller seconded. The said motion carried 5-0.

PRESENTATIONS

13. **Presentation from Rhonda Giger, General Counsel with the Palm Beach County Commission on Ethics**

Staff: Kimberly Wynn, Village Clerk

Ms. Rhonda Giger, General Counsel with the Palm Beach Commission on Ethics, introduced herself to the Council. She stated that the Palm Beach Commission on Ethics is celebrating its 15-year anniversary. They are available to come onsite for training employees and elected officials. Ms. Giger also distributed new ethics books for employees.

Mayor Smith offered the public an opportunity to speak. There were no public comments. Mayor Smith asked for clarification on filing Form 9.

14. **Presentation from Palm Beach County Fire Rescue: Battalion Fire Chief Ronald Martinez will provide an update on Palm Beach County Fire Rescue Operations**

Staff: Kimberly Wynn, Village Clerk

Palm Beach County Battalion Fire Rescue Chief Ronald Martinez advised the Council that a short video would be sent before the meeting. Chief Martinez said that PBCFR is busy with hiring. The agency begins taking applications in June. He discussed the carbon monoxide alarm installation project.

Mayor Smith offered the public and Council an opportunity to speak. Mayor Pro Tem Ready asked the status of the geo-fencing with the traffic lights. Chief Martinez explained the project is still in the infancy stages. Palm Springs is the first and only city that will use it at this time. They also discussed the proposed schedule changes that would take effect in 2027 for fire rescue if approved. Fire Rescue would do 24-hour shifts, then have 72 hours off. There is a concern about the mental health of fire personnel. The change will increase the personnel, and Kelly days will be removed. Further discussion ensued about staffing.

15. **Presentation on the Creation of a Village Standard for Landscaping in the Right-of-Way, Village Facilities and Parks - Public Works Department**

Staff: Felipe Lofaso, Public Works Director

SUMMARY: The Public Works Department is actively involved in the maintenance and care of trees, hedges, and ornamental plants throughout the Village's rights-of-way and public spaces. This presentation will review various landscape palette options for consideration in new construction projects, the replacement of existing landscaping, and, new plantings along roadways. Topics of discussion will include suitable types of trees, hedges, and ornamental plants that are drought and heat-tolerant, an overview of native landscape options, and factors to consider for maintenance efficiency.

Fiscal Impact: There is no fiscal impact on this item as it is a presentation only.

Mr. Lofaso spoke on this item. He presented a variety of landscaping options to consider for new construction projects, the replacement of outdated or damaged landscaping, and the introduction of new plantings along roadways. Mr. Lofaso discussed the range of tree species, hedge varieties, and ornamental plants that are specifically chosen for their ability to thrive in drought and heat conditions. Additionally, he provided an overview of native landscaping options that can enhance local biodiversity. Lastly, he discussed important factors to consider for ensuring efficient maintenance of these landscapes, to ensure they remain healthy and vibrant over time.

Mayor Smith offered the Council and public an opportunity for further comment.

Mayor Pro Tem Ready asked if the Village would need an arborist to maintain the trees. Mr. Lofaso advised that the more mature trees may require an arborist. Mayor Pro Tem Ready also inquired about insect-resistant trees. Mr. Lofaso stated that the Village tried to plant native trees to prevent it.

Council Member Waller asked about the use of Liriope grass. She supported the idea of having a certified arborist on staff. Vice Mayor Schmitz thanked the staff for their attention to detail and research on the various plants, hedges and trees. Council Member Tieche complimented the staff on the landscaping at Greenbrier Drive and Davis Road. Mayor Smith likes Foxtail Palms and the ground coverings. She also likes the Spanish Stopper; however, there is a foul smell emitted from them in the summer. She questioned whether the trees are pet-friendly.

At this point, the Council asked for an update on the 2nd Avenue Building Renovation project and the Complete Streets Project. Mr. Lofaso provided an update. The project should be completed in about 3 months. The Complete Streets project is scheduled to be done in 2028-2029.

PUBLIC COMMENT

Mayor Smith opened the meeting to public comment. There were no comments from the Public.

REGULAR AGENDA

16. **Resolution No. 2025-48 Approve a Purchase Order with ThinkGuard - FY2025:** Motion to approve Resolution No. 2025-48 as a Best Interest on a 4/5 vote, authorizing the Mayor, or her designee, to execute a Purchasing Agreement for a term of three (3) years with ThinkGuard for \$223,123 to maintain IT services. Funding is available in the FY 2025 General Budget.
Staff: Mara Frederiksen, Finance Director

SUMMARY: The Village has been utilizing VC3 since September 2018 for disaster recovery services and 24/7 cybersecurity. On October 26th, 2023, VC3 began its partnership with ThinkGuard. ThinkGuard is a leading technology risk management firm founded in 2013 with a specific focus on serving the public sector to provide these services. To support, maintain, and continue these vital services, the IT Department is requesting approval from the Council to maintain services through ThinkGuard.

The Village's Purchasing Code, Section 58-11, Best interest acquisitions, provides that the Village may acquire or contract for non-real property, goods or services without utilizing the competitive selection purchasing requirements where the Village Council declares by at least a four-fifths (4/5) affirmative vote that the competitive selection process is not in the best interest of the Village. The Village Council shall make specific factual findings that support its determination, and such contracts shall be placed on the regular village council agenda. This provision may not be used to contract for goods or services which such a contract would exceed the limits outlined in F.S. §§ 287.055 or 255.20, as amended.

If approved, the Village would issue ThinkGuard a purchase order with our terms and conditions. The total cost of Cybersecurity Services within the Village for the next 3 years is \$223,123. This funding was included within the FY 2025 Budget - General Fund as adopted and in subsequent budget years. The Village will not expend more than the amount within the approved budget, as it may be adopted/amended each year for these goods and services over the term of this contract.

Fiscal Impact:

- Implementation and first month's fees = \$19,493.00 (August)
- September recurring = \$5,818.00
 - Total expenditure for FY25 = \$25,311.00

3-year contract for services = \$223,123, including initial hardware and implementation

Ms. Frederiksen presented this item. She explained that the Village has been using VC3 for disaster recovery and cybersecurity since September 2018. On October 26, 2023, VC3 partnered with ThinkGuard, a technology risk management firm focused on the public sector. The IT Department is seeking approval from the Council to continue these services with ThinkGuard.

According to the Village's Purchasing Code, Section 58-11, the Village can acquire services without competitive selection if the Council votes by at least four-fifths (4/5) that it is not in the Village's best interest. If approved, a purchase order will be issued. The total cost for Cybersecurity Services over the next three years

is \$223,123, covered in the FY 2025 Budget and future budgets, ensuring expenditures do not exceed approved limits.

Village Attorney Goddeau read the title of the caption to the record. Mayor Smith offered the public an opportunity to speak on this item. There were no comments.

Mayor Pro Tem Ready motioned for the approval of Resolution No. 2025-48, and Vice Mayor Schmitz seconded the motion. The said motion carried 5-0.

PUBLIC HEARINGS

17. **(Quasi-Judicial Hearing) Resolution No. 2025-47 - Site Development Plan Amendment - (SPR25-07) - Village of Palm Springs - Utility Department - New Operations Building - 360 Davis Road: Motion to recommend approval of an application submitted by Mr. Jess Sowards, AIA, and Jayson Hall on behalf of the Village of Palm Springs Utility Department ("Applicant"). Requesting approval for a Site Development Plan Amendment (SPR25-07) to allow the construction of a 22,670-square-foot operations building within the water treatment plant property located at 360 Davis Road.**

Staff: Iramis Cabrera, PZB Director

SUMMARY: Mr. Jess Sowards, AIA & Jayson Hall, on behalf of the Village of Palm Springs Utility Department ("Applicant"), are requesting a Site Development Plan Amendment approval (SPR25- 07) to allow the construction of a 22,670 square-foot building designated for the operations building within the water treatment plant property located at 360 Davis Road.

The Village of Palm Springs Utility Department is proposing improvements to the Utility Emergency Operations Center (EPOC) Building at the Main Water Treatment Plant. The services generally consist of a two-story building for the Utility Department's Emergency Operations Center and Operations Building on the existing water utilities site.

The project includes the following demolitions:

1. Demolition of the existing Water Treatment Plant Office.
 2. Demolition of the existing generator enclosure, fuel tank, fuel dispenser, and fuel storage building.
 3. Demolition of existing Metal Building (one-story maintenance metal building).
- The proposed operations building will be designed to accommodate the personnel of the water treatment plant and store essential components for water treatment operations. Additionally, the facility will provide storage for the VAC trucks utilized in the treatment processes.

The proposed operations building is approximately 22,670 gross square feet in total and includes:

- Office space within a two-story building with approximately 11,818 square feet.
- Water plant parts storage.
- Truck bays.
- And a mezzanine area of approximately 8,851 square feet.

Note: The mezzanine serves as overflow storage for water treatment plant parts.

Site improvements include enhancements to the impervious surfaces with new landscape islands, additional parking, a new generator enclosure, and the relocation of the fuel dispenser.

The Planning & Zoning Board considered the proposed site plan during their meeting on July 8, 2025, and recommended approval.

Staff reviewed the proposed Site Development Plan Amendment and found the proposed expansion to be generally consistent with the goals, objectives, and policies of the Village's Comprehensive Plan. The proposed project is generally consistent with the Land Development and Zoning Regulations and all other portions of the code.

The Planning, Zoning, and Building Staff supports the applicant's request and recommends conditional approval to facilitate improvements in the utility emergency operations center for the water treatment plant.

Fiscal Impact: Funding to support the project is available within the FY 2025 and FY 2026 Budgets - Water and Sewer Enterprise Fund.

Mayor Smith asked the Council to disclose their ex parte communication. Mayor Pro Tem Ready disclosed that he attended the Planning and Zoning Board meeting where this item was discussed. The Village Clerk, Ms. Wynn swore in the applicant and staff.

Dr. Johnson introduced the engineer, Mr. Jess Sowards. The Utilities Department is requesting approval of a Site Development Plan Amendment (SPR25-07) for a 22,670- square-foot operations building at the water treatment plant located at 360 Davis Road. This project involves demolishing the existing Water Treatment Plant Office, generator enclosure, fuel tank, and a one-story maintenance metal building. The new two-story building will serve as the Utility Emergency Operations Center and will house office space, water plant parts storage, truck bays, and overflow storage in a mezzanine. Site improvements will include new landscaped islands, additional parking, a generator enclosure, and a relocated fuel dispenser. Mr. Sowards entered the staff report into the record, along with the presentation.

Mayor Smith offered the public and Council an opportunity to speak. There were no comments from the public.

Mayor Pro Tem Ready asked if the handicap spaces in front of the proposed building were required. Council Member Waller questioned if the root system from the trees would damage the piping. Mayor Smith questioned the elevation level of flooding at the plant. Mr. Ward spoke about the precautions taken to avoid flooding. The Council asked about the cost of the project. Staff responded that they did not have the total cost at this time, but they are looking at roughly 12 million dollars.

Village Attorney Goddeau read the title of the caption to the record.

Council Member Waller made a motion to approve Resolution No. 2025-47, and Vice Mayor Schmitz seconded. The said motion carried 5-0.

18. (First Reading) Ordinance No. 2025-07 Approval of Amendments to Employee Regulations Handbook: Motion for the approval of Ordinance No. 2025-07; to amend Ordinance No. 2023-08 Employment Regulations for Village employees.

Staff: Ashley Saingilus, Human Resources Director

SUMMARY: The Village of Palm Springs Employment Regulations Handbook was established on October 10, 1996, per Ordinance No. 96-07. The last revision of the employee regulations was completed on September 26, 2023 (Ordinance No. 2023-08). The proposed amendments reflect changes and/or updates to village policies and procedures as well as updates to state laws. The revisions also meet the current practices of the Village.

These regulations provide a clear set of guidance for all Village employees by providing policies, procedures, and appropriate conduct as a Village employee.

The Human Resources Director is responsible for the provisions regarding the employee handbook and will bring forward any amendments to the Village Council through the Village Manager.

Key Summary of Changes:

- 2.5 Background Checks – Added clarity on consequences if an employee's Driver's License is deemed suspended, expired or revoked.
- 2.7 Employment of Relatives – Nepotism - Added Language and reference to Palm Beach County Code of Ethics
- 6.3 Social Networking, Social Media, and Blogging - Consolidating the standalone policy and the version in the employee regulations into a single unified policy to eliminate duplication and ensure consistency.
- 7.8 Employee Classification and Compensation Plan Starting Pay/ Administrative Salary Increase – Added HR Director in approval chain

- 7.9 Personal Use of Vehicles in Reference to Village of Palm Springs Take-Home Vehicle Policy – Non-Police
- 8.9 Paid Parental Leave – New policy
- 10.4 Travel Expenses While on Village Business – Updated language and added updated per diem allowance for meals and lodging.
- 10.5 Local Travel and Expenses – Updated Language
- 10. 9 Periodic Record Checks – Added clarity on consequences if an employee's Driver's License is deemed suspended, expired, or revoked.
- Chapter 11: Employee Tuition Reimbursement - Consolidating the standalone policy and the version of the employee regulations into a single unified policy to eliminate duplication and ensure consistency.
- 12.2 Personal Leave Incentive Payment Program – Updated language and removed specific criteria for eligibility.
- Chapter 14: Drug-Free Workplace Policy - Consequences of Positive Confirmed Test Result – Updated language and consequences for violation of policy.
- Chapter 16: Hurricane & Emergency Preparedness – Added new chapter
- 16.2 Local Emergency Pay Conditions - Consolidating the standalone policy and the version of the employee regulations into a single unified policy to eliminate duplication and ensure consistency. Revisions are included to add Florida Recovery Obligation Calculation (F-ROC) standards/changes.
- 20.4 Types of Offenses/Bad Conduct – amended the policy language to establish an amount that constitutes excessive.

The proposed amendments were prepared by the Human Resources Director and reviewed by the Village Attorney.

Fiscal Impact: There is no financial impact.

Mrs. Saingilus presented this item. She explained that the Village of Palm Springs Employment Regulations Handbook was established on October 10, 1996, with the last revision on September 26, 2023. The revisions reflected updates to Village policies, procedures, and state laws. Mrs. Saingilus explained that the changes condensed, combined, amended, and removed certain language.

Mayor Smith offered the public an opportunity to speak. There were no questions from the public.

Village Attorney Goddeau read the title of the caption to the record.

Mayor Pro Tem Ready made a motion to approve Resolution No. 2025-07 and Council Member Tieche seconded. The said motion carried 5-0.

19. **Resolution No. 2025-49 - Amending Section 177.071, Florida Statutes by Designating an Administrative Official to Administratively Approve Plats and Replats:** Motion to approve complying with Senate Bill 784 (2025), which amended Section 177.071, Florida Statutes, by requiring all plats and replats to be administratively approved and requiring all municipalities to designate an administrative official to administratively approve, approve with conditions, or deny plats and replats on or after July 1, 2025.

Staff: Iramis Cabrera, PZB Director

SUMMARY: During the most recent 2025 Florida Legislative Session, Senate Bill 784, which was signed into law on June 20, 2025, and became effective on July 1, 2025, amending Section 177.071, Florida Statutes, related to the platting and replating approval process, and now requires be administratively approved by a designated authority of the local government, and no further action or approval by the governing body is required if the plat or replat complies with the statutory requirements.

The law requires the Village Council to adopt a Resolution or Ordinance appointing an "administrative officer or employee" as the person who is to approve plats and replats. Staff recommend the Planning, Zoning, and Building Director as the administrative authority and official responsible for reviewing, processing, and administratively approving or denying plats and replats for the Village.

The proposed resolution was prepared by the Planning, Zoning & Building Director and reviewed by the Village Attorney.

Fiscal Impact: Amending the Florida Statutes, which is required due to new approved legislation during the 2025 Florida Legislative Session, does not have a fiscal impact.

Ms. Cabrera presented Resolution No. 2025-49. She stated that Senate Bill 784 was effective July 1, 2025. It allows for administrative approval of plats and replats by a designated local authority, eliminating the need for Council approval if statutory requirements are met. Ms. Cabrera recommended the appointment of the Planning, Zoning, and Building Director as the approving officer.

Mayor Smith offered the public and Council an opportunity to speak. There were no comments.

Village Attorney Goddeau read the title of the caption to the record.

Council Member Waller motioned for the approval of Resolution No. 2025-49, and Vice Mayor Schmitz seconded. The said motion carried 5-0.

20. **(First Reading) Ordinance No. 2025-05 - Repealing Section 34-1337 of the Village of Palm Springs Code Ordinance to comply with Section 366.94, Florida Statutes:** Motion to approve Ordinance No. 2025-05 to repeal Section 34-1337 (Ordinance No. 2023-05) to comply with Section 366.94, of the Florida Statutes, which preempted to the state the regulation of electric vehicle charging stations.

Staff: Iramis Cabrera, PZB Director

SUMMARY: During the most recent 2025 Florida Legislative Session, Senate Bill 700, which was signed into law on May 15, 2025, amended Section 366.94, Florida Statutes, related to electric vehicle charging stations, including the following revisions:

- Regulation of electric vehicle charging stations is preempted by the State.
- The requirement that local governments issue permits for electric vehicle charging stations is based solely upon standards established by the Department of Agriculture and Consumer Services and other applicable state law.
- Approving or denying the permit application shall follow the time period established by the Department of Agriculture and Consumer Services.
- Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the Department of Agriculture and Consumer Services in a form prescribed by department rules.

Note: On May 11, 2023, the Village Council approved a code amendment under Ordinance No. 2023-05 to add a new Section 34-1337, including regulations for electric vehicle charging stations.

Currently, as required by Section 366.94, Florida Statutes, staff are requesting to repeal Village Code Section 34-1337 to be in compliance with the state laws and regulations.

From the permitting perspective, the Planning, Zoning, and Building Department will follow the standards established by the Department of Agriculture and Consumer Services and all applicable state laws.

Fiscal Impact: Repealing the Village Code of Ordinances, which is required due to new approved legislation during the 2025 Florida Legislative Session, does not have a fiscal impact.

Ms. Cabrera presented Ordinance No. 2025-05. She stated that during the 2025 Florida Legislative Session, Senate Bill 700 was signed into law on May 15, 2025, amending Section 366.94 regarding electric vehicle charging stations. She described some of the key points included:

- State preemption over the regulation of electric vehicle charging stations.

- Local governments must issue permits based solely on standards established by the Department of Agriculture and Consumer Services.
- The permit approval process must adhere to a timeframe set by the Department.
- Chargers must be registered with the Department before being used publicly.

Further, she explained that to comply with the new state laws, the Village Council is requesting the repealing of Village Code Section 34-1337, which was established under Ordinance No. 2023-05.

Village Attorney Goddeau read the title of the caption into the record. Mayor Smith offered the public and Council an opportunity to speak.

Mr. Thomas Arth at 240 Tam O'Shanter Drive: Mr. Arth commented about the Village's participation with lobbyists and his concern about the state impeding on home rule. Mayor Smith addressed his concerns. She responded that the Village advocates through the League of Cities, and we also have a lobbyist that represents the Village here, as well as in Tallahassee.

Mayor Pro Tem Ready motioned for the approval of Ordinance No. 2025-05 and Council Member Waller seconded. The said motion carried 5-0.

21. **(First Reading) Ordinance No. 2025-06 - Village Code Amendment - Section 14-61 - Hours of Operation of Establishments and Section 34-891 - Hours of Operation and Hours of Construction Activity: Motion to approve Ordinance No. 2025-06 to amend the Code of Ordinances, Chapter 14, "Businesses", Article III, "Alcoholic Beverages", Section 14-61, to clarify existing regulations on the sale of alcoholic beverages; and amend Chapter 34, Article VI, Section 34-891, to permit extended hours of operation for fuel and gas stations. Staff: Iramis Cabrera, PZB Director**

SUMMARY: The Planning, Zoning, and Building staff are requesting a housekeeping amendment to the Village Code, specifically Chapter 14 - Businesses, Article III - Alcoholic Beverages, Section 14-61 - Hours of Operation for Establishments Serving Alcohol. They are also proposing amendments to Chapter 34 - Land Development, Article VI - Land Use, Division 7 – Supplemental District Regulations, Section 34-891 - Hours of Operation and Hours of Construction Activity. These amendments aim to clarify existing provisions regarding the dispensing and selling of alcoholic beverages in accordance with Florida Statutes. The goal is to ensure that the operating hours for establishments selling alcoholic beverages are clearly defined for both on-premise and off-premise consumption.

Additionally, the staff seeks to allow full-service or gas stations (with or without convenience stores) to operate at regular hours from 6:00 am to midnight. These

establishments would also have the option to apply for an administrative variance, or request an extension of their operating hours from the Village Council.

It is important to note that the provisions in Section 34-891 concerning hours of operation for selling alcoholic beverages for off-premises consumption will be removed and relocated to Section 14-61, consolidating all regulations regarding alcoholic beverages into one section.

The hours of operation for establishments dispensing and selling alcoholic beverages are as follows:

All establishments wherein alcoholic beverages are dispensed for on-premises consumption	7:00 am – 2:00 am Sunday does not commence until noon.	If located within 250 feet of a residential district, 7:00 am – 11:00 pm
Restaurants	As late as 11:00 pm	
Package liquor stores for consumption off-premises	7:00 am – 2:00 am	
All establishments (except for package liquor stores) wherein alcoholic beverages are sold for off-premises consumption	7:00 am - 11:00 pm	Administrative variance can be approved to extend its hours from 11:00 pm to Midnight
A fuel station or gas station, with or without a convenience store, legally exists within the Village as of October 1, 2025.	6:00 am - Midnight	Administrative variance can be approved to extend the hours. However, such extended hours should not include selling alcoholic beverages.
All new fuel stations or gas stations, with or without a convenience store, do not legally exist within the Village as of October 1, 2025.	6:00 am - Midnight	Variance requires council approval

The proposed Ordinance was prepared by the Village Attorney and reviewed by the Planning, Zoning & Building Director and the Police Chief.

Fiscal Impact: Amending the Land Development Regulations does not have a fiscal impact on the Village.

Ms. Cabrera presented Ordinance No. 2025-06. She said this is a housekeeping item that the Planning, Zoning, and Building staff propose amendments to clarify hours of operation for establishments serving alcoholic beverages and align them with Florida Statutes. Key points include:

1. Clear operating hours for on-premise and off-premise consumption.
2. Full-service gas stations may operate from 6:00 am to midnight, with an option for extended hours.
3. Consolidation of off-premise alcoholic beverage regulations into Section 14-61. Village Attorney Goddeau read the title of the caption to the record. Mayor Smith offered the public and Council an opportunity to speak. There were no comments from the public. Mayor Pro Tem Ready asked how this ordinance would be enforced. Ms. Cabrera advised the same code enforcement steps to be used (warning, citation, etc.).

Mayor Pro Tem Ready motioned for the approval of Ordinance No. 2025-06 and Council Member Tieche seconded. The said motion carried 5-0.

22. **(First Reading) Approve Ordinance No. 2025-01 - Revise the Purchasing Policy and Ordinance:** Motion to approve Ordinance No. 2025-01 to amend Chapter 58, "Purchasing Code" of the Village Code of Ordinances to increase the Village Manager's purchasing authority; by updating, clarifying, and deleting certain purchasing provisions; by adding provisions for the acquisition of real property and settlement authority of claims; by allowing for the adoption of a new procurement policy with Village Manager.

Staff: Kimberly Wynn, Village Clerk

SUMMARY: First Reading of Ordinance 2025-01 to Revise Ordinance 2022-01 Village Code Amendment (Chapter 58) and rescind Resolution 2022-25 (Purchasing Policy) as Administrative.

Upon approval of the Ordinance, changes will come to the Council and the administrative functioning of the changes within the Purchasing Policy will be managed under the Village Manager's Authority.

Ordinance Key Changes

- **Section 58-1 (Purpose and application)**
 - Recognize Procurement Manager as appointed by the Village Manager
- **Section 58-4 (Purchasing Thresholds)**

- Purchases up to \$7,500: Department Head approval.
- \$7,501 to \$25,000: Approvals required from Department Head, Procurement, and Finance.
- \$25,001 to \$50,000: Approvals required from Department Head, Procurement, Finance, and Village Manager.
- Defined "Small Purchases" as under \$50,000
- **Section 58-5 (Purchasing protests)**
 - Change procurement official to procurement manager
- **Section 58-2 (Exempt Purchases)**
- **Section 58-6 (Competitive Selection purchase requirements)**
- **Section 58-7 (Alternative purchasing methods)**
- **Section 58-8 (Cooperative purchasing)**
- **Section 58-9 (Accessing contracts of other government agencies)**
- **Section 58-10 (Village Standard)**
- **Section 58-12 (Emergency purchases)**
- **Section 58-16 (Finance Department Responsibilities)**
- **Section 58-17 (Unauthorized Purchases)**
- **Section 58-18 (Contracting authority in general)**
- **Section 58-19 (Authorization to dispose of surplus goods)**
- **Section 58-20 (Enforcement of purchasing code)**
 - Moved to Procurement Policy
- **Section 58-11 (Best Interest Acquisition)**
 - Moved to Procurement Policy
 - Changed 4/5 vote requirement to majority consent
- **Section 58-16 (Land Purchases) (New 16)**
 - New section to address purchase of Village property

Purchasing Policy Key Updates:

1. **Approval Threshold Adjustments:**
 - Purchases up to \$7,500: Department Head approval.
 - \$7,501 to \$25,000: Approvals required from Department Head, Procurement, and Finance.
 - \$25,001 to \$50,000: Approvals required from Department Head, Procurement, Finance, and Village Manager.
2. **Revised Purchasing Thresholds and Documentation Requirements:**
 - Under \$7,500: Price quotes recommended but not mandatory.
 - \$7,501 to \$25,000: At least one written price quote is required.
 - \$25,001 to \$50,000: Minimum of three written price quotes required.
 - Over \$50,000: Formal solicitation process mandated.
3. **Emergency Procurement Procedures:**
 - Updated to align with (F-ROC) recommendations.
4. **Procurement Process Enhancements:**
 - Streamlined solicitation procedures to improve efficiency.
 - Emphasis on utilizing purchase orders as the preferred procurement method over procurement cards (P-cards).

Fiscal Impact: The Purchasing Code Section 58 is set up to provide guidance to Village Staff and standardize current policies. There is no direct fiscal impact, but overall should improve efficiency of purchasing for Village operations.

Ms. Frederiksen presented Ordinance No. 2025-01. Ms. Frederiksen summarized the key changes to the Purchasing Policy. There were changes to the approval threshold amounts for Department Heads, and Village Council. Further, the Emergency Procurement Procedures and formal solicitation requirements were revised. Ms. Frederiksen also stated that portions of the purchasing policy were removed from the Ordinance, and added to the Purchasing Policy. She advised the Council that the proposed changes aligned with neighboring cities and past spending practices.

Village Attorney Goddeau read the title of the caption to the record. Mayor Smith offered the public and Council an opportunity to speak. There were no comments from the public.

Mayor Pro Tem Ready asked if the Procurement Manager, Mrs. Ward would offer instruction to other municipalities on procurement. Ms. Frederiksen clarified that Mrs. Ward would continue to educate Village staff.

Vice Mayor Schmitz motioned for the approval of Ordinance No. 2025-01, and Council Member Waller seconded. The said motion carried 5-0.

ACTIONS AND REPORTS

There were no Actions and Reports.

VILLAGE MANAGER COMMENTS

Village Manger Bornstein congratulated Council Member Tieche on his appointment. He also congratulated Police Chief Wes Smith (Lake Clark Shores) on his retirement. Mr. Bornstein complimented the staff on their growth and the number of projects presented before the Council that are being completed.

VILLAGE COUNCIL COMMENTS

The Council commented on the Florida League of Cities conference that they attended. They congratulated Council Member Tieche on his appointment. Congratulated Chief Smith on his retirement. Council Member Tieche also talked about the fishing event. He commented that someone caught 51 fish. Mayor Pro Tem Ready reported each event he attended.

ADJOURNMENT

Hearing no further business, Mayor Smith adjourned the Regular Council Meeting at 7:42 PM.

The undersigned is the Village Clerk of Palm Springs, Florida, and the information provided herein is the Minutes of the Regular Council Meeting held on **August 21, 2025**. The minutes were formally approved and adopted by the Village Council on **September 11, 2025**.

Kimberly M. Wynn
Village Clerk

**NEXT REGULAR MEETING:
THURSDAY, SEPTEMBER 11, 2025 (FIRST BUDGET HEARING)
AT 6:30 PM OR IMMEDIATELY FOLLOWING THE CRA BUDGET
MEETING**



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Administration

ITEM #3: Appointment to the Planning and Zoning Board

SUMMARY: Currently, there are two (2) vacancies on the Planning and Zoning Board due to the resignation of Mr. Johnnie Tieche after he was appointed to the Village Council on August 21, 2025.

Junior Alternate Ralph Wiles has expressed an interest in serving as a Regular Member of the Planning and Zoning Board. He is a valuable asset to this Board as a Member. If appointed, he would fulfill the unexpired three-year term ending May 14, 2028.

Mr. Wile's appointment would leave one vacancy on the Board for a Junior Alternate.

FISCAL IMPACT:

The proposed appointment does not have a fiscal impact to the Village.

ATTACHMENTS:

None



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Administration

ITEM #4: Reappointment to the Police Officers' Pension Board of Trustees

SUMMARY: Staff requests that the Village Council reappoint one member to the Police Officers' Pension Board of Trustees. The term for Mr. Donald Bell will expire on September 30, 2025. No other applications were received.

Mr. Bell has submitted an application indicating his interest in remaining on the Board. Therefore, the staff recommended the reappointment of Mr. Bell to the Police Officers' Pension Board of Trustees as a Resident Member for a two-year term that expires September 30, 2027.

If the reappointment is approved, there will be no vacancies on the Police Officers' Pension Board of Trustees.

FISCAL IMPACT:

The proposed appointment do not have a fiscal impact on the Village.

ATTACHMENTS:

1. Board Application is Available Upon Request

BOARD APPLICATION IS AVAILABLE UPON REQUEST



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Administration

ITEM #5: Approval of the FY 2026 Council Meeting Schedule

SUMMARY: The Village Charter and the Code of Ordinances mandate that the Council hold at least one monthly meeting. Therefore, the Village Council is requested to approve the following meeting schedule for Fiscal Year (FY) 2026:

2025

Thursday, October 9, 2025

Thursday, November 13, 2025

Thursday, December 11, 2025

2026

Thursday, January 15, 2026 (Due to holiday constraints)

Thursday, February 12, 2026

Thursday, March 12, 2026

Thursday, April 9, 2026 - Annual Reorganization (*Immediately following the CRA Meeting*)

Thursday, May 14, 2026

Thursday, June 11, 2026

Thursday, July 9, 2026

Thursday, July 16, 2026 - Budget Workshop - 5:30 p.m.

Thursday, July 23, 2026

Thursday, August 20, 2026 (*Date changed due to FLC Conference*)

Thursday, September 10, 2026 (1st Budget Public Hearing) (*Immediately following the CRA Meeting*)

Thursday, September 24, 2026 (2nd Budget Public Hearing)

Note: The meeting start time is 6:30 p.m. unless otherwise indicated on the schedule.

FISCAL IMPACT:

There is no fiscal impact.

ATTACHMENTS:

None



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: HR Department

ITEM #6: Insurance Renewal (FY 2026) - Property, Casualty, Liability, Special Coverage & Workers Compensation - Florida Municipal Insurance Trust (FMIT)

SUMMARY: Approval of Insurance Renewal (FY 2026) - Property, Casualty, Liability, Special Coverage & Workers Compensation - Florida Municipal Insurance Trust (FMIT).

1. Consistency with a single carrier will assist with current and future premium pricing.
2. Maintaining the current carrier would significantly reduce the education and coverage-related issues associated with changing to another company.
3. Continuity with adjusters assists in expediting the closing of outstanding claims.
4. Provide the highest level of benefits.
5. The Turnkey Recovery program, through Synergy NDS, assists with seamless management of all property damage claims.

Gehring Group assisted the Village with preliminary budget projections for the Property, Casualty & Workers' Compensation program aligned with standard market predictions in early Spring. The prediction at the time warranted a budget placeholder approximately 8% higher than in force premiums. As the carrier market secured their reinsurance renewals, it was evident that pricing would become more favorable at renewal. For the reasons highlighted above, it was decided that a market bid would not be issued for FY 2026. Gehring Group recommends marketing the program for FY 2027 with increased reinsurance capital continuing to bolster support for catastrophic coverage, and a softening of the Florida Property market expected with the entrance of additional carriers.

The following program rates were provided by FMIT for the renewal term commencing on 10/1/2025:

Coverage Type	FY 2025	FY 2026
Property & Equipment	\$ 514,246	\$ 450,129
General Liability	\$ 180,297	\$ 245,184
Auto Liability & Auto Physical Damage	\$ 128,248	\$ 139,769
Workers' Compensation	\$ 505,605	\$ 574,366
Pollution Liability	\$ 3,559	\$ 3,915
Statutory AD&D	\$ 3,045	\$ 3,197

LESS: Return of FMIT Premium Credit	N/A	N/A
Total Annual Premium	\$ 1,355,000	\$ 1,416,560

*Includes Public Officials Liability & Employment Practice Liability and Law Enforcement Liability, and Cybersecurity Liability insurance.

Note: Due to catastrophic events worldwide and changes in pricing and structuring of its reinsurance program, FMIT's annual Return of Premium Credit program was suspended by its board of governors in 2019. It has not been re-instituted for FY 25/26.

The Gehring Group recommends that the Village remain with FMIT and continue its coverage.

The proposed annual premium has been reviewed by the Human Resources Director (who manages our insurance program) and the Finance Director.

If approved, the Village would accept the Florida Municipal Insurance Trust's (FMIT) pricing including all terms, conditions, and pricing. The term of the proposed contract would be for one (1) year and would expire on September 30, 2026. The Village will not expend more than the amount in the approved budget as it may be adopted/approved each year for these goods and services for the term of the contract.

The Village's Procurement Code, Section 58-2 — Exempt purchases, provides that the following goods and/or services are approved as exempt purchases when they are included in the adopted annual budget. Exempt purchases are exempt from the competitive selection purchase requirements set forth in this purchasing code: (29) Payments for casualty and property insurance after approval of contract by village council.

The proposed annual premiums were prepared by FMIT and reviewed by the Gehring Group, the Human Resources Director (who manages our insurance program) and the Finance Director.

If approved, the Village's new premiums for FY 2026 will be effective beginning October 1, 2025.

FISCAL IMPACT:

The proposed premiums are included within the proposed FY 2026 Budget - General Fund and Water and Sewer Enterprise Fund.

The Village will not expend more than the amount within the approved budget as it may be adopted/amended each year for these goods and services over the term of this contract.

ATTACHMENTS:

1. Property & Casualty Renewal - Executive Summary
2. P&C and WC Renewal Evaluation

Village of Palm Springs
Property, Casualty & Workers' Compensation
Executive Summary
Effective Date: October 1, 2025

The Florida Municipal Insurance Trust, the incumbent Property, Casualty and Workers' Compensation insurance carrier for the Village of Palm Springs, has provided a renewal proposal for FY 2025/2026 with regards to Property & Inland Marine, General Liability, Public Officials Liability, Employment Practices Liability, Law Enforcement Liability, Auto Liability & Physical Damage and Workers' Compensation insurance coverages. They proposed an overall renewal premium of \$1,409,448 which represents an increase of \$80,422, or 6.1% versus the expiring premium of \$1,329,026.

Because of the ongoing and increasing annual catastrophic losses – the US alone having experienced 31 independent catastrophic events each valued at over \$1 Billion in losses in 2023 – reinsurers have significantly modified their underwriting practices, and prediction models have been updated to capture more relevant loss exposure factors. Initially this correction increased the costs to underwrite global property losses and forced carriers to adopt higher retention levels while simultaneously reducing coverage capacity. Therefore, FMIT board members elected to suspend the Return of Premium (ROP) credit as of FY 2019/2020 and made a policy coverage form modification that eliminated Specified Value contracts effective 10/1/23. However, due to these market corrections, we saw increased capital flowing into the reinsurance market and are experiencing a softening of the Florida Property market with the addition of several new carriers, which has lent to rate stabilization. The Village's Property renewal resulted in a significant decrease of 12.5% for FY 2025/2026.

Workers' Compensation manual rates in Florida mostly decrease in 2025, except for payrolls associated with Public Safety personnel. Village payrolls increased approximately 5.7% which impacts underwriting for its Workers' Compensation insurance which, in tandem with the increase to the Experience Modification Factor, resulted in a 13.6% increase in premium. The Florida Auto insurance market has continued to see double digit increases as both the cost to repair/replace damaged vehicles and the propensity for larger jury awards for liability claims have grown significantly. The Village's Auto Liability and Physical Damage coverage lines saw a 20% increase and 6% decrease, respectively. The Village also receives Pollution Liability and Statutory AD&D coverages with FMIT directly, for which renewal premiums were not available at the time of this agenda submission. Those costs are, however, factored into the overall annual premium total stated above and were adjusted in comparison to expiring.

Summary

Gehring Group recommends that the Village of Palm Springs renew its Property, Inland Marine, General Liability, Automobile, Workers' Compensation and Crime coverages with the FMIT for the package premium of \$1,409,448; and renew its Pollution Liability and Statutory AD&D policies with AWAC and National Union Fire Ins. Co., respectively, for a combined estimated premium of \$7,112.

The overall program cost for the Village of Palm Spring's FY 2025/2026 Property & Casualty and Workers' Compensation program is \$1,416,560.

Village of Palm Springs

Property, Casualty & Workers Compensation Insurance

2025-2026 Renewal Evaluation



	Current			Renewal		
	2024-2025 FMIT			2025-2026 FMIT		
Coverage Type	Deductible	Coverage Limits	Premium	Deductible	Coverage Limits	Premium
Property			\$514,246			\$450,129
Scheduled TIV	\$5,000 AOP; 5% NS	\$55,337,889		\$5,000 AOP; 5% NS	\$55,337,889	
Unscheduled PITO		\$500,000			\$500,000	
Excess Flood	B,C,X: \$5,000; A,V: NFIP Covg Limit	\$5,000,000	Included in Property	B,C,X: \$5,000; A,V: NFIP Covg Limit	\$5,000,000	Included in Property
Inland Marine						
Scheduled	\$5,000	\$889,303	Included in Property	\$5,000	\$889,303	Included in Property
Unscheduled	\$500	\$1,000,000		\$500	\$1,000,000	
Equipment Breakdown	\$5,000 AOP; 5% Named Storm	Property TIV	Included in Property	\$5,000 AOP; 5% Named Storm	Property TIV	Included in Property
Bond						
Faithful Performance	\$0	\$1,000,000	Included in Property	\$0	\$1,000,000	Included in Property
Employee Theft	\$0	\$1,000,000		\$0	\$1,000,000	
Crime Coverage						
Theft of Money and Securities	\$0	\$10,000	Included in Property	\$0	\$10,000	Included in Property
Outside The Premises	\$0	\$10,000		\$0	\$10,000	
Sub Total - Property	\$514,246			\$450,129		
General Liability	\$0	\$1,000,000	\$176,850	\$0	\$1,000,000	\$240,903
Breach Response & Cyber Liability	\$0	\$1,000,000 / \$2,000,000	\$4,077	\$0	\$1,000,000 / \$2,000,000	\$4,281
Public Official & Employment Practices Liability	\$0	\$1,000,000	Included in Gen Liab	\$0	\$1,000,000	Included in Gen Liab
Law Enforcement Liability	\$0	\$1,000,000	Included in Gen Liab	\$0	\$1,000,000	Included in Gen Liab
Sub Total - Liability	\$180,927			\$245,184		
Auto Liability	\$0	\$1,000,000	\$73,675	\$0	\$1,000,000	\$88,444
Auto Physical Damage	Per Schedule	Per Schedule	\$54,573	Per Schedule	Per Schedule	\$51,325
# Units/ACV	161 / \$5,963,331			161		
Sub Total - Auto	\$128,248			\$139,769		
Workers' Comp	\$0	Statutory	\$505,605		Statutory	\$574,366
Payroll Basis		\$18,743,872			\$19,818,827	
Experience Mod Factor		1.10			1.30	
Sub Total - Workers' Comp	\$505,605			\$574,366		
Pollution & Storage Tank* Liability	\$10,000	\$1,000,000/ \$20,000,000	\$3,559	\$10,000	\$1,000,000/ \$20,000,000	\$3,915
Statutory AD&D*	\$0	\$75,000/\$75,000/ \$225,000	\$3,045	\$0	\$75,000/\$75,000/ \$225,000	\$3,197
Sub Total - All Other	\$6,604			\$7,112		
Consulting Fee	\$38,000			\$39,520		
Total Annual Premium	\$1,373,630			\$1,456,080		
\$ Increase or Decrease	N/A			\$82,450		
% Increase or Decrease	N/A			6.0%		



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: HR Department

ITEM #7: Service Employees International Union/Florida Public Services Union (SEIU/FPSU) Agreement - Reopener Amendments (TA)

SUMMARY: The Village and the Service Employees International Union/Florida Public Services Union (SEIU/FPSU) have negotiated and come to a Tentative Agreement (TA) to amend two (2) Articles within the existing three (3) year union agreement, which expires on September 30, 2027.

The Village and SEIU have come to a tentative agreement for a 4% Across the Board effective October 1, 2025, and a 1% eligible merit increase.

The articles with changes from the previous contract are:

Article 25: Safety and Health

Article 37: Compensation Plan (4% Across the Board effective October 1, 2025, and a 1% eligible merit increase)

Please note: Article 36: Uniforms - there is no change - bulleted language to provide clarity

The SEIU/FPSU Membership is expected to vote on these amendments on September 8, 2025. If the membership ratifies the proposed changes, the Village Council will be requested to approve the changes to the existing agreement.

FISCAL IMPACT:

The impacts related to the salary increases are included within the proposed FY 2026 Budget - General Fund.

ATTACHMENTS:

1. SEIU TA'd Articles FY 26

Article 25: Safety and Health

25.1 The Village shall comply with all State and Federal regulations pertaining to the occupational safety of the members of this Bargaining Unit. The Village shall also create and maintain a safe and healthy working environment for Bargaining Unit employees.

25.2 Employees in classifications/positions where it is warranted, will receive up to two (2) pairs of safety shoes/boots of their choice. The Village Manager or his/her designee will be responsible for deciding which positions require the wearing of safety shoes/boots using recommended standards. Management shall determine the type and quality of such shoes/boots. The employees designated to receive shoes/boots will be allowed to choose directly from a vendor of his/her choice. ~~and shall be reimbursed the price of safety shoes/boots up to \$150 per year.~~ Employees will receive a shoe allowance voucher of \$150 dollars for the first full pay period of the new fiscal year (10/1) for each year of this contract.

~~Receipts for shoes must be submitted by September 15th each year.~~

~~Receipts submitted after September 15th will be deducted against the next fiscal year's allowance.~~

~~Purchases within 30 days of conclusion of employment will not be reimbursed by the Village.~~

Any safety shoe/boot that is damaged beyond use while the employee is acting in the performance of their official duties shall be replaced by the Village, up to \$ 150.00, provided that the damage is not a result of negligence.

Such claim must be supported by reasonable proof and shall be subject to approval by the Department Director or his/her designee.

25.3 Safety glasses will be provided to those employees where job may be hazardous to eyes and protection warranted.

25.4 The Village shall make available immunization shots for tetanus, hepatitis, and diphtheria for all members of the Bargaining Unit as requested on a voluntary basis.

SEIU / Date RH 8/12/25

VILLAGE / Date XIO 8/12/25

Article 36: Uniforms

36.1 Employees who are required to wear uniforms (Utilities, Public Works and other field personnel) shall receive the following uniform items; ~~Eight (8) sets of any combination of shorts, pants, short sleeve shirts and long sleeve shirts.~~

- Eight (8) pants or shorts
- Eight (8) dri-fit shirts (long or short)

Employees will receive the same number of uniform pieces each year to accomplish the task assigned. The cost of the uniforms shall be borne by the Village. Employees will be responsible for the maintenance of their uniforms.

36.2 In addition to the number of uniform pieces outlined above, Utilities, Public Works and other field service personnel shall receive:

- 1 Hat and 1 pair of safety rated sunglasses each year.
- Rain Jacket and other protective apparel will be provided upon request by the bargaining unit member and by the Village's approval and budget availability, during the term of this Agreement.

The Police Department shall provide non-sworn personnel uniforms per the Police Departments General Orders.

All other employees not issued a uniform may receive Village shirts/jackets, as approved by the Village, not to exceed \$125 annually. All purchases are subject to Federal, State and Local taxes in accordance with IRS Guidelines.

Employees shall have the right to waive all or part of the t-shirts, polo style shirts, windbreaker or jacket, based on position.

36.3 Uniforms must be maintained in the condition provided to give professional appearance and follow the Village's Dress Code. Alterations must have prior approval of Department Directors or their designee.

36.4 The Village reserves the right to choose color, style, text and logo identification on all uniforms purchased by the Village

SEIU / Date RL 8/12/25

VILLAGE / Date RD 8/12/25

Article 37: Compensation Plan

37.1 All Bargaining Unit Members will receive a four percent (4%) Across the Board increase payable the first full pay period of fiscal year 2024-2025 ~~2025-2026~~ which begins Wednesday, October 1 ~~2~~ through Tuesday, October 7 ~~8~~. For the duration of the contract, the minimum and maximum of the pay range shall be adjusted by the same percentage as the Across-the-Board increase.

~~**37.2** Prior to the 3% Across the Board increases being applied, Bargaining Unit Members whose pay rate is below the minimum market pay rate for their position shall receive a market adjustment that will raise their pay rate to the minimum market pay rate established as a result of the 2024 pay plan survey. The salary adjustment shall be paid retroactively to the first full pay period of fiscal year 2024-2025.~~

~~**37.3** Employees who are "Topped Out" at the time of the adjustments for fiscal year 2024-2025—2025-2026 will not receive merit increases. Employees who are "Topped Out" shall receive the Across-the-Board increase. shall be permitted to exceed the maximum of the pay range for merit increases.~~

37.4 All Bargaining Unit Members shall be evaluated, in order to be eligible for a one (1%) merit increase for fiscal year ~~2025-2026~~ 2024-2025. If a score of 27 is received on the General Employee Evaluation, the member can appeal. (but not grieve) within ten (10) calendar days to their Department Director with the Village Manager being the final decision maker. If a score of less than 36 is received on the Supervisor Employee Evaluation Form, the member can appeal (but not grieve) within ten (10) calendar days to their Department Director with the Village Manager being the final decision maker.

SEIU / Date SPH 8/12/25

VILLAGE / Date XDD 8/12/25

Office of the Mayor

Village of Palm Springs, Florida

Proclamation

WHEREAS, each year, the Village observes National Hispanic Heritage Month from September 15th to October 15th by celebrating the contributions of American citizens whose ancestors came from Spain, Mexico, the Caribbean, Central America, and South America. A tradition that originally started as a week in 1968 under President Lyndon Johnson and was expanded to a month in 1988 under President Ronald Reagan; and

WHEREAS, as we honor and celebrate the contributions of Hispanics to our Nation, we also reaffirm our commitment to extending the hand of friendship to Latin America and strengthening democracy in the region; and

WHEREAS, the Hispanic community has profoundly and positively influenced our country through its strong commitment to family, faith, and hard work. The Village recognizes Hispanic Americans as entrepreneurs, executives, and family-oriented, and acknowledge their contributions to science, art, music, politics, academia, government, sports; and

WHEREAS, while we celebrate the many ways Hispanic Americans have contributed to building a strong and prosperous America, we also recognize that they face challenges in accessing educational and economic opportunities; and

WHEREAS, the Village of Palm Springs recognizes the importance of paying tribute to the countless generations of Hispanic & Latino Americans who have enriched our community with their contributions; and

WHEREAS, we invite all members of our community to the Hispanic Heritage Festival to learn about the cultures of Latin America and celebrate Hispanic Heritage Month on September 19th at 6 p.m. at Village Athletic Complex.

NOW THEREFORE, I, BEV SMITH, MAYOR OF THE VILLAGE OF PALM SPRINGS, FLORIDA, on behalf of the Council and citizens of Palm Springs, do hereby proclaim September 15th to October 15th as:

HISPANIC HERITAGE MONTH

*In witness whereof I have hereunto set my hand
and caused the seal of this city to be affixed*

Mayor **Beverly Smith**

Date **September 11, 2025**



Office of the Mayor

Village of Palm Springs, Florida

Proclamation

WHEREAS, human resources professionals are an essential part of every organization, responsible for recruiting, developing, and supporting the workforce that drives success and productivity; and

WHEREAS, human resources professionals work diligently to create inclusive workplaces, cultivate employee engagement, ensure compliance with employment laws, and resolve conflicts with fairness and integrity; and

WHEREAS, these professionals maintain ethical standards and play an important part in shaping workplace culture, employee well-being, talent development, and organizational performance; and

WHEREAS, in times of change and uncertainty, human resources professionals have shown exceptional resilience and leadership, helping organizations and employees adapt and thrive; and

WHEREAS, Human Resources Professionals Day is an opportunity to acknowledge and celebrate the dedication, expertise, and positive impact of human resources professionals in both the public and private sectors.

NOW, THEREFORE, I, BEV SMITH, MAYOR OF THE VILLAGE OF PALM SPRINGS, FLORIDA, on behalf of the Council and citizens of Palm Springs, do hereby proclaim September 26, 2025, as:

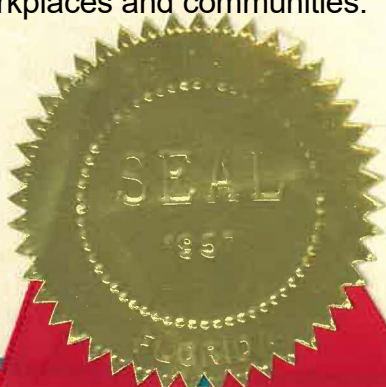
Human Resources Professionals Day

and encourage all residents, employees, and stakeholders to recognize and express appreciation for the outstanding work of our human resources professionals and their contributions to building stronger, more resilient workplaces and communities.

*In witness whereof I have herunto set my hand
and caused the seal of this city to be affixed*

Mayor **Beverly Smith**

Date **September 11, 2025**





Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Finance

ITEM #10: Establish Budget for Fiscal Year 2025-2026

SUMMARY: The Village Council is requested to establish the final operating and debt service millage (property tax) rates for the Village of Palm Springs for the upcoming Fiscal Year (FY 25-26) beginning October 1, 2025, and ending September 30, 2026. Additionally, the Council is requested to consider certifying the Village's taxable value to the PBC Property Appraiser as well as other related financial information:

The Village received Form DR-420 - Certification of Taxable Value and Form DR-420 Debt - Certification of Voted Debt Millage from the PBC Property Appraiser's Office. These forms certify the Village's taxable values for the upcoming fiscal year (FY 25/26) as well as other related financial information:

- The gross taxable value of all properties within the Village for the fiscal year (FY 25/26) is \$2,286,141,380, an increase of \$214,431,812 over the fiscal year (FY 24/25).
- The rolled-back rate is calculated at 3.6754 per 1,000 taxable values. The Village's fiscal year (FY 25/26) operating millage for the General Fund is \$3.50 per \$1,000 of the taxable value, or a decrease of 1.12% below the rolled-back rate (At 100% collection, the expected operating millage is expected to generate \$8,001,494. In ad-valorem tax revenue, however, the Village budgets at a 96% collection ratio; thus, the proposed budgeted revenue is expected to be \$7,681,435.
- The total taxable value within the Village to calculate the debt service millage rate is \$2,286,141,380; thus, the proposed millage rate required to pay the Village's general obligation debt for the fiscal year (FY 25/26) is \$0.1922 per \$1,000 of taxable value. That is a decrease of 0.0199 from the fiscal year (FY 25/26).
- The combined millage rates for the fiscal year (FY 25/26) (3.5000 operating + 0.1922 debt = 3.6922 total mills) is .0199 mills lower than the combined approved millage rates for the fiscal year (FY 25/26) (3.5000 operating + 0.1922 debt = 3.6922 total mills).

- The gross taxable increment value (TIF) for the Palm Springs Community Redevelopment Agency (CRA) for the fiscal year (FY 25/26) is \$166,959,558. The Palm Springs CRA will receive TIF funding from the Village of Palm Springs and Palm Beach County at the Village's approved millage rate - a proposed \$3.50 per \$1,000 taxable value. At 100% collection, the total increment/revenue expected to generate is \$904,300; however, the Village budgets at a 95% collection ratio; thus,
- The proposed budgeted increment/revenue expected is (\$859,085). This is the sixth year the Village has had the Palm Springs CRA.

Ordinance No. 2025-08 establishes the millage rates for the fiscal year (FY 25/26). If approved on the first reading, the proposed fiscal year (FY 25/26) millage rate ordinance will be presented to the Village Council for consideration at the second and final reading on Thursday, September 25, 2025, Council meeting.

Note: Following first reading, Ordinance No. 2025-08 will be publicly noticed as required by State Statutes. The staff will submit the required Form DR-420 - Certification of Taxable Value and the Form DR- 420Debt - Certification of Voted Debt Millage to the PBC Property Appraiser, PBC Tax Collector, and the State of Florida.

FISCAL IMPACT:

Establishes the final operating millage rate, debt service millage rate, and millage rate for the Palm Springs CRA for the proposed budget for the fiscal year (FY 25/26).

ATTACHMENTS:

1. Ordinance No. 2025-08 - Establish Millage Rate FY 25-26
2. DR420
3. DR-420DEBT
4. DR420MMP-2025-688
5. DR420TIF-2025-688

ORDINANCE NO. 2025-08

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING THE FINAL LEVY OF AD VALOREM TAXES IN AND FOR THE VILLAGE OF PALM SPRINGS, FLORIDA FOR FY 25/26; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council of the Village of Palm Springs, Florida, has held two (2) public hearings as required by section 200.065, Florida Statutes, for the adoption of the Fiscal Year 25/26 (commencing October 1, 2025 and ending September 30, 2026) final millage rates; and

WHEREAS, the real property tax roll for the current calendar year has been certified by the Palm Beach County Property Appraiser for nonexempt valuation of \$2,195,209,535 and the tangible personal property for nonexempt valuation of \$90,931,845, for a total gross taxable value for operating purposes of \$2,286,141,380; and,

WHEREAS, the Village Council of the Village of Palm Springs, Florida, finds adopting the final millage rates as set forth herein serves a valid public purpose.

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. The FY 25/26 operating millage rate for the Village of Palm Springs is hereby levied in the amount of \$3.5000 mills which is a 1.12% decrease over the rolled-back rate of \$3.6754. The general obligation debt service millage rate is hereby levied in the amount of \$0.1922 mills, for a total of \$3.6922 mills of nonexempt valuation of real and personal property within the Village.

Section 2. Repeal of Conflicting Ordinances. All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. Severability. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration

shall not affect the validity of the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
KIM SCHMITZ, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
JOHNNIE TIECHE, COUNCIL MEMBER	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council for the Village of Palm Springs, Florida, on second reading, on this _____ day of _____ 2025.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____

KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____

CHRISTY GODDEAU, VILLAGE ATTORNEY



CERTIFICATION OF TAXABLE VALUE

DR-420
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2025	County : Palm Beach
Principal Authority : Village of Palm Springs	Taxing Authority : Village of Palm Springs - Operating

SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	2,195,209,535	(1)
2.	Current year taxable value of personal property for operating purposes	\$	90,931,845	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	0	(3)
4.	Current year gross taxable value for operating purposes <i>(Line 1 plus Line 2 plus Line 3)</i>	\$	2,286,141,380	(4)
5.	Current year net new taxable value (Add new construction, additions, rehabilitative improvements increasing assessed value by at least 100%, annexations, and tangible personal property value over 115% of the previous year's value. Subtract deletions.)	\$	70,454,117	(5)
6.	Current year adjusted taxable value <i>(Line 4 minus Line 5)</i>	\$	2,215,687,263	(6)
7.	Prior year FINAL gross taxable value from prior year applicable Form DR-403 series	\$	2,071,054,652	(7)
8.	Does the taxing authority include tax increment financing areas? If yes, enter number of worksheets (DR-420TIF) attached. If none, enter 0	☒ YES	☐ NO	Number 1 (8)
9.	Does the taxing authority levy a voted debt service millage or a millage voted for 2 years or less under s. 9(b), Article VII, State Constitution? If yes, enter the number of DR-420DEBT, <i>Certification of Voted Debt Millage</i> forms attached. If none, enter 0	☒ YES	☐ NO	Number 1 (9)
SIGN HERE	Property Appraiser Certification		I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser: Electronically Certified by Property Appraiser		Date : 6/26/2025 8:34:37 AM	

SECTION II : COMPLETED BY TAXING AUTHORITY

If this portion of the form is not completed in FULL your taxing authority will be denied TRIM certification and possibly lose its millage levy privilege for the tax year. If any line is not applicable, enter -0-.				
10.	Prior year operating millage levy <i>(If prior year millage was adjusted then use adjusted millage from Form DR-422)</i>		3.5000 per \$1,000	(10)
11.	Prior year ad valorem proceeds <i>(Line 7 multiplied by Line 10, divided by 1,000)</i>	\$	7,248,691	(11)
12.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value <i>(Sum of either Lines 6c or Line 7a for all DR-420TIF forms)</i>	\$	-0-	(12)
13.	Adjusted prior year ad valorem proceeds <i>(Line 11 minus Line 12)</i>	\$	7,248,691	(13)
14.	Dedicated increment value, if any <i>(Sum of either Line 6b or Line 7e for all DR-420TIF forms)</i>	\$	243,471,821	(14)
15.	Adjusted current year taxable value <i>(Line 6 minus Line 14)</i>	\$	1,972,215,442	(15)
16.	Current year rolled-back rate <i>(Line 13 divided by Line 15, multiplied by 1,000)</i>		3.6754 per \$1000	(16)
17.	Current year proposed operating millage rate		3.5000 per \$1000	(17)
18.	Total taxes to be levied at proposed millage rate <i>(Line 17 multiplied by Line 4, divided by 1,000)</i>	\$	8,001,495	(18)

19.	TYPE of principal authority (check one)		☐ County	☐ Independent Special District	(19)
			☒ Municipality	☐ Water Management District	
20.	Applicable taxing authority (check one)		☒ Principal Authority	☐ Dependent Special District	(20)
			☐ MSTU	☐ Water Management District Basin	
21.	Is millage levied in more than one county? (check one)				(21)
	☐ Yes ☒ No				
DEPENDENT SPECIAL DISTRICTS AND MSTUs				STOP HERE - SIGN AND SUBMIT	
22.	Enter the total adjusted prior year ad valorem proceeds of the principal authority, all dependent special districts, and MSTUs levying a millage. <i>(The sum of Line 13 from all DR-420 forms)</i>			\$ 7,248,691	(22)
23.	Current year aggregate rolled-back rate <i>(Line 22 divided by Line 15, multiplied by 1,000)</i>			3.6754 per \$1,000	(23)
24.	Current year aggregate rolled-back taxes <i>(Line 4 multiplied by Line 23, divided by 1,000)</i>			\$ 8,402,484	(24)
25.	Enter total of all operating ad valorem taxes proposed to be levied by the principal taxing authority, all dependent districts, and MSTUs, if any. <i>(The sum of Line 18 from all DR-420 forms)</i>			\$ 8,001,495	(25)
26.	Current year proposed aggregate millage rate <i>(Line 25 divided by Line 4, multiplied by 1,000)</i>			3.5000 per \$1,000	(26)
27.	Current year proposed rate as a percent change of rolled-back rate <i>(Line 26 divided by Line 23, minus 1, multiplied by 100)</i>			-4.77 %	(27)
First public budget hearing		Date : 9/11/2025	Time : 6:30 PM EST	Place : 226 Cypress Lane Palm Springs 33461	
S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.		
	Signature of Chief Administrative Officer :			Date :	
	Electronically Certified by Principal Taxing Authority			7/17/2025 1:45:05 PM	
	Title :		Contact Name and Contact Title :		
	Michael Bornstein - Village Manager		Mara Frederiksen - Finance Director		
	Mailing Address : 226 Cypress Lane,		Physical Address : 226 Cypress Lane, Palm Springs Florida 33461		
City, State, Zip : Palm Springs Florida 33461		Phone Number : (561) 584-8200, ext. 8441		Fax Number :	

CERTIFICATION OF TAXABLE VALUE INSTRUCTIONS

“Principal Authority” is a county, municipality, or independent special district (including water management districts).

“Taxing Authority” is the entity levying the millage. This includes the principal authority, any special district dependent to the principal authority, any county municipal service taxing unit (MSTU), and water management district basins.

Each taxing authority must submit to their property appraiser a DR-420 and the following forms, as applicable:

- DR-420TIF, Tax Increment Adjustment Worksheet
- DR-420DEBT, Certification of Voted Debt Millage
- DR-420MM-P, Maximum Millage Levy Calculation - Preliminary Disclosure

Section I: Property Appraiser

Use this DR-420 form for all taxing authorities except school districts. Complete Section I, Lines 1 through 9, for each county, municipality, independent special district, dependent special district, MSTU, and multicounty taxing authority. Enter only taxable values that apply to the taxing authority indicated. Use a separate form for the principal authority and each dependent district, MSTU and water management district basin.

Line 8

Complete a DR-420TIF for each taxing authority making payments to a redevelopment trust fund under Section 163.387 (2)(a), Florida Statutes or by an ordinance, resolution or agreement to fund a project or to finance essential infrastructure.

Check “Yes” if the taxing authority makes payments to a redevelopment trust fund. Enter the number of DR-420TIF forms attached for the taxing authority on Line 8. Enter 0 if none.

Line 9

Complete a DR-420DEBT for each taxing authority levying either a voted debt service millage (s.12, Article VII, State Constitution) or a levy voted for two years or less (s. 9(b), Article VII, State Constitution).

Check “Yes” if the taxing authority levies either a voted debt service millage or a levy voted for 2 years or less (s. 9(b), Article VII, State Constitution). These levies do not include levies approved by a voter referendum not required by the State Constitution. Complete and attach DR-420DEBT. Do not complete a separate DR-420 for these levies.

Send a copy to each taxing authority and keep a copy. When the taxing authority returns the DR-420 and the accompanying forms, immediately send the original to:

Florida Department of Revenue
Property Tax Oversight - TRIM Section
P. O. Box 3000
Tallahassee, Florida 32315-3000

Section II: Taxing Authority

Complete Section II. Keep one copy, return the original and one copy to your property appraiser with the applicable DR-420TIF, DR-420DEBT, and DR-420MM-P within 35 days of certification. Send one copy to the tax collector. “Dependent special district” (ss. 200.001(8)(d) and 189.403(2), F.S.) means a special district that meets at least one of the following criteria:

- The membership of its governing body is identical to that of the governing body of a single county or a single municipality.
- All members of its governing body are appointed by the governing body of a single county or a single municipality.
- During their unexpired terms, members of the special district's governing body are subject to removal at will by the governing body of a single county or a single municipality.
- The district has a budget that requires approval through an affirmative vote or can be vetoed by the governing body of a single county or a single municipality.

“Independent special district” (ss. 200.001(8)(e) and 189.403 (3), F.S.) means a special district that is not a dependent special district as defined above. A district that includes more than one county is an independent special district unless the district lies wholly within the boundaries of a single municipality.

“Non-voted millage” is any millage not defined as a “voted millage” in s. 200.001(8)(f), F.S.

Lines 12 and 14

Adjust the calculation of the rolled-back rate for tax increment values and payment amounts. See the instructions for DR-420TIF. On Lines 12 and 14, carry forward values from the DR-420TIF forms.

Line 24

Include only those levies derived from millage rates.



CERTIFICATION OF VOTED DEBT MILLAGE

DR-420DEBT
R. 6/10
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2025	County : Palm Beach
Principal Authority : Village of Palm Springs	Taxing Authority : Village of Palm Springs - Voted, Debt
Levy Description : Village of Palm Springs - Voted, Debt	

SECTION I: COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value of real property for operating purposes	\$	2,199,545,386	(1)
2.	Current year taxable value of personal property for operating purposes	\$	90,931,845	(2)
3.	Current year taxable value of centrally assessed property for operating purposes	\$	0	(3)
4.	Current year gross taxable value for operating purposes (Line 1 plus Line 2 plus Line 3)	\$	2,290,477,231	(4)
SIGN HERE	Property Appraiser Certification		I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser :		Date :	
	Electronically Certified by Property Appraiser		6/26/2025 8:34:37 AM	

SECTION II: COMPLETED BY TAXING AUTHORITY

5.	Current year proposed voted debt millage rate	0.1922 per \$1,000	(5)	
6.	Current year proposed millage voted for 2 years or less under s. 9(b) Article VII, State Constitution	-0- per \$1,000	(6)	
SIGN HERE	Taxing Authority Certification		I certify the proposed millages and rates are correct to the best of my knowledge.	
	Signature of Chief Administrative Officer :		Date :	
	Electronically Certified by Principal Taxing Authority		7/17/2025 1:45:05 PM	
	Title :	Contact Name and Contact Title :		
	Michael Bornstein - Village Manager	Mara Frederiksen - Finance Director		
Mailing Address : 226 Cypress Lane,		Physical Address : 226 Cypress Lane, Palm Springs Florida 33461		
City, State, Zip : Palm Springs Florida 33461		Phone Number : (561) 584-8200, ext. 8441	Fax Number :	

INSTRUCTIONS

Property appraisers must complete and sign Section I of this form with the DR-420, *Certification of Taxable Value*, and DR-420S, *Certification of School Taxable Value*, and provide it to all taxing authorities levying a

- Voted debt service millage levied under Section 12, Article VII of the State Constitution or
- Millage voted for two years or less under s. 9(b), Article VII of the State Constitution

Section I: Property Appraiser

Use a separate DR-420DEBT for each voted debt service millage that's levied by a taxing authority. The property appraiser should check the Yes box on Line 9 of DR-420, *Certification of Taxable Value*, or Line 8 of DR-420S, *Certification of School Taxable Value*. The property appraiser should provide the levy description and complete Section I, Lines 1 through 4 of this form, for each voted debt service millage levied.

Enter only taxable values that apply to the voted debt service millage indicated.

Sign, date, and forward the form to the taxing authority with the DR-420.

Section II: Taxing Authority

Each taxing authority levying a voted debt service millage requiring this form must provide the proposed voted debt millage rate on Line 5.

If a DR-420DEBT wasn't received for any

- Voted debt service millages or
- Millages voted for two years or less

contact the property appraiser as soon as possible and request a DR-420DEBT.

Sign, date, and return the form to your property appraiser with the DR-420 or DR-420S.



MAXIMUM MILLAGE LEVY CALCULATION PRELIMINARY DISCLOSURE

For municipal governments, counties, and special districts

DR-420MM-P
R. 5/12
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2025		County : Palm Beach	
Principal Authority : Village of Palm Springs		Taxing Authority : Village of Palm Springs - Operating	
1.	Is your taxing authority a municipality or independent special district that has levied ad valorem taxes for less than 5 years?	☐ Yes	☒ No (1)
IF YES,  STOP HERE. SIGN AND SUBMIT. You are not subject to a millage limitation.			
2.	Current year rolled-back rate from Current Year Form DR-420, Line 16	3.6754 per \$1,000	(2)
3.	Prior year maximum millage rate with a majority vote from 2024 Form DR-420MM, Line 13	5.3011 per \$1,000	(3)
4.	Prior year operating millage rate from Current Year Form DR-420, Line 10	3.5000 per \$1,000	(4)
If Line 4 is equal to or greater than Line 3, skip to Line 11. If less, continue to Line 5.			
Adjust rolled-back rate based on prior year majority-vote maximum millage rate			
5.	Prior year final gross taxable value from Current Year Form DR-420, Line 7	\$ 2,071,054,652	(5)
6.	Prior year maximum ad valorem proceeds with majority vote (Line 3 multiplied by Line 5 divided by 1,000)	\$ 10,978,868	(6)
7.	Amount, if any, paid or applied in prior year as a consequence of an obligation measured by a dedicated increment value from Current Year Form DR-420 Line 12	\$ 0	(7)
8.	Adjusted prior year ad valorem proceeds with majority vote (Line 6 minus Line 7)	\$ 10,978,868	(8)
9.	Adjusted current year taxable value from Current Year form DR-420 Line 15	\$ 1,972,215,442	(9)
10.	Adjusted current year rolled-back rate (Line 8 divided by Line 9, multiplied by 1,000)	5.5668 per \$1,000	(10)
Calculate maximum millage levy			
11.	Rolled-back rate to be used for maximum millage levy calculation (Enter Line 10 if adjusted or else enter Line 2)	5.5668 per \$1,000	(11)
12.	Adjustment for change in per capita Florida personal income (See Line 12 Instructions)	1.0451	(12)
13.	Majority vote maximum millage rate allowed (Line 11 multiplied by Line 12)	5.8179 per \$1,000	(13)
14.	Two-thirds vote maximum millage rate allowed (Multiply Line 13 by 1.10)	6.3997 per \$1,000	(14)
15.	Current year proposed millage rate	3.5000 per \$1,000	(15)
16.	Minimum vote required to levy proposed millage: (Check one)		(16)
☒	a. Majority vote of the governing body: Check here if Line 15 is less than or equal to Line 13. The maximum millage rate is equal to the majority vote maximum rate. Enter Line 13 on Line 17.		
☐	b. Two-thirds vote of governing body: Check here if Line 15 is less than or equal to Line 14, but greater than Line 13. The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
☐	c. Unanimous vote of the governing body, or 3/4 vote if nine members or more: Check here if Line 15 is greater than Line 14. The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
☐	d. Referendum: The maximum millage rate is equal to the proposed rate. Enter Line 15 on Line 17.		
17.	The selection on Line 16 allows a maximum millage rate of (Enter rate indicated by choice on Line 16).	5.8179 per \$1,000	(17)
18.	Current year gross taxable value from Current Year Form DR-420, Line 4	\$ 2,286,141,380	(18)

Continued on page 2

Taxing Authority : Village of Palm Springs - Operating		DR-420MM-P R. 5/12 Page 2	
19.	Current year proposed taxes <i>(Line 15 multiplied by Line 18, divided by 1,000).</i>	\$ 8,001,495	(19)
20.	Total taxes levied at the maximum millage rate <i>(Line 17 multiplied by Line 18, divided by 1,000).</i>	\$ 13,300,542	(20)
DEPENDENT SPECIAL DISTRICTS AND MSTUs			STOP HERE. SIGN AND SUBMIT.
21.	Enter the current year proposed taxes of all dependent special districts & MSTUs levying a millage. <i>(The sum of all Lines 19 from each district's Form DR-420MM-P)</i>	\$ 0	(21)
22.	Total current year proposed taxes <i>(Line 19 plus Line 21).</i>	\$ 8,001,495	(22)
Total Maximum Taxes			
23.	Enter the taxes at the maximum millage of all dependent special districts & MSTUs levying a millage <i>(The sum of all Lines 20 from each district's Form DR-420MM-P).</i>	\$ 0	(23)
24.	Total taxes at maximum millage rate <i>(Line 20 plus Line 23).</i>	\$ 13,300,542	(24)
Total Maximum Versus Total Taxes Levied			
25.	Are total current year proposed taxes on Line 22 equal to or less than total taxes at the maximum millage rate on Line 24? (Check one)	☒ YES ☐ NO	(25)
S I G N H E R E	Taxing Authority Certification		I certify the millages and rates are correct to the best of my knowledge. The millages comply with the provisions of s. 200.065 and the provisions of either s. 200.071 or s. 200.081, F.S.
	Signature of Chief Administrative Officer :		Date :
	Electronically Certified by Principal Taxing Authority		7/17/2025 1:45:05 PM
	Title :	Contact Name and Contact Title :	
	Michael Bornstein - Village Manager	Mara Frederiksen - Finance Director	
	Mailing Address :	Physical Address :	
226 Cypress Lane,	226 Cypress Lane, Palm Springs Florida 33461		
City, State, Zip :	Phone Number :	Fax Number :	
Palm Springs Florida 33461	(561) 584-8200, ext. 8441		

Complete and submit this form to the Department of Revenue with the completed DR-487, Certification of Compliance, within 30 days of the final hearing.

**MAXIMUM MILLAGE LEVY CALCULATION
PRELIMINARY DISCLOSURE
INSTRUCTIONS**

DR-420MM-P
R.5/12
Page 3

General Instructions

Each of the following taxing authorities must complete a DR-420MM-P.

- County
- Municipality
- Special district dependent to a county or municipality
- County MSTU
- Independent special district, including water management districts
- Water management district basin

Voting requirements for millages adopted by a two-thirds or a unanimous vote are based on the full membership of the governing body, not on the number of members present at the time of the vote.

This form calculates the maximum tax levy for 2025 allowed under s. 200.065(5), F.S. Counties and municipalities, including dependent special districts and MSTUs, which adopt a tax levy at the final hearing higher than allowed under s. 200.065, F.S., may be subject to the loss of their half-cent sales tax distribution.

DR-420MM-P shows the preliminary maximum millages and taxes levied based on your proposed adoption vote. Each taxing authority must complete, sign, and submit this form to their property appraiser with their completed DR-420, Certification of Taxable Value.

The vote at the final hearing and the resulting maximum may change. After the final hearing, each taxing authority will file a final Form DR-420MM, Maximum Millage Levy Calculation Final Disclosure, with Form DR-487, Certification of Compliance, with the Department of Revenue.

Specific tax year references in this form are updated each year by the Department.

Line Instructions

Lines 5-10

Only taxing authorities that levied a 2024 millage rate less than their maximum majority vote rate must complete these lines. The adjusted rolled-back rate on Line 10 is the rate that would have been levied if the maximum vote rate for 2024 had been adopted. If these lines are completed, enter the adjusted rate on Line 11.

Line 12

This line is entered by the Department of Revenue. The same adjustment factor is used statewide by all taxing authorities. It is based on the change in per capita Florida personal income (s. 200.001(8)(i), F.S.), which Florida Law requires the Office of Economic and Demographic Research to report each year.

Lines 13 and 14

Millage rates are the maximum that could be levied with a majority or two-thirds vote of the full membership of the governing body. With a unanimous vote of the full membership (three-fourths vote of the full membership if the governing body has nine or more members) or a referendum, the maximum millage rate that can be levied is the taxing authority's statutory or constitutional cap.

Line 16

Check the box for the minimum vote necessary at the final hearing to levy your adopted millage rate.

Line 17

Enter the millage rate indicated by the box checked in Line 16. If the proposed millage rate is equal to or less than the majority vote maximum millage rate, enter the majority vote maximum. If a two-thirds vote, a unanimous vote, or a referendum is required, enter the proposed millage rate. For a millage requiring more than a majority vote, the proposed millage rate must be entered on Line 17, rather than the maximum rate, so that the comparisons on Lines 21 through 25 are accurate.



TAX INCREMENT ADJUSTMENT WORKSHEET

DR-420TIF
R. 6/10
Rule 12D-16.002
Florida Administrative Code
Effective 11/12

Year : 2025	County : Palm Beach
Principal Authority : Village of Palm Springs	Taxing Authority : Village of Palm Springs - Operating
Community Redevelopment Area : Village of Palm Springs CRA	Base Year : 2019

SECTION I : COMPLETED BY PROPERTY APPRAISER

1.	Current year taxable value in the tax increment area	\$	532,625,477	(1)
2.	Base year taxable value in the tax increment area	\$	289,153,656	(2)
3.	Current year tax increment value <i>(Line 1 minus Line 2)</i>	\$	243,471,821	(3)
4.	Prior year Final taxable value in the tax increment area	\$	455,886,884	(4)
5.	Prior year tax increment value <i>(Line 4 minus Line 2)</i>	\$	166,733,228	(5)

SIGN HERE	Property Appraiser Certification	I certify the taxable values above are correct to the best of my knowledge.	
	Signature of Property Appraiser : Electronically Certified by Property Appraiser	Date : 6/26/2025 8:34:37 AM	

SECTION II: COMPLETED BY TAXING AUTHORITY Complete EITHER line 6 or line 7 as applicable. Do NOT complete both.

6. If the amount to be paid to the redevelopment trust fund IS BASED on a specific proportion of the tax increment value:				
6a.	Enter the proportion on which the payment is based.		100.00 %	(6a)
6b.	Dedicated increment value <i>(Line 3 multiplied by the percentage on Line 6a)</i> <i>If value is zero or less than zero, then enter zero on Line 6b</i>	\$	243,471,821	(6b)
6c.	Amount of payment to redevelopment trust fund in prior year	\$	0	(6c)
7. If the amount to be paid to the redevelopment trust fund IS NOT BASED on a specific proportion of the tax increment value:				
7a.	Amount of payment to redevelopment trust fund in prior year	\$		(7a)
7b.	Prior year operating millage levy from Form DR-420, Line 10		per \$1,000	(7b)
7c.	Taxes levied on prior year tax increment value <i>(Line 5 multiplied by Line 7b, divided by 1,000)</i>	\$		(7c)
7d.	Prior year payment as proportion of taxes levied on increment value <i>(Line 7a divided by Line 7c, multiplied by 100)</i>		%	(7d)
7e.	Dedicated increment value <i>(Line 3 multiplied by the percentage on Line 7d)</i> <i>If value is zero or less than zero, then enter zero on Line 7e</i>	\$		(7e)

SIGN HERE	Taxing Authority Certification	I certify the calculations, millages and rates are correct to the best of my knowledge.		
	Signature of Chief Administrative Officer : Electronically Certified by Principal Taxing Authority		Date : 7/17/2025 1:45:05 PM	
	Title : Michael Bornstein - Village Manager		Contact Name and Contact Title : Mara Frederiksen - Finance Director	
	Mailing Address : 226 Cypress Lane,		Physical Address : 226 Cypress Lane, Palm Springs Florida 33461	
	City, State, Zip : Palm Springs Florida 33461		Phone Number : (561) 584-8200, ext. 8441	Fax Number :

TAX INCREMENT ADJUSTMENT WORKSHEET INSTRUCTIONS

Property appraisers must complete and sign Section I of this worksheet and provide it with form DR-420, *Certification of Taxable Value*, to all taxing authorities who make payments to a redevelopment trust fund under:

- s. 163.387(2)(a), Florida Statutes, or
- An ordinance, resolution, or agreement to fund a project or to finance essential infrastructure.

“Tax increment value” is the cumulative increase in taxable value from the base year to the current year within the defined geographic area. It is used to determine the payment to a redevelopment trust fund under:

- s. 163.387(1), F.S. or
- An ordinance, resolution, or agreement to fund a project or finance essential infrastructure. In this case, the taxing authority must certify the boundaries and beginning date to the property appraiser.

“Dedicated increment value” is the portion of the tax increment value used to determine the payment to the redevelopment trust fund. (See s. 200.001(8)(h), F.S.) Calculate the dedicated increment value on this form and enter on either Line 6b or Line 7e.

“Specific proportion,” used to determine whether to complete Line 6 or Line 7, refers to the calculation of the tax increment payment. Examples:

- Example 1.
Section 163.387(1), F.S., states the payment made by the taxing authority should equal 95% of the millage levied times the tax increment value. The specific proportion in this case is 95%. The ordinance providing for the payment may set a percentage lower than 95%. In these cases, the lower percentage would be the specific proportion.
- Example 2.
Some required tax increment payments are not directly related to the tax increment value. A constant dollar payment is a payment not based on a specific proportion of the tax increment value. Line 7 converts these payments into a proportion based on the prior year's payment and tax increment value to reach the current year's dedicated increment value.

Section I: Property Appraiser

A. Complete Section I of this form for each county, municipality, independent special district, dependent special district, and MSTU that:

- Has a tax increment value and
- Is not exempted from making payments to a community redevelopment trust fund based on tax increments (s. 163.387(2)(c), F.S.).

If a taxing authority has more than one tax increment value, they must complete a separate form for each tax increment value. Send a copy to each taxing authority with the DR-420 and keep a copy. When the taxing authority returns the completed forms, immediately send the original to:

Florida Department of Revenue
Property Tax Oversight Program - TRIM Section
P. O. Box 3000
Tallahassee, Florida 32315-3000

B. Enter only tax increment values that apply to the value located within the taxing authority indicated.

Section II: Taxing Authority

Complete Section II of the form, keep one copy, and return the original and one copy to your property appraiser with DR-420 within 35 days of certification. Send one copy to your tax collector.

Additional Instructions for Lines 6 and 7

Complete Line 6 if the payment into the redevelopment trust fund is a specific proportion of the tax increment value.

Complete Line 7 if the payment is based on a calculation other than a specific proportion. Do not complete both Lines 6 and 7.



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Finance

ITEM #11: Adopt FY 2025-2026 Budget

SUMMARY: Under the Village Charter and state law, the proposed ordinance establishes a balanced annual budget for the Village of Palm Springs for \$87,934,040 for the Fiscal Year (FY) beginning October 1, 2025, and ending September 30, 2026. The proposed budget includes the following funds:

General Fund	\$42,754,000
American Rescue Plan Fund	\$0.00
Palm Springs CRA	\$3,729,071
Debt Service Fund	\$420,836
Water & Sewer Enterprise Fund	\$39,462,691
Stormwater Enterprise Fund	\$1,592,442
Total	\$87,934,040

The Village Council held a budget workshop on July 24th, 2025, to discuss the proposed budget and review staff recommendations. The proposed ordinance establishes the budget for the upcoming fiscal year.

Attached to the proposed ordinance is a summary of the proposed revenues by source and proposed expenditures by function. The budget summary will be advertised via the online legal advertising on September 21, 2025, and posted on the Village's website – www.vpsfl.org -- under state law. The complete budget is available in the Office of the Village Clerk for review.

If approved at the First Reading, the Council will consider Ordinance No. 2025-09, adopting the Final Budget as the Final Hearing on September 25, 2025.

FISCAL IMPACT:

The proposed ordinance establishes the operating budget for the General Fund, American Rescue Plan Fund, Palm Springs CRA, Debt Service Fund, Water and Sewer Enterprise Funds and the Stormwater Enterprise Fund for the fiscal year beginning October 1, 2025 and ending September 30, 2026.

ATTACHMENTS:

1. Ordinance No. 2025-09 FY26 Annual Fund Budget

2. Budget Ad 2026
3. Final Budget Presentation PPT_First Reading

ORDINANCE NO. 2025-09

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, ADOPTING AN ANNUAL BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2025, AND ENDING SEPTEMBER 30, 2026; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, section 166.241(2), Florida Statutes, requires a municipality to adopt a budget each fiscal year that does not exceed the amount to be received from taxation and other revenue sources; and

WHEREAS, municipalities are required to adopt their budget by ordinance or resolution as specified in the municipality's charter; and

WHEREAS, section 200.065, Florida Statutes, requires two public hearings on the adoptions of municipal budget and all of the TRIM compliance measures have been achieved, including all advertising requirements; and,

WHEREAS, the Village Council of the Village of Palm Springs has determined that all requirements as set forth above have been met for the adoption of the Village Fiscal Year 2025-2026 budget and the adoption of this Ordinance serves a valid public purpose.

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are incorporated into this Ordinance as true and correct findings of the Village Council.

Section 2. Budget Adopted. The appropriations for the fiscal year beginning October 1, 2025, in the amount of \$87,934,040, as further described in Exhibit "A"

attached hereto and incorporated herein by reference, are hereby adopted as the Village's Fiscal Year 2025-2026 budget.

Section 3. Repeal of Conflicting Ordinances. All ordinances, resolutions or parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 4. Severability. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
KIM SCHMITZ, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
JOHNNIE TIECHE, COUNCIL MEMBER	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, on this _____ day of _____, 2025.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
CHRISTY GODDEAU, VILLAGE ATTORNEY

**PROPOSED BUDGET
VILLAGE OF PALM SPRINGS - FISCAL YEAR 2025-2026**

**THE PROPOSED OPERATING BUDGET EXPENDITURES OF THE VILLAGE OF PALM SPRINGS
ARE 5.5% MORE THAN LAST YEAR'S TOTAL OPERATING EXPENDITURES.**

ESTIMATED REVENUES:	MILLAGE PER \$1,000	GENERAL FUND	AMERICAN RESCUE PLAN FUND	PALM SPRINGS CRA	DEBT SERVICE FUND	WATER & SEWER ENTERPRISE FUND	STORMWATER UTILITY ENTERPRISE FUND	TOTAL VILLAGE BUDGET
Taxes:								
Ad Valorem Taxes	3.5000	\$7,690,435		\$859,085				\$8,549,520
Voted Debt Service Ad Valorem Tax	0.1922				\$420,836			\$420,836
Sales and Use Taxes		\$1,067,300						\$1,067,300
Utility Service Taxes		\$3,875,131						\$3,875,131
Local Business Taxes		\$395,000						\$395,000
Permits and Fees		\$3,500,155						\$3,500,155
Intergovernmental Revenues		\$6,993,866		\$1,847,520				\$8,841,386
Charges for Services		\$3,328,345				\$26,251,114	\$532,442	\$30,111,901
Fines and Forfeitures		\$250,300				\$372,086		\$622,386
Miscellaneous Revenues		\$1,655,855		\$19,500		\$1,335,000	\$60,000	\$3,070,355
TOTAL SOURCES		\$28,756,387	\$0	\$2,726,105	\$420,836	\$27,958,200	\$592,442	\$60,453,970
Transfers In		\$3,693,834		\$1,002,966		\$0	\$1,000,000	\$5,696,800
Fund Balances/Reserves/Net Assets		\$10,303,779	\$0			\$11,504,491	\$0	\$21,808,270
TOTAL REVENUES, TRANSFERS & BALANCES		\$42,754,000	\$0	\$3,729,071	\$420,836	\$39,462,691	\$1,592,442	\$87,959,040
						WATER	STORMWATER	
EXPENDITURES/EXPENSES:	MILLAGE PER \$1,000	GENERAL FUND	AMERICAN RESCUE PLAN FUND	PALM SPRINGS CRA	DEBT SERVICE FUND	& SEWER ENTERPRISE FUND	UTILITY ENTERPRISE FUND	TOTAL VILLAGE BUDGET
Legislative		\$895,980						\$895,980
Executive		\$768,146						\$768,146
Finance		\$1,220,163						\$1,220,163
Legal		\$225,000						\$225,000
Human Resources		\$731,486						\$731,486
Information Technology		\$1,474,729						\$1,474,729
Clerk		\$507,093						\$507,093
General Government		\$1,635,129						\$1,635,129
Planning, Zoning & Building		\$1,964,740						\$1,964,740
Law Enforcement		\$15,780,368						\$15,780,368
Sanitation		\$1,815,881						\$1,815,881
Water and Sewer Utility						\$35,629,629		\$35,629,629
Stormwater Utility							\$1,592,442	\$1,592,442
Public Works		\$7,216,839						\$7,216,839
Community Redevelopment Agency				\$3,513,190				\$3,513,190
Economic Development								\$0
Library		\$1,317,648						\$1,317,648
Parks and Recreation		\$5,042,313						\$5,042,313
Special Events		\$299,400						\$299,400
Debt Service					\$420,836	\$211,228		\$632,064
TOTAL EXPENDITURES/EXPENSES		\$40,894,915	\$0	\$3,513,190	\$420,836	\$35,840,857	\$1,592,442	\$82,262,240
Transfers Out		\$1,859,085	\$0	\$215,881		\$3,621,834		\$5,696,800
Fund Balances/Reserves/Net Assets								\$0
TOTAL APPROPRIATED EXPENDITURES, TRANSFERS, RESERVES & BALANCES		\$42,754,000	\$0	\$3,729,071	\$420,836	\$39,462,691	\$1,592,442	\$87,959,040

\$0

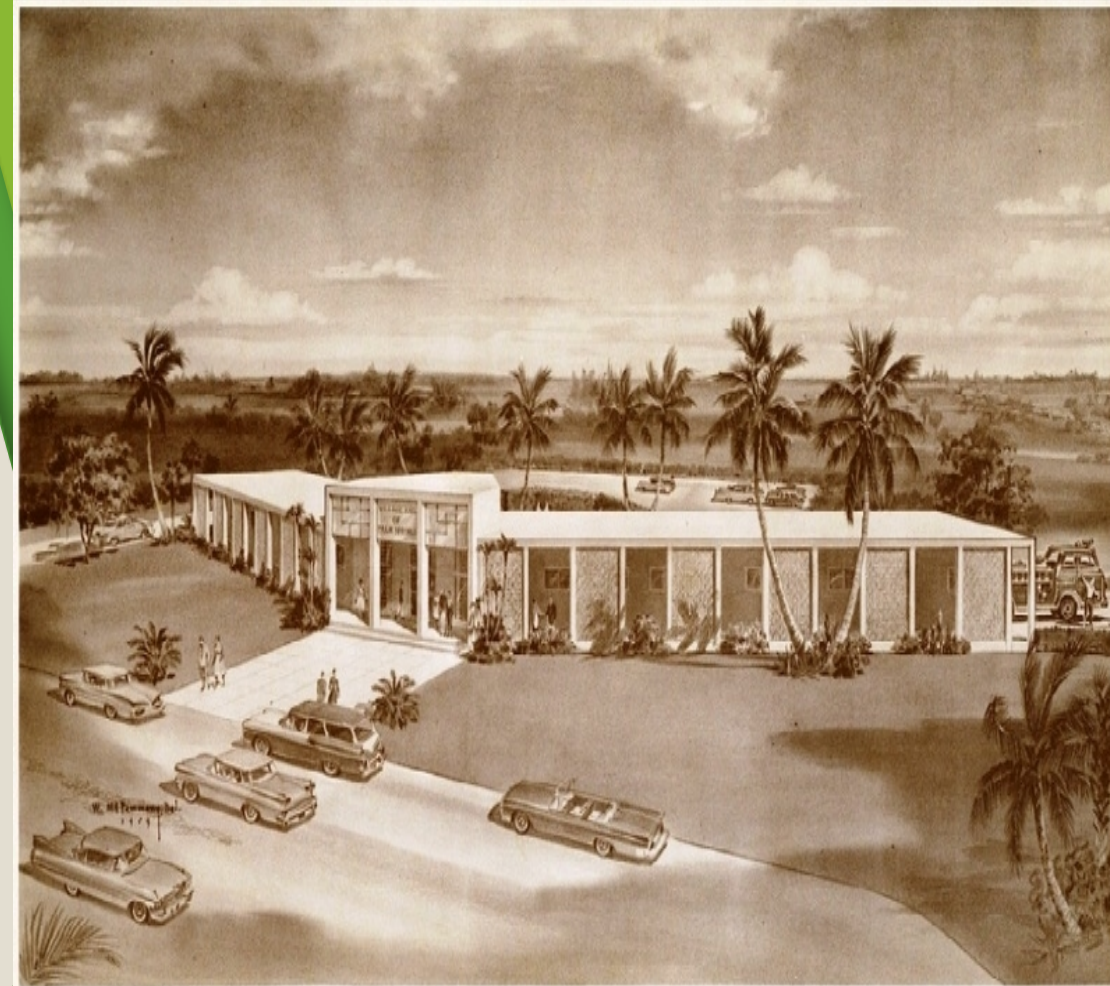
The tentative, adopted and/or final budgets are on file in the office of the above mentioned taxing authority as a public record.



Fiscal Year 25/26 1st Public Millage & Budget Hearing, September 11, 2025

Michael Bornstein
Village Manager

Mara Frederiksen
Finance Director



VILLAGE HALL, PALM SPRINGS, FLORIDA

Millage and Budget Approval September **2025 Schedule**

- **Thursday September 11, 2025, 6:30 pm-First Public Millage and Budget Hearing**
- **Thursday September 25, 2025, 6:30 pm-Second Public Millage and Budget Hearing and Final Adoption**

Purpose of Millage & Budget Hearing

- **Adopt a Millage Rate & Tentative Budget**
- **Review Budget Revisions post July Workshops**
 - **Operating & Capital Budgets**
- **Provide an opportunity for comments from the public**

State Truth in Millage (TRIM)

- **Proposed Ad Valorem Tax Rate= 3.50 mills**
 - **Maintain Previous Year Ad Valorem Tax Rate**
 - **1.12% below the Rolled Back Rate**
- **Proposed Debt Service Tax Rate=.1922**
 - **Decrease of .0199 mills from 24/25 rate of .2121 mills**
- **Proposed gross taxable increment value (TIF) for CRA**
 - **\$859,085 budgeted of TIF revenue at 3.50 mills**
- **The actual tax rate decrease=(1.12)% per State TRIM calculations and Rolled-Back Rate, 3.6754 due to CRA increment area increase**

Proposed Tax Levy vs Rolled-Back Rate

	Proposed Tax Rate @ 7/26	Rolled-Back Rate @ 7/26
	3.5000	3.6754
Tax <u>Rate</u> Decrease (over Rolled-Back Rate)	(.1754)	
Current Year Gross Assessed Value per PA	\$2,286,141,380	\$2,286,141,380
Gross Taxes Decrease (over Rolled-Back Rate)	(1.12)%	

	Proposed	Rolled-Back Rate
Taxes on Property Values	7,690,435	8,066,385
Net Property Taxes	6,831,350	7,104,209
Other Revenues	19,259,580	19,259,580
Total Revenues	26,090,930	26,363,789
Transfers from Other Funds	3,693,834	3,693,834
Total Revenues & Transfers	29,784,764	30,057,623
Appropriation of (increase to) Fund Balance	11,994,151	11,994,151
Total Expenditures	41,778,915	42,051,774
Budget (Deficit) Surplus	0	272,859

Adjustment Post Budget Workshop- General Fund Highlights

Revenues:

- **1,976,048 Increase to One Cent Sales Tax**
- **(141,951) Half Cent Sales Tax**
- **(33,725) Municipal Revenue Sharing**
- **\$15,000 Occupational Business Tax**
- **(\$1,690,372) Use of Fund Balance from \$8.4 to \$6.7 million**

Expenditures

- **\$50,000 HR Other Contractual (Comp and Class Study)**
- **\$50,000 Public Works (Median Landscaping & Street Beautification)**
- **\$25,000 Sago Park Playground Capital**

Adjustment Post Budget Workshop- CRA

Expenditures

- \$11,000 Increase LW CRA Water/Sewer
- (\$11,000) Decrease LW CRA Land

Significant Budget Factors

Taxable Valuation increase of 10.39% resulting in \$626,485 additional tax revenue over last FY at the same millage rate of \$3.5000.

Taxable Valuation increase produced a reduction in voted debt service millage from \$0.2121 to \$0.1922 a decrease of 8.5%.

CRA Taxable Increment Value (TIF) increased by \$91 million or 54%, resulting in an increased contribution from the Village of \$304,593.

\$1 million towards Police Department Building renovation and expansion from One Cent Sales Tax.

PBA employees are still negotiating but are budgeted for a 4% Across the board, cost of living increase and a budget of 1% for merit increases.

Health Insurance increased by \$510,000 or 23% over the current fiscal year with no pass through to the employees.

Significant Budget Factors Continued

Worker's Compensation increased by \$25,082 or 6% over the current fiscal year.

Village Pension Plan Expenditures have increased by \$14,565 or 5%.

FRS Pension Expenditures have increased \$34,347 or 4%.

Increased investment in employee education and training by \$4,003 or 1%.

ARPA funded projects have been completed in FY 2025

Significant Budget Factors Continued

This budget appropriates \$6.7 from unappropriated fund balance in General fund, \$1,520,000 from assigned fund balance for rollover CIP, \$7 million for future CIP, \$3 million for disaster recovery and \$1,000,000 from assigned for Stormwater. After these appropriations we still have restricted 9.7 million or 30% of all operating expenditures aligning us with the Fund Balance Policy. We are still retaining an additional 10.1 million towards unassigned fund balance for future capital investments. Our total fund balance is \$31.4 million

General Fund Balance and Emergency Reserve Historical Trend



Proposed Budget Revenues

PROPOSED BUDGET								
VILLAGE OF PALM SPRINGS - FISCAL YEAR 2025-2026								
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Proposed Budget Expenditures

PROPOSED BUDGET								
VILLAGE OF PALM SPRINGS - FISCAL YEAR 2025-2026								
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TOTAL APPROPRIATED EXPENDITURES, TRANSFERS, RESERVES & BALANCES		\$42,754,000	\$0	\$3,729,071	\$420,836	\$39,462,691	\$1,592,442	\$87,956,040



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: HR Department

ITEM #12: (Second Reading) Ordinance No. 2025-07 Approval of Amendments to Employee Regulations Handbook

SUMMARY: The Village of Palm Springs Employment Regulations Handbook was established on October 10, 1996, per Ordinance No. 96-07. The last revision of the employee regulations was completed on September 26, 2023 (Ordinance No. 2023-08). The proposed amendments reflect changes and/or updates to village policies and procedures as well as updates to state laws. The revisions also meet the current practices of the Village.

These regulations provide a clear set of guidance for all Village employees by providing policies, procedures, and appropriate conduct as a Village employee.

The Human Resources Director is responsible for the provisions regarding the employee handbook and will bring forward any amendments to the Village Council through the Village Manager.

Key Summary of Changes:

- 2.5 Background Checks – Added clarity on consequences if an employee's Driver's License is deemed suspended, expired or revoked.
- 2.7 Employment of Relatives – Nepotism - Added Language and reference to Palm Beach County Code of Ethics
- 6.3 Social Networking, Social Media, and Blogging - Consolidating the standalone policy and the version in the employee regulations into a single unified policy to eliminate duplication and ensure consistency.
- 7.8 Employee Classification and Compensation Plan Starting Pay/ Administrative Salary Increase – Added HR Director in approval chain
- 7.9 Personal Use of Vehicles in Reference to Village of Palm Springs Take-Home Vehicle Policy – Non-Police
- 8.9 Paid Parental Leave – New policy
- 10.4 Travel Expenses While on Village Business – Updated language and added updated per diem allowance for meals and lodging.
- 10.5 Local Travel and Expenses – Updated Language
- 10. 9 Periodic Record Checks – Added clarity on consequences if an employee's Driver's License is deemed suspended, expired, or revoked.
- Chapter 11: Employee Tuition Reimbursement - Consolidating the standalone policy and the version in the employee regulations into a single unified policy to eliminate duplication and ensure consistency.

- 12.2 Personal Leave Incentive Payment Program – Updated language and removed specific criteria for eligibility.
- Chapter 14: Drug-Free Workplace Policy - Consequences of Positive Confirmed Test Result – Updated language and consequences for violation of policy.
- Chapter 16: Hurricane & Emergency Preparedness – Added new chapter
- 16.2 Local Emergency Pay Conditions - Consolidating the standalone policy and the version in the employee regulations into a single unified policy to eliminate duplication and ensure consistency. Revisions are included to add Florida Recovery Obligation Calculation (F-ROC) standards/changes.
- 20.4 Types of Offenses/Bad Conduct – amended the policy language to establish an amount that constitutes excessive.

The proposed amendments were prepared by the Human Resources Director and reviewed by the Village Attorney.

Ordinance No. 2025-07 is presented for the second and final reading.

FISCAL IMPACT:

There is no financial impact.

ATTACHMENTS:

1. Ordinance No. 2025-07 Amendments to Employment Regulations
2. Exhibit A - Employment Regulations
3. (Revised Information) Employment Regulation Chapter 2

ORDINANCE NO. 2025-07

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING ORDINANCE NO. 2023-08 EMPLOYMENT REGULATIONS FOR VILLAGE EMPLOYEES; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Village Council adopted Ordinance No. 96-07 on October 10, 1996, establishing uniform, workable, and enforceable employment regulations for persons employed by the Village ("Employment Regulations"); and

WHEREAS, the Village Council adopted Ordinance No. 2008-07 on August 28, 2008, to revise the Employment Regulations; and

WHEREAS, the Village Council adopted Ordinance No. 2023-08 on September 14, 2023, to revise the Employment Regulations; and

WHEREAS, the Village recognizes the need to amend the Employment Regulations to reflect changes in State laws and changes in Village Policies and Procedures with regard to employment as a result of these laws; and,

WHEREAS, the Village Council has determined that this Ordinance serves a valid public purpose and is in the best interests of the Village.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. Employment Regulations: adopted. The Village Council of the Village of Palm Springs, Florida, hereby adopts the amendments to the Employment Regulations, a copy of which is attached hereto as **Exhibit "A"**, and which is incorporated herein by reference; and

Section 2. Repeal of Conflicting Ordinances. All Ordinances, Resolutions or parts of Ordinances and Resolutions in conflict herewith are hereby repealed.

Section 3. Severability. If any word, clause, sentence, paragraph, section, or part thereof contained in this Ordinance is declared to be unconstitutional,

Ordinance No. 2025-07

unenforceable, void, or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this ordinance.

Section 4. Effective Date. This Ordinance shall become effective immediately upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
KIM SCHMITZ, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐
JOHNNIE TIECHE, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared the Ordinance duly passed and adopted this _____ day of _____, 2025.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading _____

Second Reading _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR FORM AND LEGAL SUFFICIENCY

BY: _____
CHRISTY GODDEAU, VILLAGE ATTORNEY



**EMPLOYMENT REGULATIONS AND
PERSONNEL POLICIES/HANDBOOK**

Revised and Approved by Village Council: _____, 2025

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A Great Place to Work

Our Mission

To provide high quality and efficient municipal services and programs to a culturally and economically diverse community.

Our Vision

To create a Flourishing Community that is a “Great Place to Call Home”.



CORE VALUES



RESPECT

WORKING WITH AND VALUING OTHERS
EVEN IF THEY ARE DIFFERENT
AND HAVE DIFFERING OPINIONS.



*Everyone has something to
contribute towards achieving
our common goals.*

COMMUNICATION



ENGAGING IN MEANINGFUL DIALOGUE ABOUT THE ORGANIZATION IN
ORDER TO KEEP EVERYONE INFORMED, CURRENT, AND FOCUSED.



*The concise, regular, and consistent flow of information coupled with an
equal dose of active listening eliminates confusion, mistakes, and fear.*



Integrity

BEHAVING HONORABLY AND
HONESTLY EVEN WHEN NO ONE IS
WATCHING.

..... **Do the right thing!**

TEAMWORK



WORKING WITH OTHERS MULTIPLIES THE END RESULTS
AND WILL BE GREATER THAN DOING THE SAME JOB
INDIVIDUALLY IN SILOS.



*Together we are
stronger and more
capable than we
are alone.*



ACCOUNTABILITY



BEING RESPONSIBLE FOR OUR WORDS, OUR ACTIONS, AND OUR RESULTS.
Everyone is equally held to the rules and shared values.



SERVICE Excellence

STRIVING EACH DAY
TO EXCEED EXPECTATION.

*How we provide service matters to both
outward facing and internal interactions.*



QUALITY



HOLDING HIGH STANDARDS IN EVERYTHING WE DO.
What we do is important, and it should reflect the best within us.

Chapter 1: Overview

1.1 Purpose

These employment regulations are a comprehensive, up-to-date version of the personnel policies of the Village of Palm Springs. It is applicable to all employees, unless specifically exempted as stated herein. Where an employee is also covered by an existing Collective Bargaining Agreement (“CBA”), these policies will apply unless a conflict exists, in which case the CBA shall control with respect to the conflicting provisions. Similarly, in the case of a conflict between an employment agreement and these policies, the employment agreement shall control.

The personnel policies of the Village are based upon the following principles:

- Equal employment opportunity without unlawful discrimination based on race, age, color, religion, sex, national origin, physical or mental disability, genetic information, marital status, veteran or military status, pregnancy, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law.
- To provide fair and equitable compensation and benefits as determined at the discretion and judgment of the Village Council and within the limitations of the Village’s budget as adopted or amended from time to time.
- To improve and utilize employee skills, to provide high quality work performance, personal growth, and job satisfaction.
- To reward employees for meeting or exceeding performance standards, to improve deficient performance to the extent feasible and appropriate, and to separate those whose deficient performance is not improved or who otherwise perform or conduct themselves in a manner that is incompatible with continued employment, as determined by the Village.
- To provide mechanisms which encourage understanding and communication among employees at all levels of the organization, relating to workplace occurrences.
- To recruit, select, and retain employees based upon their knowledge, skills, and ability to perform the duties of their position.
- To provide a professionally administered personnel system based upon policies and procedures which are uniform, reasonable, and fair.
- To provide safe working conditions conducive to efficient, effective, and high-quality public service to the residents of the Village.
- To provide necessary services to the Village and its residents in an efficient, cordial, ethical, and professional manner.

NOTICE

The Human Resources Director is responsible for:

- The provisions of these policies.
- Periodic review of the Employee Regulations and makes recommendations to the Village Council through the Village Manager for amendments.

The following employment regulations contain certain policies of the Village of Palm Springs relating to your employment. These regulations are intended to help Village employees: (1) understand the personnel programs of the Village; (2) clarify personnel action to further the efficient operation of the Village and decrease the possibility of inappropriate or unlawful workplace behavior; and (3) work together in achieving our common goals.

The contents of these regulations are presented for your information. Nothing in this Handbook is intended to, or shall, create any contractual obligations of any kind and all provisions in these regulations are subject to change by the Village at any time with or without prior notice. No policy, benefit, or procedure set forth in the Handbook implies or may be construed to imply that these regulations contain obligations of the Village or otherwise constitutes any contract of employment. All Village employment in non-bargaining probationary, seasonal, part-time, and temporary positions is at-will, and nothing in these regulations is intended to alter this employment-at-will relationship, nor does it create an express or implied contract between employees and the Village for any specified period of employment. Importantly, no verbal or written communication made to you by any Village employee may alter the at-will nature of Village employment. Only a written contract of employment approved by the Village Council, designated as such, signed by the Village Manager, approved by the Village Attorney, and attested by the Village Clerk may alter the at-will nature of Village employment. Further, all policies, benefits, compensation structures, and programs provided to employees are subject to funding through the budget process and may be amended or terminated at any time, in the discretion of the Village Manager or the authorized designee, with approval of the Village Council.

To the extent a particular statute, rule, or regulation is amended, any such applicable amendment will control in the event it conflicts with a corresponding policy contained in these regulations.

Nothing contained in these policies is intended to waive any legal, equitable, or other defense available to any claim, complaint, or cause of action (collectively, "Claims") asserted by an employee or former employee against the Village. To the extent that a particular law, statute, rule, or regulation does not apply to the Village because of its size, number of employees, or otherwise, nothing in these policies and procedures should be construed as a waiver of any corresponding defense to any Claims asserted under any such law, statute, rule, or regulation.

These regulations have been enacted for the following purposes:

- To provide a uniform system of personnel administration for Village employees in accordance with all rules, regulations, and ordinances of the Village of Palm Springs.
- To ensure that recruitment, selection, placement, promotion, retention, and separation of Village employees are based upon an employee's qualifications and fitness and are in compliance with federal and state law.

- To assist employee supervisors and managers in the development of sound management practices, and to make effective and consistent use of human resources throughout the Village.
- To promote communication between employees at every level.
- To establish, ensure, protect, and clarify the rights and responsibilities of employees, supervisors, appointed, and elected officers.

1.2 Application

These regulations shall apply to all Village employees. These regulations shall constitute the rules and regulations applicable to employees, and they shall be enforceable by law. These regulations may be used as guidelines for those persons not covered by them. Any other rules, ordinances, state, or federal laws shall be supplemental to these regulations. If there is any conflict between these regulations and any other law, the more stringent provisions shall prevail, except where otherwise prohibited by law.

Violations of these regulations may result in the full range of disciplinary action provided herein, or the general penalties established for the violation of ordinances, or both.

1.3 Waiver or Temporary Suspension of Regulations

Upon the declaration of a bona fide “emergency” any of these regulations may be waived or temporarily suspended for a period not exceeding thirty (30) days by the Village Manager, upon a written finding of necessity, reasonable notice of which shall be published to the Village employees in a form and at a time determined most practical by the Village Manager, but prior to implementation of such waiver or suspension. Temporary waivers or suspensions of regulations not affecting more than five employees may be made by the Village Manager, without notice to all employees, as otherwise required herein. It is the intent of the Village Council that this section be self-executing without need to formally amend or repeal any other section, term, or provision of these regulations. Upon affirmative vote of four Village Council Members such waiver or suspension shall be terminated.

1.4 Stewardship

Pursuant to Article II, Section 8, Florida Constitution; Chapter 112, Florida Statutes “Code of Ethics”, as amended from time to time, and the “Conduct of Government Employees” statement issued by Government Finance Officers Association, Village employees shall be held to the highest ideals of honor and integrity. It is the policy of the Village that all employees will demonstrate in all public and personal relationships such conduct as to merit respect, trust and confidence of other governing officials, other employees, and Village residents as well as the public at large.

1.5 Disclosure of Certain Information

Employees of the Village should remember they are employed by and work for their neighbors. Any information not generally available to members of the public and gained in the course of Village business is protected from public disclosure or use by Village employees. Information regarding Village business will only be discharged through proper channels so as not to place anyone or any business in a preferred position. A preferred position includes any information that could insure to a person's financial, political, or social gain. See also Section 112.313(8), Florida Statutes, as amended from time to time.

1.6 Village Time

Village employees may engage in minimal personal business which does not adversely affect their job responsibilities so long as such personal business does not consume more than fifteen (15) minutes total per day or necessitate driving more than one (1) mile total outside the Village per day. Personal business conducted on Village time includes all personal phone calls and e-mails, regardless of whether a personal cellular telephone is used to make or receive the call.

1.7 Village Property

Every employee of the Village is responsible for certain Village property. Such property is for the use of the employee in the performance of job duties only and remains the property of the Village regardless of its location. Village property is defined as information, software, electronic media, tools, publications, audio visual equipment, computers, communications equipment, office supplies and equipment, uniforms, keys, furniture, vehicles, plumbing, electrical, building construction and utility supplies.

On occasion the Village will send an employee to a work-related seminar or class. Any materials, books, or other learning aids received during the seminar or class are property of the Village (unless otherwise noted).

Upon termination of Village employment, the employee shall return all Village property the employee has acquired in the course of employment to the Department Director.

Employees are expected to return all Village property with an accompanying inventory list on or before the last day of employment.

1.8 Equal Employment Opportunity

It is the policy and practice of the Village of Palm Springs to treat all employees with dignity and respect and to provide equal opportunity to all persons without regard to race, age, color, religion, sex, pregnancy, national origin, physical or mental disability, genetic information, marital status, veteran or military status, pregnancy, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law. In addition, the Village of Palm

Springs prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by law. This policy covers all personnel actions affecting hiring, job assignments, training, promotions, transfers, compensation, discipline, termination of employees, or any other tangible employment benefit or term or condition of employment.

The Village of Palm Springs will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in undue hardship or where doing so would cause a direct threat to the health or safety of the individual or others. Similarly, the Village will make reasonable accommodations for physical or mental conditions related to, affected by, or arising out of pregnancy, childbirth, or related medical conditions, absent undue hardship, in accordance with applicable law. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training. If, during the course of employment, an employee sustains any type of physical or mental impairment which limits the employee's ability to perform the essential functions of his or her job, the Village may require that the employee provide medical documentation regarding any such impairment and, if appropriate, identify specific accommodations which may assist the employee. The Village will engage in an appropriate interactive process with the employee in determining potential accommodations when requested by the employee. All information provided regarding any impairment will be handled confidentially to the extent required by law. The Village further prohibits retaliation against employees making requests for accommodations.

The Village Manager, Human Resources Director, or their designee shall serve as the Equal Opportunity Officer to carry out the Equal Employment Opportunity Policy and Program. The Equal Opportunity Officer shall be responsible for the Village's equal opportunity efforts and shall advise and assist staff and management personnel in all matters regarding implementation of and compliance with the Equal Employment Opportunity Policy and be responsible for the successful execution of the program, utilizing the assistance of appropriate State and community agencies.

Equal Opportunity Practices

The Village shall undertake the following actions to assure equal employment opportunities:

- (a) Periodically review all position qualifications and job descriptions to ensure requirements are relevant to the tasks to be performed. Make recommendations as needed to delete requirements not reasonably related to the tasks to be performed.
- (b) Assure that pay and fringe benefits are established using job responsibility and, along with overtime work, are administered on a non-discriminatory basis.
- (c) Inform and provide guidance to individuals who make hiring decisions so that all applications for selections, promotion, and termination, including those of minorities and women are considered without discrimination and all applicants be given equal opportunity.

- (d) This policy shall be made known to all prospective employees, contractors, and suppliers by notice contained within job advertisements, requests for proposals, bid specifications and by postings.

1.9 Americans with Disabilities Act (ADA) Policy

The Village is committed to creating an environment in which facilities for public meetings and general public use are accessible. Furthermore, the Village may provide auxiliary aids and services if necessary and if such reasonable accommodation can be provided without undue hardship to the Village. Disabled persons may request the auxiliary aids and services of their choice, which will be given consideration. Communication of accessibility will be included in Village public announcements.

The Village has a commitment to ensure equal opportunities for disabled Village applicants and employees. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to prohibit discrimination of disabled applicants and employees. Provided that the accommodation does not cause undue hardship, every reasonable effort will be made to provide reasonable accommodations when requested from an applicant or employee.

Recruitment and selection processes will grant equal opportunity for employment to qualified applicants and will not discriminate on the basis of disability. Reasonable accommodation will be provided upon request during an application/interview process, provided the accommodation does not cause an undue hardship.

Access to Facilities

The Village strives to ensure reasonable equal opportunities for qualified disabled Village employees. Reasonable efforts will be made to provide an accessible work environment, and additional accommodations, including auxiliary aids and services. Employment practices (e.g., hiring, training, testing, transfer, promotion, compensation, benefits, termination, etc.) will be administered in such manner as to prohibit discrimination against disabled employees. All future construction and renovation of Village-owned buildings and facilities will be carried out in accordance with ADA Accessibility Guidelines (ADAAG). In the event an employee feels the Village may have violated employee rights under the ADA, this policy provides a grievance procedure for handling such complaints. Village staff will be trained to ensure that disabled persons may participate in and benefit from Village programs, services, and activities.

1.10 Anti-Discrimination and Anti-Harassment Policy

Village Statement and Philosophy

It is part of the Village's commitment to equality that it promotes a collegial and professional work environment where harassment and discrimination are not tolerated, regardless of color,

race, religion, sex, nationality, citizenship, age, disability, marital status, pregnancy, sexual orientation, military status, genetic information, gender identity, or any other protected identity.

The Village is committed to maintaining a professional work environment in which all individuals are treated with respect and dignity. The Village endeavors to provide a collegial and professional work environment which promotes equal opportunities and prohibits harassing or discriminatory practices based upon color, race, religion, sex, national origin, citizenship, age, disability, marital status, pregnancy, sexual orientation, military status, genetic information, gender identity or expression, or any other category protected by law. In addition, the Village prohibits retaliation against any individual who reports discrimination or harassment or who participates in any investigation of such reports, or who engages in any other activity protected by law. At the Village, harassment or discrimination based on any category protected by law, whether occurring in the office, at work assignments outside the office, at office sponsored social functions, or elsewhere, is unacceptable and will not be tolerated.

In addition to its prohibition on discrimination or harassment based on a protected category, the Village prohibits any “bullying” behavior. The Village defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment. Such behavior has a negative impact the Village’s work environment and is unacceptable.

NOTE: Nondiscrimination Regarding Reasonable Accommodations Relating to Pregnancy. The Village makes reasonable accommodations to the known limitations of an employee relating to pregnancy, childbirth, or related medical conditions unless the accommodation would impose an undue hardship on the operation. Employees will only be offered reasonable accommodations through the interactive process and will not be denied employment opportunities based on the need to make reasonable accommodations under these circumstances. An employee will not be required to take leave, whether paid or unpaid, if another reasonable accommodation is available that does not create an undue hardship. Employees who request or use reasonable accommodations for their known limitations relating to pregnancy, childbirth, or related medical conditions will not be subject to retaliation for using or requesting the accommodation.

Definitions and Examples of Prohibited Behaviors

Sexual harassment constitutes discrimination and is prohibited. For the purposes of this policy, sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature when, for example: (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (ii) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not so subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include, but are not limited to: unwanted sexual advances or requests for sexual favors; sexual

jokes and innuendos; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or sexual deficiencies; leering, catcalls or touching; insulting or obscene comments or gestures; display or circulation in the workplace of sexually suggestive objects or pictures (including through e-mail or any other electronic means); and other physical, verbal or visual conduct of a sexual nature.

Harassment or discrimination on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, sex, age, national origin, disability or any other characteristic protected by law or that of his/her relatives, friends or associates, and that: (i) has the purpose or effect of creating an intimidating, hostile or offensive work environment; (ii) has the purpose or effect of unreasonably interfering with an individual's work performance; or (iii) otherwise adversely affects an individual's employment opportunities. Harassing conduct includes, but is not limited to: slurs and any other offensive remarks; jokes other verbal, graphic, or physical conduct; leering, making offensive gestures, display objects or pictures, cartoons, or posters degrading a protected category; sexual advances, propositions, or requests; verbal abuse, graphic verbal commentaries or degrading words used to describe an individual's protected category; suggestive or obscene letters, notes or invitations; physical conduct, such as touching, assault, battery, impeding, or blocking movements.

This behavior is unacceptable both in the workplace and by any employee in any setting outside the workplace, including but not limited to other work-related settings such as business trips and business-related social events.

Note: Consenting romantic and sexual relationships between a supervisor and an employee or between employees may lead to unforeseen complications or claims under this policy and are discouraged. A supervisor or an employee, who enters into a romantic or sexual relationship with another employee, where there exists a difference in authority between the persons involved understands that the Village reserves the right to alter the duties of persons engaged in the relationship to diminish the working hours contact, they may have with each other.

Individuals Covered Under This Policy

This policy covers all employees, appointed and elected officials. The Village will not tolerate sexual harassment whether engaged in by employees or supervisors. In addition, the Village will not tolerate harassment or discrimination engaged in by anyone not a supervisor or an employee (e.g., resident, supplier, etc.) to the extent that it affects any employee of the Village. Any supervisor or employee who has been subjected to harassment or discrimination or other violation of this policy, must immediately (within 24 hours) file a complaint with the immediate supervisor, any Department Director, the Human Resources Department, and/or the Village Manager. The Village will investigate any incident of alleged harassment or discrimination by a person who is not a supervisor or an employee of the Village. Such investigation shall be conducted to the extent practicable, and the Village will take any action it deems appropriate after evaluating all the circumstances. Allegations regarding the inappropriate behavior of Village employees or officials will be investigated. The Village requires reporting of all incidents of harassment or

discrimination, regardless of who the offender might be, in accordance with the method set out below.

1.11 Reporting a Complaint

Notification

An individual who believes they have been subjected to harassment or discrimination, or other violation of this policy, must immediately (within 24 hours) report the incident to the supervisor, Human Resources Department, any Department Director, or the Village Manager. In the event an employee complains of an elected official's conduct, the employee must report the conduct to one of the other elected officials and the Village Manager.

When initially reported to the supervisor, the Human Resources Department or a Department Director, the supervisor, Human Resources Department/Department Director must immediately forward a written report of the complaint to the Village Manager for investigation and action. Where the complaint involves the Village Manager, the supervisor, Human Resources Department/Department Director shall forward the written complaint to the Village Attorney's office to obtain direction and assistance. In the event of a complaint about an elected official's conduct, the Village Attorney will be consulted for assistance.

Description Of Misconduct

An accurate record of objectionable behavior is necessary to investigate and resolve a complaint of alleged harassment or discrimination.

All oral reports of harassment or discrimination must be reduced to writing by either the complainant or the individual(s) designated to receive complaints.

Time For Reporting a Complaint

Employees with questions or concerns about any potential discriminatory or harassing conduct or behavior in the workplace are required to immediately (within 24 hours) bring such concerns to the attention of their supervisor(s), the Department Director, the Human Resources Department, and/or the Village Manager. Complaints should initially be made to the employee's immediate supervisor, unless the supervisor is the subject of the complaint, or if the employee is not comfortable making the complaint to that supervisor.

Supervisors and Department Directors receiving a complaint shall immediately (within 24 hours) forward it to the Human Resources Department or the Village Manager. Inappropriate comments or acts of harassment, whether physical or verbal, regarding race, age, color, religion, sex, national origin, physical or mental disability, genetic information, marital status, veteran or military status, pregnancy, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law, that interfere with the working environment, or the terms and conditions of employment are specifically prohibited.

Any individual who is found to have engaged in conduct of a harassing or discriminatory nature in the workplace will be disciplined, up to and including termination. This includes, but is not limited to, harassing conduct in the form of unsolicited or unwelcome sexual overtures or physical contact. Such conduct must be reported immediately (within 24 hours) to an employee's supervisor, the Department Director, the Human Resources Department, or the Village Manager.

Protection Against Retaliation

The Village will not retaliate against an individual who makes a report of harassment or discrimination under this policy and strictly prohibits any supervisor or employee from retaliating against a complainant. Retaliation is a very serious violation of this policy and should be reported immediately. Any person found to have retaliated against an individual for reporting harassment or discrimination will be subject to appropriate disciplinary procedures, including termination.

1.12 Confidentiality

Any reported complaint of harassment or discrimination will be promptly investigated. Confidentiality will be maintained throughout the investigatory process to the extent practical and appropriate under the circumstances, and the extent consistent with the needs of the investigation. Employees should be aware that the Village is obligated to investigate the complaints it receives under this policy. Additionally, the Village cannot grant requests by the reporting employee, or anyone else, that the information received be ignored, be maintained "off the record", or otherwise fail to act upon the information.

1.13 Resolution of Complaint

Upon completing the investigation of a complaint, the investigator will report to the Village Manager. The Village Manager will review the investigation and determine the appropriate action to be taken. The Village Manager or designee will communicate the findings and the resolution to the complainant and alleged offender.

If the Village Manager concurs that the findings support the conclusion that a violation of this policy occurred, the violator(s) will be subject to appropriate disciplinary procedures, including immediate termination. The complainant will be informed of the disciplinary action.

If the Village Manager concurs that the findings do not support a determination that a violation of this policy occurred, this finding will be communicated to the complainant in an appropriately sensitive manner.

If the Village Manager concurs that the investigative findings are inconclusive with respect to a violation of this policy, the Village may take appropriate action to ensure that all involved individuals fully understand the policy and the behaviors prohibited by the policy. Such appropriate action may include, but is not limited to, education, training, and/or disciplinary action up to, and including, immediate termination.

The elected body shall handle the resolution of complaints regarding any of the elected official's conduct.

The actions taken by the Village Manager as a result of the investigation are final.

1.14 Discipline

Individuals found to have engaged in behavior violating this policy, whether or not such behavior constitutes harassment or discrimination as defined by law, will be disciplined, up to and including immediate termination. The discipline or recommendation for discipline will be determined by Human Resources in consultation with the Department Director. In the rare occasion where the Village Manager is found to be the violator, the Village Attorney will consult with the Village Council in accordance with applicable laws to discuss and determine appropriate action. In addressing incidents of harassment or discrimination, the Village may impose oral or written reprimands; referral to counseling, training, or education; withholding of a promotion; demotion; reassignment; temporary suspension without pay; reduction in compensation; limitation on contact between the alleged offender and the complainant; termination; any other corrective action necessary to stop the behavior complained of; or any combination of the above.

1.15 False Accusations

If an investigation results in a finding that the complainant falsely and maliciously accused another of harassment or discrimination, the complainant will be subject to appropriate discipline, as described above, including termination.

1.16 Open Door Policy

The Village of Palm Springs is committed to open communication. The Village wants to ensure that its employees' ideas, suggestions, and concerns are heard by management. It is also the policy of management to attempt to resolve concerns and disputes that may arise between or among fellow employees or between employees and their supervisors. The Village requires employees who have concerns about the workplace to bring such concerns to the attention of their immediate supervisor or Human Resources; if the concern is not addressed satisfactorily, the employee may then raise the concern with the Village Manager. This expectation applies to all employees, whether full-time or part-time, or temporary; however, bargaining unit employees may consult with their designated representative. Employees should feel free to voice ideas, suggestions, questions, concerns, or complaints without fear of reprisal, retribution, or retaliation.

Although the Village has an Open Door Policy, employees are also encouraged to resolve day-to-day issues relating to employment by initially conferring with their immediate supervisor. To the extent the issue, question, or concern is not resolved at that level, employees should then elevate the matter to the next level of management. In this regard, questions, comments, and concerns can be resolved in the most efficient manner at the lowest level of management.

Chapter 2: Recruitment

The Human Resources Department will administer and coordinate the hiring process for all position vacancies to ensure compliance with contractual, legal, and equal opportunity requirements. All hiring efforts shall be conducted in the spirit of equal employment opportunity.

2.1 Job Posting

The Village of Palm Springs provides employees with an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. The Village will post as follows or as modified by the applicable collective bargaining agreement.

- (a) The application period for regular full-time jobs must be open for a minimum of seven (7) calendar days.
- (b) Village departments may choose to advertise internally for seven calendar days while simultaneously advertising externally.

Applications

Applications for employment will include an equal opportunity clause, stating the policy of the Village. Employment applications and interviews are the starting point in gathering information about prospective employees. To be considered for employment, a completed employment application must be submitted through the Villages electronic applicant tracking system. All positions require a physical with some requiring fingerprinting and/or drug screen. Any falsification, omission, or misstatement of information on the application or during an interview will subject the employee to discipline up to, and including, termination upon discovery of the falsification, omission, or misstatement. Fraudulent conduct, false statements, or omission of information by an applicant or by others under his or her direction in any application shall be deemed cause for the exclusion of such applicant from employment or for discharge from the Village's employment.

Processing Requests for Job Postings

- (a) When a Village position becomes available in a department, the Department Director shall submit a Position Requisition Request to the Human Resources Department for processing through the Villages applicant tracking system.
- (b) The department may be asked to assist Human Resources, as necessary, in formulating the job announcement, ads, and in determining special applicant sources.
- (c) A determination will be made by Human Resources, in cooperation with the department, whether to accept in-house candidate applications only or whether outside candidates will be considered for employment.

- (d) Human Resources will send and post job vacancies to all Village departments. In those cases where outside candidates will be considered the Village may use, for job referral purposes, only those recruitment services which do not discriminate based on race, age, color, religion, sex, national origin, physical or mental disability, genetic information, marital status, veteran or military status, pregnancy, sexual orientation, gender identity or expression, or any other category protected by applicable federal, state, or local law, in making referrals.
- (e) Ads for local newspapers, trade publications, and professional journals will be developed and placed by Human Resources with assistance provided by the department. Funding of all general advertisements will be accomplished through the appropriate Village funds.
- (f) Human Resources will screen active application files for possible candidates through the Village's applicant tracking system. Applications are considered active for three (3) calendar months from the date of submission. Qualified candidates will be contacted to determine current interest in Village employment prior to the closing date listed on the employment notice.
- (g) The Village does not, under normal circumstances, use the services of any private employment agency, either employer or employee paid. However, such services may be used at the discretion of the Village Manager.
- (h) Applications shall be submitted to Human Resources using the Village's applicant tracking system. When the job posting is for a leadership or management level position, a resume must be submitted in addition to the application. In-house candidates interested in applying for another position within the Village should follow procedures as outlined in the regulations on transfers, or promotions.

The applications of all individuals shall be preserved by the Human Resources Department using the applicant tracking system.

- (i) No applications for a position shall be accepted after the published closing and/or receipt date. If there are not sufficient qualified candidates at the closing date the position will be re-opened and re-advertised.
- (j) Human Resources will refer all qualified applications to the department for final review and scheduling of candidates for interviews by the Department Director.
- (k) Applicants may be disqualified for consideration for employment when any one of the following conditions exist:
 - (1) They do not possess the qualifications for the job.
 - (2) They have demonstrated an unsatisfactory employment record or personal record as evidenced by information contained on the application form or by the results of a reference check or other pre-employment screening.

- (3) They have made false statements of material facts, made material omissions, or practiced deception in their application.
- (4) They are physically, mentally, or otherwise unable to perform the essential duties of the position in accordance with State and Federal Laws.
- (5) The applicant is not within the legal age limits prescribed by law to perform certain positions.

2.2 Examination and Testing

- (a) In its discretion and judgment, the Human Resources Department, in consultation with the Department Director or appropriate Department supervisor, may conduct appropriate validated testing of applicants for certain positions including, but not limited to, typing tests for clerical positions and the use of Excel or other required programs for certain financial/accounting-related positions. Pre-employment examinations may be developed for certain positions based on the position's responsibilities, the qualifications required, and resources available.
- (b) An examination may consist of oral interview/application review, a structured questionnaire, practical tests, written tests, in-basket exercise, or assessment center, etc. In all cases, the testing will be job related and designed to determine the candidate's knowledge, skills, and abilities for the position.
- (c) As provided by Florida law, examinations and examination comments are confidential and unauthorized disclosure to any candidate is grounds for discipline. In certain situations, outside consultants may be contracted to assist with test development and validation.
- (d) The testing process will be administered by the requesting department. The result of any such testing shall be provided to the Department Director or supervisor for consideration during the interview process if a particular applicant is selected for an interview.
- (e) The department shall ensure that reasonable accommodations are made in test procedures to assure that qualified individuals with disabilities can be tested in an appropriate manner. The Human Resources Department shall require testing announcements to provide a way an applicant may request reasonable accommodation.

2.3 Interview Process

The employment interview is a part of the selection process. The primary function of the interview is to obtain data or information regarding candidates' knowledge, skills, and abilities not otherwise available through review of resumes or other testing mechanisms.

All Interview Questions must be approved by the Human Resources Director or designee.

2.4 Offer of Employment

- (a) A Personnel Action Request Form (PAR) will be completed for a potential hire through the applicant tracking system.
- (b) After references are verified and a final employment decision reached, HR shall notify the candidate of his/her selection, make an employment offer, and request that the offer be accepted or rejected within a set number of days.
- (c) Offer of employment is conditional upon the results of a physical, drug screen, background and/or psychological examination.
- (d) If the offer of employment is rejected, the Department Director will decide whether to hire another candidate or to re-advertise the position vacancy.
- (e) Once a candidate accepts the employment offer, all other candidates shall be notified via the electronic applicant tracking system of their non-selection by the Human Resources Department.

2.5 Background Checks

Applicants offered employment will be subject to a background investigation which may include criminal, academic, employment, reference, and credit checks. Background checks and screenings will be conducted in a manner consistent with federal and state law. Additionally, background checks may vary depending on the essential functions and nature of the position. In addition to initial background checks, certain employees who regularly or periodically operate Village vehicles, will be required, as a condition of employment, to provide authorization for the Village to perform periodic checks regarding driving history. Such checks regarding driving history will be conducted in accordance with federal and state law. Employees operating Village vehicles will be required to provide notification of any suspension, revocation, or restriction of their license to the Village within one (1) week of such suspension, revocation, or restrictions. In no event may an employee with a suspended, revoked, or restricted license operate a Village vehicle or a personal vehicle while on Village business. If an employee's position involves driving and the Driver's License is found to have been suspended, expired or revoked, the first offense will incur a three (3) day suspension. If an employee fails to timely report the suspension, expiration or revocation, the first occasion will incur a three (3) day suspension. Subsequent offenses are subject to

termination. Employees may be required to have certain vehicle licenses (e.g., Commercial Driver's License) for certain positions.

2.6 Work Eligibility Verification

The Village is committed to employing only individuals who are authorized to work in the United States and complies with the Immigration Reform and Control Act of 1986. As a condition of employment, each new employee must properly complete, sign, and date the first section of the Immigration and Naturalization Form I-9 at the time the offer of employment is accepted, but no later than the first day of employment. The employee must also provide the supporting documents within three (3) business days of the first day of employment, or as otherwise provided by law. Before commencing work, newly rehired employees must also complete the Form I-9 if the employee did not previously do so, if the prior Form I-9 is more than three (3) years old or if the previous Form I-9 is no longer valid. Rehired employees must also complete Form I-9 upon acceptance of the position and have three (3) business days to provide supporting documentation. Any employee whose immigration employment eligibility status changes at any time during employment must notify the Human Resources Department immediately (within 24 hours) after learning of the eligibility status change.

The Village utilizes E-Verify, which is an Internet-based system that allows an employer, using information reported on an employee's Form I-9, to determine the eligibility of that employee to work in the United States. The Village utilizes E-Verify for all new hires as well as re-hires. New hires must be E-Verified within three (3) business days of beginning employment. If the employee is required to be E-Verified and presents a List B document, the List B document must contain a photograph. The List B photograph is to be compared to the individual during the Form I-9 process. If the employee who is required to be E-Verified chooses to present an Employment Authorization Document (Form I 766), Permanent Resident Card (Form I-551) or U.S. passport/U.S. passport card during the Form I-9 process, the Village must copy such document and keep it with the employee's completed Form I-9. The photo on such document will be compared to a photo displayed by the E-Verify system during the E-Verify process to see if the two photos are reasonably identical.

2.7 Employment of Relatives – Nepotism

The Village complies with Florida law relating to the restriction of employment of relatives. As such, a public official may not appoint, employ, promote, or advance, or advocate for appointment, employment, promotion, or advancement, in or to a position in the Village in which the official is serving or over which the official exercises jurisdiction or control, any individual who is a relative or domestic partner of the public official. An individual may not be appointed, employed, promoted, or advanced in or to a position in the Village if such appointment, employment, promotion, or advancement has been advocated by a public official, serving in or exercising jurisdiction or control over the Village, who is a relative or domestic partner of the individual or if such appointment, employment, promotion, or advancement is made by a collegial body of which a relative or domestic partner of the individual is a member.

Examples of prohibited situations include, but are not limited to:

- (a) One relative or domestic partner would have the authority to supervise, appoint, remove, discipline, or evaluate the performance of the other.
- (b) One relative or domestic partner would be responsible for auditing the work of the other.
- (c) Other circumstances exist, which would place the relatives in a situation of actual or reasonably foreseeable conflict between the Village's interest and their own.

For purposes of this policy, “public official” means an employee of the Village in whom is vested the authority by law, rule, or regulation, or to whom the authority has been delegated, to appoint, employ, promote, or advance individuals or to recommend individuals for appointment, employment, promotion, or advancement in connection with employment in the Village, including the authority as a member of a collegial body to vote on the appointment, employment, promotion, or advancement of individuals.

For purposes of this policy, a “relative” with respect to a public official, means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.

Domestic partner is an adult, unrelated by blood, with whom an unmarried or separated official or employee has an exclusive committed relationship and maintains a mutual residence.

This policy shall be interpreted and applied in a manner consistent with Section 112.3135, Florida Statutes.

Other circumstances may arise that create an actual conflict of interest, or the appearance of a conflict of interest. In such circumstances, the Village Manager or designee will have ultimate discretion and authority to determine whether a relative’s appointment to a position is appropriate.

Reference: Palm Beach County Code of Ethics

2.8 Limitation on Spouse's Employment Opportunities

The Village does not prohibit spouses from being employed by the Village at the same time. However, when both spouses perform in the same department (i.e., Public Works, Utilities, Police, Library, Planning, Zoning and Building, Human Resources, Administration, Finance, or any other department established by the Village Manager), when necessary, will require one spouse to transfer jobs, when such job is available, or separate employment within sixty (60) days after marriage. When separation is the only reasonable and available option, the employee spouses will be asked to determine, which spouse shall remain employed. When the spouses cannot resolve the

matter, the Village Manager shall make the decision. Such decision shall not be a grievable event under these regulations.

2.9 Employment of Minors

Minors may be employed by the Village in certain non-hazardous positions, subject to affirmative recommendation from the Principal or Guidance Counselor of the minor's school (if under sixteen (16) years old and during school sessions), and upon written approval of the minor's parents or legal guardian. The hiring of minors shall be in compliance with Florida Statutes Chapter 450, as amended from time to time, and other applicable State and Federal laws.

Human Resources must obtain a completed authorization form and obtain necessary signatures from the minor's parent/legal guardian and/or school, as well as obtain photocopies, and maintain accurate records, of the minor's proof of age document.

2.10 Veterans Preference

In accordance with Florida law, the Village provides a Veteran's preference in appointment and retention to qualified Veterans, spouses of veterans, and certain family members.

The following persons shall be eligible to receive preference in appointment and retention in employment:

- A Veteran who served on active duty in any branch of the U.S. Armed Forces, received an honorable discharge, and has established the present existence of a service-connected disability that is compensable under public laws administered by the Department of Veterans Affairs ("DVA");
- A disabled Veteran who is receiving compensation, disability, retirement benefits, or pension, by reason of public laws administered by the DVA and the U.S. Department of Defense;
- The spouse of a person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of such disability, cannot qualify for employment;
- The spouse of a person missing in action, captured in the line of duty by a hostile force, or forcibly detained or interned in the line of duty by a foreign government or power;
- Wartime Veterans as defined under Fla. Stat. § 1.01(14) who served at least one (1) day during a wartime period (Please note: active duty training does not qualify under this provision);
- An unremarried widow or widower of a Veteran who died of a service-connected disability;
- The mother, father, legal guardian, or unremarried widow or widower of a member of the U.S. Armed Forces who died in the line of duty under combat-related conditions, as verified by the U.S. Department of Defense;
- Current members of any Reserve component of the U.S. Armed Forces or the Florida National Guard.

When Veteran's preference positions are posted, the Village will provide notice in all announcements and advertisements of vacancies in covered positions that preference in initial appointment will be given to eligible individuals and will inform them of the right to an investigation by the Department of Veteran's Affairs if a non-preference eligible applicant is appointed to a position, the time limits for requesting such investigation, and the address to which the request for an investigation should be sent.

The Village's application for positions covered by the Veteran's preference laws will inquire as to whether the applicant is claiming Veterans' preference.

The Village will maintain records which document the manner of the selection and the propriety of the selection process and decision in accordance with federal and state laws.

Certain positions are not covered by Veteran's preference. Veteran's preference is not provided with respect to Village positions which are filled by officers elected by popular vote or persons appointed to fill vacancies in such offices and the personal secretary of each such officer, members of boards and commissions, persons employed on a temporary basis without benefits.

Preference in appointment and employment requires that a preferred applicant be given special consideration at each step of the employment selection process, but does not require the employment of a preferred applicant over a non-preferred applicant who is the most qualified applicant for the position.

Granting of an interview is one example of the type of special consideration which may be given to a preferred applicant. If, at any stage of the hiring process, a preference-eligible Veteran meets minimum qualifications for an open position, then they will advance to the next step in the Village's selection process. If, at any step in the selection process, a determination is made that the Veteran is not qualified to advance to a subsequent step in the selection process, such determination will receive a review at a higher level of management having authority to overturn the initial determination, to ensure whether the determination was correct.

In the event State or local Veterans preference laws and regulations are amended, such applicable amendments will control.

2.11 Appointment

The Village Manager has the authority to appoint, suspend, or remove all Village employees. The Village Manager may authorize a subordinate to exercise such powers with respect to that subordinate's department.

2.12 Application and Relocation Expenses

Unless approved by the Village Manager, the Village does **not** reimburse any applicant for travel costs in conjunction with the hiring process. Relocation costs are paid in full by the employee

unless otherwise budgeted and approved by the Village Manager. The applicant should be advised of this policy by the Department Director before reporting for the interview.

2.13 Employee Onboarding and Orientation

Each new employee of the Village shall report to the Human Resources Department in Village Hall at the beginning of their first day of work for general orientation.

Forms

Human Resources will distribute and explain the various enrollments forms, etc. that must be completed by the employee.

Benefits and Regulations

Each new employee will be provided with information on employee benefits, Village Employment Regulations and operations.

Additional Information

The new hire's department shall provide additional information to each new employee, including:

- (1) Review work standards and regulations
- (2) Hours of work, time keeping, leave requests through the Villages electronic timekeeping system
- (3) Duties of the position
- (4) Safety rules and procedures, location of safety or protective equipment
- (5) Tour of the work area, including location of equipment, supplies, etc.
- (6) Introduction to co-workers
- (7) Schedule for lunch and breaks
- (8) When and whom to report absence from work
- (9) Who is responsible for performance planning and review

2.14 Position Job Descriptions

Maintenance of Descriptions

All position descriptions and job specifications for Village employees shall be maintained by the Human Resources Department. The Human Resources Director develops in consultation with the Department Director job descriptions and classifications.

The position descriptions may include: Class Title, Department Division, Effective Date, Bargaining Unit, General Purpose, Supervision Received, Supervision Exercised, Examples of Duties, Minimum Qualifications, Special Requirements, Selection Guidelines, and Approval Signatures.

No Employment Agreements

The position description does not constitute an employment agreement between the Village and the employee and is subject to change as the needs of the Village and the requirements of the job change.

Duties

Examples of duties listed in the position description are intended only as illustrations of the various types of work performed. The omission of specific statements of duties does not exclude them from the position, if the work is similarly related or a logical assignment to the position.

Personnel Files

Each employee's current position description is maintained as part of his/her personnel file. Additional copies of position descriptions may be requested through the Department Director.

Updates and Revisions

Updates or revisions to position descriptions will be made in accordance with Administrative Policy, or as otherwise required by the Village Manager, in his or her sole discretion and with or without notice to employees. Human Resources will work with Department Directors when making updates and/or revisions to job descriptions.

Chapter 3: Employment and Performance Reviews

Where it is determined by the Village Manager that a position should be created that was not presented and approved by the Village Council through the budget process, the Village Manager shall obtain approval from the Village Council to add a position to the classification plan. However, the Village Manager has the authority to create temporary positions for a maximum period of six (6) months without prior approval of the Village Council, subject to funding in the budget, where the Village Manager determines it is in the best interest of the Village.

3.1 Types of Employees

Probationary Employee

All Village employees are "at will" employees and shall serve a defined probationary period of six (6) months. Unless otherwise provided for in a collective bargaining agreement, the probation period may be extended after a recommendation from the Department Director through the Human Resources Director and Village Manager for an additional period of up to three (3) months. The employee may receive a review of his job performance at any time but no less frequently than upon the completion of the first three (3) months of employment. The probation period is designed to give the employee time to learn the position and to give the supervisor time to evaluate the employee's potential and performance. As during regular employment, the Village reserves the right to terminate the probationary employee's service with or without a stated reason during the established probationary period; however, Village employees remain "at will" employees even after probation, and all throughout their employment with the Village.

If a probationary employee is unable to perform the work required, the person shall be terminated as early as possible. Probationary employees who fail to meet the Village's expectations and are separated from employment shall be notified of the termination in writing by the Department Director at any time during the probationary period and a copy of said notification shall be retained in the personnel files. If an employee is terminated during probation time (6 months), they are not eligible for Personal Leave Time (PLT) payment.

At the end of the probation period, the employee is evaluated and provided with written documentation of progress. Informal evaluations may be conducted during the probationary period to assess performance and to advise employees of expectations regarding performance. Significant job deficiency(ies) shall be documented in the employee's personnel file.

If the employee successfully completes the probationary period, they shall be informed. This will be accomplished by the Village upon the recommendation of the appropriate Department Director.

Regular Full-Time Employee

An employee who has successfully completed the probationary period, is assigned to a position which is expected to continue for an indefinite duration and works a schedule which normally totals 2,080 hours per year or 2,184 hours per year for Police Department sworn police officers. Non-exempt employees in this category shall be eligible for overtime compensation as provided herein.

Part time employee

An employee who has successfully completed the probationary period, is assigned a position that regularly works fewer than thirty (30) hours per week on a continuous basis throughout the year. Except as otherwise stated, employees regularly working less than thirty (30) hours per week are not eligible for benefits. Regular part-time employees are enrolled into the Florida Retirement System (FRS). Part-time employees receive no fringe benefits or paid time off.

Temporary Employees

An employee whose work assignment is limited in duration to six (6) months or less and works an agreed upon schedule. Temporary employees are not permanent, receive no fringe benefits or paid time off, and the hours worked are based on the area of need. Temporary employees receive no fringe benefits or paid time off. Temporary employees can be hired through a staffing agency. The process is completed and approved through the Human Resources Department.

Casual On-Call Employee

An employee who is on call to work at unscheduled dates and time. Casual employees, receive no fringe benefits or paid time off. On call employees are not eligible for FRS.

Seasonal Employees

An employee who works on a temporary basis to meet the needs of the Village during a certain period of time period - for the season but don't have benefits because they are seasonal (i.e., Camp employees). Seasonal employees, receive no fringe benefits or paid time off. Seasonal employees are not eligible for FRS.

Student Intern Employees

An employee who is regularly enrolled as a student in a recognized educational institution and is assigned to a full time, on-call, or casual position which, in the case of post-secondary students, is related to the student's course of study, and which will continue for no longer than the current semester or term at the student's school; provided, however, that subsequent work assignments may be made for the same student for periods which correspond to the student's semester or term. All Student intern funds must be available in the budget.

3.2 Personal Leave and Leave Eligibility

After six (6) months from the date of hire and at the conclusion of the probationary period employees become eligible for personal leave and other appropriate leaves accrued retroactive to the person's beginning date of employment.

If a situation arises during the first six (6) months of an employee's probationary period which requires a leave of absence, such time off, if granted will not be considered as time worked, unless required by law. Time used prior to the end of the probationary period will be unpaid leave unless it is an extenuating circumstance and must be approved by the Human Resources Director after consulting with the Department Director.

3.3 Benefit Eligibility

Employees classified as regular full-time employees shall receive all employee benefits provided by the Village the 1st of the month after 60 days of employment.

All positions other than regular full-time shall not be eligible for any benefits unless required by law.

If an employee is transferred or promoted, they remain eligible for all fringe benefits included with the previous position during the probation period for the transfer or promotion.

3.4 Performance and Evaluations

Demotion and Possibility of Discharge

If a transferred or promoted employee fails to achieve satisfactory performance in the new position, they will be given priority for the first position opening similar to the one previously held if the employee's performance in the previous position was satisfactory. If an employee had not performed satisfactorily in the previous position, the employee may be terminated from Village employment.

3.5 General Purpose for Evaluations

The functions of the employee performance evaluation are: to provide all employees, especially introductory employees, with timely reports of their progress and allow for correction of deficiencies; to provide all employees with positive recognition of strengths and special abilities and an opportunity to improve deficiencies; to provide an ongoing performance record which may become part of documentation used in making personnel actions; to provide employees with an opportunity to discuss ways and means for improvement; and to cause current job descriptions to be formulated and/or maintained.

Annual Evaluation of Personnel

All Village employees shall be evaluated at least once a year. Department Directors may choose to evaluate employees more often.

Pay Increases, Effective Date

Annual evaluations will be completed corresponding with the employee's original hire date. Pay increases will become effective the first full pay period following the evaluation date. To be eligible for an increase employees must have a satisfactory job performance based on evaluation. Employees hired before October 1, 2021, may have a different evaluation date other than their original hire date. If an employee is going from a Part-time to Full Time position the effective date for the full-time position will become the anniversary date.

3.6 Performance Evaluation Process

The Department Director or designated supervisor shall complete an Employee Performance Evaluation Form. When the evaluation is completed, the employee, supervisor, and Department Director shall meet to discuss the evaluation including, but not limited to, the relationship between the employee's performance of the job and the description of the job itself. They shall strive to reach a consensus. If there is a disagreement, or consensus is not achieved, the supervisor's comments shall take priority and the employee may, if they wish, respond in writing, and attach it to the form before it is forwarded for final review and filing. The supervisor signs the completed form and sends it to the Department Director (if other than the supervisor completing the evaluation) for review and comment and signature.

It is then returned to the supervisor who then allows the employee to read the completed form and sign it. The fully executed employee performance evaluation report shall be forwarded to the Village Manager for review and approval. Once approved by the Village Manager, the evaluation report shall be placed in the personnel file and will remain filed for the length of time required by law or policy.

The Village may amend the program for evaluating the work performance of its employees from time to time.

3.7 Unsatisfactory Performance

Employees who fail to perform at a satisfactory level shall be subject to disciplinary action up to, and including, termination. The Village may also place an employee on a Performance Improvement Plan (described below), which may include an additional period of probation.

3.8 Performance Improvement Plans

Employees who fail to meet a satisfactory performance standard in any one or more area(s) may be placed on a Performance Improvement Plan, which may also include an additional period of probation. Generally, Performance Improvement Plans are implemented for a 30–90-day period, depending on the nature of the performance issue(s). Employees placed on Performance Improvement Plans are expected to demonstrate immediate and sustained improvement of performance. All employees placed on a Performance Improvement Plan are subject to termination, transfer, extended probation, or demotion for failing to meet any requirement of the plan. Employees on a Performance Improvement Plan are also subject to termination, transfer, extended probation, or demotion for violating work rules, or engaging in inappropriate or unbecoming conduct during the Plan. Performance Improvement Plans must be reviewed and approved by the Human Resources Director prior to issuing to employee. Importantly, Department Directors, with the approval of the Village Manager and in consultation with the Human Resources Director, reserve the right to terminate an employee, at any time (including during or after the completion of a Performance Improvement Plan).

3.9 Promotions

Position Posting

All openings for Village positions may be posted both internally and externally at each Village facility.

The Village seeks to fill all vacant positions with qualified Village employees following a policy of upward mobility whenever possible. Employees are encouraged to apply for any vacancy for which they may qualify in accordance with these regulations.

Time Before Promotion or Transfer

Employees are expected to pass their probationary period before being considered for a promotion or transfer. This regulation may be waived by the Village Manager for good cause.

Selection Criteria

Selection of an employee for a promotion (or lateral transfer) is based on previous work performance, education, training, knowledge of the job duties, as well as time in service.

Dispensing of Selection Process

In cases where only one (1) employee applies for a position and the person's abilities and qualifications are known to the hiring department, the formal selection process may be waived by the Village Manager.

Promotion Offers and Appointments

No offer of promotion may be made to any employee prior to completion of the recruitment and selection process. Temporary assignments may be made by a Department Director for a specified time or assignment, upon approval of the Village Manager. Such appointments are made on "acting" basis and the employee shall return to his or her regular position upon completion of the assignment. The actual compensation for "acting" appointments shall be set by the Department Director in consultation with the Human Resources Director and with approval of the Village Manager. See Collective Bargaining Agreements for more information.

Compensation Increase

Whenever an employee is promoted to a higher position, or whenever an employee's position is upgraded, said employee will enter the new grade/position at the entry level salary or pay rate of the new position. In the event the minimum salary amount or pay rate of the new or upgraded position does not provide a compensation increase of 4% or more, the employee shall receive the minimum of 4%. The new salary amount or pay rate, upon promotion, shall not exceed the maximum of the new pay range.

Probation Period upon Promotion

Employees promoted will be subject to the standard probation period for the new position which is ninety (90) days. Those who fail the probationary period may re-assume any prior appointment held prior to the promotion unless that position has been filled or for other reason within the discretion of the Village Manager.

Members of collective bargaining units should refer to their collective bargaining agreement for specific promotional policies.

3.10 Transfers

Position Posting

All openings for Village positions will be posted both internally and externally at each Village facility.

Application and Procedure for Transfers

Any current employee interested in applying for a lateral transfer must complete an internal application through the Village's applicant tracking system.

If the employee meets the stated requirements for the position, they will proceed through the regular hiring procedures with all other applicants as described in these regulations. Transfers are made only when the Village's service will benefit. Generally, employees are expected to serve in their current position for at least six (6) months before being considered for promotions or transfers. Current Village employees will be given priority to fill open positions subject to applicable laws.

- (a) The personnel file of the transfer applicant will be made available to the Department Director responsible for filling the open position.
- (b) If the current employee is selected, his/her Department Director will be advised prior to the offer being made to the employee.
- (c) If the employee accepts the position, the employee's current and future Department Director, along with the employee, will reach an agreement on a transfer date. In the event a satisfactory agreement cannot be reached on this matter, the Human Resources Director shall establish a transfer date.

Compensation

Transfers of employees which do not constitute a change of classification held by an employee or transfers to a classification with the same pay range as that previously held, shall be considered continuous employment, and shall not affect the employee's status relative to the pay plan. Transfer of employees to a classification other than that currently held shall be considered promotion or demotion.

Probation Period

Transfer employees will serve a probation period of (6) six months in the new position. Promoted employees will serve a probationary period of 90 days.

Benefits

If the position to which an employee transfers carries benefits different from those of the previous position, the benefits of the new position apply retroactively to the date of transfer upon successful completion of the new probation period. Any exceptions must be stated in writing and be authorized by the Village Manager.

3.11 Demotions

Effects of Demotion

An employee reassigned to a position in a lower classification regardless of the reason (disciplinary, voluntary, in lieu of layoff, for reasons of disability or incapacity, department reorganization, etc.) may receive a reduction in pay commensurate with the nature of the demotion as determined by the Department Director in consultation with Human Resources. No employee

may be demoted to a position for which they do not possess the minimum qualifications. All demoted employees shall be subject to a six (6) month probationary period for the position to which demoted. Employees demoted to a classification in a pay range below that previously held, shall be paid at a rate within the pay range established for the lower classification. Any employee who voluntarily requests a demotion to a classification in a pay range below that previously held shall be paid at a rate within the pay range established for the lower classification.

Notification

An employee being demoted shall generally be notified two (2) weeks prior to the demotion, except in situations where prompt action is necessary in the Village's sole discretion.

Demotion in Lieu of Layoff

An employee may be demoted rather than laid off. When demoted in lieu of layoff, an employee is eligible for reinstatement to the former position when the former position becomes available.

3.12 Personnel Records

The Village maintains personnel records and files for each employee and tracks employee-related information for internal business purposes, to comply with applicable laws, to administer the Village's employment and benefits programs, and to comply with Florida's Public Records law. In this regard, unless information is exempt or confidential under Florida law, employment records are subject to public disclosure requirements of the Florida Public Records Act. Employees wishing to review their personnel file may do so by requesting an appointment with the Human Resources Department. A representative from the Human Resources Department will be present during such review. Employees may also obtain copies of personnel file materials in accordance with the Village's public records policy.

All employee information must be kept current. Employees must provide notification, in writing, to the Human Resources Department immediately following any change of the information below but no later than seven (7) calendar days after such change.

- Name, address, telephone number, or email address.
- Emergency contact information.
- Marital status (for insurance and COBRA purposes).
- Dependent status (for income tax withholding and insurance purposes).
- Beneficiary information (for life insurance purposes).
- Bank account information (for direct deposit purposes).

Employees should be aware that because most information contained in a personnel file is not exempt or confidential under Florida's public records law, personnel file materials will be made available for review by the public upon receipt of a public records request. Exempt and confidential information will be redacted prior to the release of records. Such requests, whether they are made in verbal or written form, must be directed to the Village Clerk for prompt processing.

Separate personnel files shall not be maintained by individual Department Directors. The only exception to this policy is for the Police Department which may maintain separate internal affairs investigation files, pursuant to law.

3.13 Inspection and Copying of Records

The Village of Palm Springs shall respect the personal nature of employment information to the greatest extent possible and will not arbitrarily or capriciously disclose information without a proper and lawful public records request. It is the policy of the Village to routinely provide only the following information to prospective employers regarding Village employees:

- Job title and department; and
- Dates of employment

On a routine basis, access to information contained in the personnel file will be limited to the employee, the Village Manager, and his or her staff, an employee's supervisors or Department Director, Human Resources, and the Village Attorney. Files pertaining to employees who are transferred from one department to another may be reviewed by the prospective gaining Department Director.

Each employee file will contain an entry log for recording every person's access to the records and purpose.

3.14 Employee Identification Badges

The Village shall issue an employee identification badge to each employee. At a minimum, the badge shall contain the following information: color photo, employee name, position, and department. The employee identification card shall be processed by the Human Resources Department. Each employee is responsible for protecting their identification badge from loss, theft, or misuse.

Should an identification badge suffer loss, damage or destruction, such loss, damage, or destruction must be immediately reported to the employee's supervisor, Department Director, and the Human Resources Department. It shall be each employee's responsibility to ensure accurate and timely updates of information contained on the employee identification badge. All requests for re-issuance of employee identification badges shall be made by the employee to the employee's supervisor, Department Director, and the Human Resources Department. Inaccurate or damaged identification badges shall be returned to the Human Resources Department before issuance of a new badge.

Employees are required to wear the Village issued photo identification badge at all times while in the workplace or off premises when conducting official business on behalf of the Village. The badge shall be worn on a blouse, shirt, jacket, or top of the uniform or apparel, worn with the right side up so that it can easily be read, and displayed within 12 inches of the face. The badge shall be

used as identification, if requested by a member of the public or another Village employee. Unauthorized or inappropriate use of the employee identification badge is prohibited and will result in disciplinary action. Employees who's uniform clearly identifies their name are not required to wear their badge (i.e., Police Officers).

Employee identification badges remain the property of the Village and shall be returned to The Human Resources Department upon termination or suspension of employment, or upon request by the employee's Department Director or the Village Manager.

Chapter 4: Separation from Employment

4.1 Retirement

Retirement is voluntary termination after having satisfied the age and length of employment requirements of the applicable Pension Plan procedures for applying for retirement benefits.

4.2 Resignation

Resignation is voluntary termination for any reason other than retirement. An employee wanting to leave the Village in good standing shall provide a written resignation to his/her immediate supervisor at least fourteen (14) calendar days prior to the effective date of resignation. The resignation letter should include the reason for leaving as well as the proposed effective date. Two weeks' notice is understood to mean that the resigning employee will be available for work during this time to aid in the training of a replacement. Exceptions to the time limit requirement may be granted by the Village Manager, at the Village Manager's sole discretion.

4.3 Discharge

Discharge is involuntary termination of an employee by the Village and shall occur only upon the written approval of the Village Manager.

4.4 Probationary Discharge

Probationary Discharge is involuntary termination of an employee during an established probationary period. A probationary discharge shall occur only upon the recommendation/approval of the Department Director in collaboration with the Human Resources Director.

4.5 Layoff

Layoff is discharge of an employee by the Village for lack of work, lack of funds, reduction in force (RIF), or elimination or consolidation of positions. Reasonable effort will be made for transfers to other departments when a position is open for which the employee qualifies. When the Village is able to recall employees from layoff or fill regular job vacancies during a layoff, the Village shall give equal consideration of the interested employee's ability to satisfactorily perform

the position and the employee's length of continuous service with the Village in the position classification, unless a collective bargaining agreement provides otherwise. In applying this provision, where qualifications, experience and performance are equal, seniority shall govern. The Village shall provide an employee with at least two (2) weeks advance notification prior to layoff, or the length of time required by law in those circumstances, except in case of emergency. An employee on layoff must keep the Human Resources Department informed of his/her address and telephone number where they can be contacted and shall notify the Human Resources Department upon accepting substitute employment.

4.6 Recall obligation

If the Village is unable to contact the employee within seven (7) calendar days, at the employee's last known address or telephone number, the Village's obligation to recall the employee shall cease. The Village shall have no obligation to recall an employee after they have been on continuous layoff for a period which exceeds one (1) year. After recall, should an employee not return to work within ten (10) days, when recalled, the Village shall have no further obligation to recall that employee.

4.7 Discontinued Position

From time to time, it may be necessary to reorganize the workforce by eliminating and/or combining positions. If such reorganization occurs where an employee's position is eliminated and/or combined with another to create a new position, the Village will attempt to provide advanced notice of the reorganization. All efforts will be made to provide two (2) weeks advanced notification.

4.8 Exit Interview

Human Resources will offer to schedule an exit interview for each employee with the Human Resources Department prior to the employee's last day of employment. Temporary employees are not required and usually do not participate in the Exit Interview process, unless same is requested by the employee to further improve or enhance present employment conditions.

Copies of the completed Exit Interview will be furnished to the Village Manager and the appropriate Department Director and immediate supervisor. The Department Director or employee's supervisor may respond to statements made in the Exit Interview in writing. The response, if made, will be reviewed by the Village Manager, and filed together with the Exit Interview report. The Exit Interview shall be maintained in the employee's official personnel file.

4.9 Compensation

Employees shall receive pay for work performed through the last hour worked and for unused benefits as stipulated by policy and laws governing such payments. Plus, compensation time and Personal Leave Time (if they have been working for more than 6 months).

4.10 Pay Deductions

Termination pay shall be reduced by any authorized legal deductions; authorized pension plan; credit union, tax sheltered annuity; union dues; and any other amounts specifically agreed upon orally or in writing by the employee and the Village. The employee shall be responsible for deductions pertaining to health and dental through the end of the month. If the employee does not want insurance coverage for the remainder of the month coverage will cease the last day of employment.

4.11 Return of Village Property

Before the final paycheck is issued to the employee, the employee shall be required to turn in all Village property in his/her possession such as, all records, books, assets, uniforms, keys, tools, access badges, and passwords. The supervisor or Department Director is responsible for completing a termination checklist which ensures all appropriate items have been returned, inventoried, and receipted. The form will be submitted to Humans Resources. Failure of the terminating employee to return property will result in a deduction from final pay of non-exempt employees for the fair market value of such property, in accordance with applicable wage and hour laws. Failure of an exempt employee to return property shall be handled in accordance with applicable law.

4.12 Termination Date

The official date of termination will be the last full day the employee reports for work or is on approved leave.

4.13 Re-employment

Any former employee who resigned from the Village may be eligible for re-employment, so long as they provided the proper fourteen (14) days' notice as required in these policies. Eligibility for re-employment does not guarantee the former employee will be re-hired. It simply allows for the opportunity to apply and be considered for the position. The Village retains the right to hire the most qualified applicants.

Application

Persons interested in re-employment shall complete a new Village application through the Village's applicant tracking system to the Human Resources Department. The individual will then proceed through the regular hiring process.

Pay

An individual re-employed in his/her former position may be paid the same pay rate at the time they left the Village, provided however, that the re-employment is within one (1) year of the previous resignation. The compensation of an employee re-hired to a position other than the former

position will be subject to pay provisions for new hires. The accrual rate for the rehired employee will start over.

Pension Plan

Any individual re-employed shall be enrolled into the Florida Retirement System in accordance with the terms of the plan.

Personnel File

The individual's previous personnel file will be re-activated once re-employed by the Village, provided re-employment is within seven (7) years after the original resignation.

New Probationary Period

All individuals re-employed by the Village must complete a new probationary period of six (6) months.

Chapter 5: Hours of Work, Attendance, and Appearance

5.1 Working Hours

The Village of Palm Springs administrative offices are open Monday through Friday, except for Village observed holidays. Hours of operation vary by department. Working time does not include meal periods. Exceptions to the above schedule may be requested by a Department Director and established by the Village Manager in accordance with the special requirements of the respective Departments. Furthermore, the Village Manager may propose hours of work other than those specified, if necessary.

Subject to workload and the operational needs of the Village and its Departments, employees will generally be provided a meal period of at least thirty (30) minutes. Such meal break will be scheduled at the discretion of the Department Director. Non-exempt employees are prohibited from performing any work during bona fide meal periods. Non-exempt employees directed to perform work during their meal break should report such issue to Human Resources immediately (within 24 hours).

5.2 Breaks

The Village may provide employees a rest period of not more than fifteen (15) minutes, on the Village's time, for each four (4) hour work period. Rest periods shall be scheduled as near as possible to the midpoint of each four (4) hour work period. Employees are generally not required to work more than four (4) hours without a rest period. (Lunch is considered a rest period.) All rest breaks and meal breaks shall be arranged by the employee at the discretion of his/her supervisor.

The Village will provide a reasonable break time for an employee to express breast milk for the employee's nursing child for one (1) year after the child's birth each time the employee has need to express the milk. The Village will provide a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk. Nursing breaks are not compensable (paid) breaks unless the employee is completely relieved of duty during the entirety of the break. Any employee who does not believe they have been provided reasonable break time or location for expressing breast milk under this provision must notify Human Resources immediately. Human Resources will provide a response and/or correction within 10 calendar days.

5.3 Reporting for Work

Employees shall report promptly to their designated work location and shall devote their entire efforts during working hours to assigned duties. In the event that an employee is unable to report for work as scheduled, the employee should notify the supervisor one (1) hour prior to the designated starting time daily, unless the employee is experiencing a bona fide health or family emergency (in which case the employee should notify the Department Director or supervisor as soon as possible under the circumstances). Such notification should be conducted in accordance with the directions provided by the Department Director or appropriate supervisor.

Failure to notify the Department Director or supervisor as provided herein may result in denial of the use of accrued leave for that day's absence or disciplinary action, in accordance with applicable law. Nothing in this section is intended to infringe upon or eliminate any rights an employee may have under the Family and Medical Leave Act.

Advance notice of anticipated tardiness is expected; notice of unavoidable tardiness is expected, when possible. Notice shall be given to the employee's immediate supervisor. Tardiness, without notice, of more than fifteen (15) minutes shall constitute an unexcused absence for the duration of the tardiness and employees shall not be permitted to use Paid Leave Time to cover the absence. Tardiness must be made up during the pay period in which it occurs, or non-exempt employees shall not receive pay for time missed involved. Notification by another employee, friend, or relative is not considered proper except in an emergency situation where the employee is physically unable to make the notification.

5.4 Absence without Leave

Unauthorized and unreported absences may be considered absences without leave and may constitute grounds for disciplinary action, up to and including termination of employment. Failure to report to work without notice for three (3) consecutive days will generally be considered job abandonment and the employee will be terminated.

5.5 Attendance

Daily attendance records shall be maintained using the Villages electronic time keeping system by each department, including date and time of employee absence and reason for absence.

Attendance shall be a consideration in determining promotions, transfers, satisfactory completion of probationary periods, and continued employment with the Village. Frequent tardiness or other attendance irregularities shall be cause for disciplinary action. With the exception of PBA employees (until otherwise determine), the rest of the employees must use the electronic time keeping software to record their attendance.

5.6 Personal Appearance

The Village of Palm Springs considers proper dress, personal appearance, personal cleanliness, and safety, a part of each employee's job and shall be consistent with assigned duties and responsibilities. Clothing shall be businesslike and shall be maintained in good repair, clean, and pressed. An effective dress and grooming policy will contribute to creating a positive public image, establishing a consistent identity for customers, and setting a positive and professional tone for the workplace. The Village's policy is set forth below:

While the Village does not require uniforms for office staff in the workplace, it is recommended that a combination of Village issued tops be used in combination with personal clothing. Office personnel shall dress in appropriate, professional attire that is not too tight, too loose, sloppy, or too short and present themselves in a professional manner when on the job. Specific departmental policies related to dress and appearance must be approved by the Human Resources Director in consultation with the Village Manager.

Office Environment - Men	
Acceptable	Not Acceptable
Dress Pants, Dockers/Chinos	Jeans, Shorts, Cotton or Nylon Sweatpants, Athletic Attire
Dress Shirt with tie, Collared Shirt, Polo Type Shirt, or Village Issued Shirts,	Sweatshirts, T-Shirts, see-through garments
Loafers, Lace-up Shoes	Flip Flops, Thong Shoes, Hiking Boots or Hiking Sandals, Athletic Shoes Beach sandals, Gym/Tennis shoes

Office Environment - Women	
Acceptable	Not Acceptable
*Dress Pants, Dockers/Chinos, Skirts, Dresses, Mid-Calf Capri's/Crops, Leggings with a tunic or shirt covering to at least mid-thigh	Jeans, Shorts, Sweatpants, Athletic Attire, Casual Shorts, Stirrup Pants, Biker shorts

*Blouses, Sweaters, Polo Shirts, Jackets, or Village Issued Shirts, Business appropriate sleeveless blouse	Tank Tops, Sweatshirts, T-Shirts, Halter Tops, Spaghetti-strap Tops, see-through garments
*Dress Shoes with or without Heel, Loafers, Mules, Open Toed Shoes, Boots, Dress Sandals	Flip Flops, Thong Shoes, Hiking Boots or Hiking Sandals, Athletic Shoes Beach sandals, Gym/Tennis shoes

FRIDAYS – Jeans may be worn, except ones that show holes. Athletic shoes are permitted. Please note if professional meetings are held on Friday jeans are not permitted.

*Dresses and Skirts - Dresses and skirts at or below the knee are acceptable. Dresses and Skirts that do not allow the employee to bend, lift, squat, and reach without revealing underwear, under garments or outlines of under-garments are not acceptable.

*Shoes - Business appropriate, such as open and closed-toe shoes, pumps, oxfords, penny-loafers, and flats, are acceptable.

Personal hygiene - An employee's personal grooming and hygiene should reflect a clean and neat appearance without offensive or overwhelming odors.

Piercings - Piercings, other than the ear, will need to be removed (ex. Nose rings, eyebrow rings, lip/tongue rings are not acceptable.)

Any employee who requires an exception to the Dress Code based on a bona fide religious belief, ethnicity, gender identity or expression, or disability, should contact the Human Resources Department to request a reasonable accommodation. The Village will undertake to make reasonable accommodations for individuals with sincerely held religious beliefs, as well as for individuals with disabilities, as appropriate, unless doing so would create an undue hardship.

Employees reporting to work wearing clothing that is deemed to be non-compliant with a smart casual standard or in violation of this policy, will be required to clock-out and go home to change and may face disciplinary action. An employee will be considered “off the clock” when sent home in violation of this policy. Department Directors may modify the dress standard from time to time to accommodate special work projects, outside activities or department internal projects, and temporarily authorize alternate clothing that is task specific. The Department Director and Human Resources Director shall make the final determination in questionable situations.

The Department Director, Human Resources Director, and Village Manager may make exceptions to the dress code policy for special days, such as holidays or special occasions. Exceptions shall be considered regarding specific job duties and responsibilities but shall always follow the rule of business necessity. Employees may be allowed to “dress down” with Director’s approval when working on temporary projects or assignments, *i.e.*, moving of an office.

Department Directors and all supervisors and managers shall be responsible for the dress code compliance of their respective departments. Open communication is the key to consistent enforcement of the dress code policy.

Chapter 6: Electronic and Other Communications

6.1 Internet/Intranet/E-Mail/Devices

The Village of Palm Springs Internet, Intranet, Electronic Mail systems, and devices are intended to facilitate Village business objectives and communication among employees, customers, and other governmental and business associates for messages, memoranda, research, or other work-related tasks. The below provides general information. For specifics, please see the IT user policy.

The Internet, Intranet, E-mail systems, and devices are Village property and are intended for Village business. The systems and devices are not to be used for employee personal reasons or personal gain or to access, support, or advocate non-Village related business or purposes. All data and/or electronic messages created, received, or transmitted within the system or device are the property of Village of Palm Springs. E-mail messages may need to be retained as public records depending on their content if so, the Department of State Records retention schedules shall apply. These public records need to be retained by and made available to the public when requested. Failure to retain such information may result in disciplinary action, including dismissal from employment.

In addition, the Village, through its managers and supervisors will review the contents of any employee's Internet/Intranet/E-mail communications when necessary for Village business purposes. However, employees may not intentionally intercept, eavesdrop, record, read, alter, or receive other persons' Internet/Intranet/E-mail messages without proper authorization. Employees who misuse Internet/Intranet/E-mail/Device privileges shall be subject to discipline up to and including termination.

All Department Directors are responsible for the implementation and adherence of this policy within their department. Department Directors (or their designees) are encouraged to work with their entire staff toward that end. In the event that any Department policy contradicts this policy, this policy shall govern.

6.2 Prohibited Uses

The Village's Internet/Intranet/E-Mail systems and devices shall not be used to create, access, or transmit any offensive, inappropriate, or disruptive messages or data. Examples of messages or data which are considered offensive, inappropriate, or disruptive include any message, video, or data which contain sexual implications, pornography, racial slurs, gender specific content, or any other comment that offensively or inappropriately addresses someone's age, sexual orientation, religious or political beliefs, national origin, gender identity or expression, genetic information, or disability, pregnancy, or any other category protected by federal, state, or local law. Employees

are also prohibited from using the Village's Internet/Intranet/E-Mail systems and/or devices to engage in inappropriate workplace behavior, such as online dating or gambling.

Incidental and occasional personal use of Village systems and devices is permitted, but information and messages stored in the Village's systems and devices will be treated as business-related and may be viewed by the Village at any time with or without prior notice.

All users of the Internet/Intranet/E-Mail systems and devices are subject to discipline pursuant to the Village of Palm Springs Employment Personnel Policies, Regulations, and Handbook and all applicable state, federal, and local laws.

6.3 Social Networking, Social Media, and Blogging

The Village is committed to continuously enhancing communications methods to reach Village residents and business owners. We realize a growing number of residents use Social Media to receive and share information. Social Media can be used effectively to keep the public informed of Village events, activities, and services. The Village will utilize Social Media platforms including but not limited to Facebook, Twitter, Instagram, Linked In, Next Door, and YouTube to provide information to the public in a safe and respectful manner. This will provide optimal customer service while providing outreach to the community.

The Village has established a standard policy for communication on Social Media platforms. This policy provides guidance and information related to the Village and employees' use of Social Media and maintain the integrity of the Village's presence on Social Media.

SCOPE AND APPLICABILITY

This policy applies to all Village employees, departments, and contracted entities and anyone acting on behalf of, appearing to act on behalf of, or in the name of the Village that distributes information on behalf of the Village while engaging in any Social Media activities implied or directed. Additionally, the Village recognizes that many Village employees use Social Media in their personal lives, and this policy provides guidelines for communicating on Social Media sites as a private citizen.

Commented [U11]: Policies applicable to the public should not be in the personnel policies. Recommend separating those provisions.

DEFINITIONS

Social Media for the purposes of this policy are various forms of internet-based user-created content tools, such as social networks.

Examples of Social Media applications include, but are not limited to:

❖ Facebook ❖ Twitter ❖ Nextdoor ❖ Instagram ❖ Social networking news media comment sharing/blogging ❖ YouTube ❖ Linked In ❖ Village Website

This policy covers all Social Media tools that provide platforms for sharing information, both current and future, about the Village of Palm Springs.

Village Social Media Account shall mean any registration, login credential, tool, forum, website, or network that is created or maintained by a Village department to establish or perpetuate a Social Media presence.

Social Media Administrator(s) is defined as the Information Technology department responsible for the development, creation, and implementation of all Social Media platforms. Social Media committee members will be assigned as content managers. Changes to any Social Media platform will go before the committee for review and approval prior to implementation.

Authorized User shall mean any employee, or any person acting on the behalf of the Village, who has been authorized with approval from the Village Manager or the Village Manager's designated Social Media Administrator to edit, or maintain any Social Media Account and the posts it may contain, in the transaction of official business of the Village of Palm Springs including anyone acting on behalf of, appearing to act on behalf of, or in the name of the Village.

Post shall mean any email, message, picture, graphic, image, advertisement, notification, feed, stream, transmission, broadcast, podcast, video, instant message, text message, blog, microblog, status update, wall post, comment, and any, and all other forms, means, or attempts at collaboration or communication that is uploaded, posted to, or otherwise displayed on or transmitted by any Social Media Account or Network.

Content shall mean any posts, writings, material, documents, photographs, graphics, or other information that is created, posted, distributed, or transmitted via Social Media.

Photo Release shall mean any post or picture including a minor (under the age of 18 years old) must have a photo release form signed by a parent or guardian if in non-public area.

GENERAL POLICIES

The Village Manager shall be an administrator on all official Village Social Media accounts. The Village Manager may designate one or more additional Social Media administrators

Only Authorized users may post information on Village Social Media accounts. Authorized Users are responsible to ensure Social Media posts provide accurate information, and professional presentation, and are relevant and on topic with the Village's mission. Care must be taken to ensure that grammar and spelling are correct. Mistakes must be corrected quickly.

In no event shall Village Social Media accounts be used to publish information that includes:

- Information designated confidential or exempt under applicable law
- Copyright violations
- Profanity, racist, sexist, or derogatory content or comments
- Partisan political views
- Commercial endorsements or SPAM

Only programs and events that are hosted or sponsored by the Village may be advertised using Village Social Media accounts.

Public Records Law

The Village's Social Media platforms are governed by relevant public records laws. Every piece of Social Media content linked to Village business is public information. Any public records request for Social Media content must receive a comprehensive and accurate response from the Village through the Public Records process overseen by the Village Clerk.

Records Retention

Social networking sites contain messages that the Village and its employees have sent or received. As a result, these communications are public records covered by Florida Statute Ch. 119. No matter the format of the record, the same retention obligations still apply (example: digital text, photos, audio, and video recordings).

The Village shall ensure the preservation of records pursuant to a relevant records retention schedule for the required retention period in a format that preserves the integrity of the original record and is easily accessible.

Third-Party Content

The primary purpose for the Village's use of Social Media accounts is to disseminate information about Village events, activities, and services to the public. The Village's Social Media sites serve as government communications and are not intended as discussion forums. Therefore, as a general rule, third party comments and other types of information sharing will not be permitted on Village Social Media sites. Members of the public have numerous other avenues for communicating with the Village and expressing opinions and concerns, including, but not limited to, opportunities for public comment at meetings of the Village Council and other official bodies.

In the event that the Village Manager should authorize public commenting or posting on any Village Social Media account (on a case-by-case basis), the Village Social Media site in question will serve as a limited public forum and all content published will be subject to monitoring. User-generated posts will be rejected or removed (if possible) when the content:

- contains obscenity or material that appeals to the prurient interest
- contains personal identifying information or sensitive personal information o contains offensive terms that target protected classes o is threatening, harassing or discriminatory
- incites or promotes violence or illegal activities
- contains information that reasonably could compromise individual or public safety
- advertises or promotes a commercial product or service, or any entity or individual
- promotes or endorses political campaigns or candidates

RESPONSIBILITIES

Departments

Before Establishing a Social Media Account

- Approval from the Social Media committee is required to establish any Social Media Account for a Village department, program, or initiative.
- To obtain approval, contact the Social Media administrator to discuss objectives, Authorized Users, and logistics.

- If approved by the Social Media committee, formal approval from the Village Manager is required before proceeding with any proposed Social Media project and/or campaign.

IT Department & Administration

- Archive content. IT, with assistance from the Village Clerk and Social Media Administrators will be responsible for ensuring content posted to Social Media is archived under the Public Records Law. Any content that is removed may also be considered “public records” and will be archived as required by law to the extent possible using then-current reasonable options.
- The Administrator will be responsible for the review of all content along with any content manager.
- The Village Attorney will review and approve any changes or additions to the Terms of Use Agreement, or the general disclaimer, as requested.
- IT will have access to all Social Media accounts in order to Archive
- Dual Factor - IT will provide dual factor authorization to enhance security protection to all Social Media accounts.
- The IT department creates the account(s), set the accounts up to ensure consistency and security. IT would also need to purchase additional archiving licenses and setup archiving. The account(s) would then be handed off to the content creators.

GENERAL PROCEDURES

The Village’s Social Media Account must indicate it is for Village use only and must have a Village seal as the main picture. o Unless expressly authorized by the Village Manager, comments, and other mechanisms for posting by third parties will be disabled on all Village Social Media accounts.

GENERAL GUIDELINES

Authorized Users – Village Accounts

- Review and understand the Ethical Code of Conduct and prohibited activities enforced by Village of Palm Springs policy. Acknowledge that violations of these policies may result in disciplinary actions by completing a User Agreement Form annually.
- The Village of Palm Springs is responsible for all content published by Authorized Users on Village Accounts. When speaking on behalf of the Village, ensure all content posted represents the Village’s point of view and not those of individual employees. If you are in doubt, please contact the Social Media Administrator.
- Always protect sensitive information. Do not publish or report on conversations that are meant to be pre-decisional or internal to the Village of Palm Springs unless Village management has authorized the release of such information.
- Political Neutrality relates to any and all political action through any Social Media outlet. Any lobbying, political activities or expressions in a negative manner are prohibited. These rules apply to all types of expression.
- Respect copyright, fair use, and financial disclosure laws.
- All Social Media postings must abide by federal, state, and municipal laws.

- (When comments/public posting are enabled) If you see a post from the public that violates the Terms of Use Agreement or disclaimer, notify the comment maker of violated Terms of Agreement, specifying any Terms of Use that were violated. Document the post (screenshot if possible) for records retention and then delete it from public view.
- (When comments/public posting are enabled) Exercise caution while interacting with any external entity, both known and unknown to the user, and the information that the entity may provide or post. External Information shall not be utilized, commented on, or reposted unless the information has been verified or corroborated as true and accurate by independent and/or reputable resources.
- Links - The Village may from time to time use external links for Village business purposes and is not responsible for content published by the external website. The Village is not liable for any information controlled by such links. External links will be limited and used only in the event information needs to be provided to users (Natural Disaster links, Executive Orders, etc.).

EXTERNAL LINKS

To facilitate public convenience, the Village networking sites, or websites may contain links to other social networking or websites that are not owned, regularly reviewed, or controlled by the Village. The provision of direct links is not an endorsement or sponsorship of these external sites, content, or hosts. The Village is not responsible for what a user may find on another site, whether operated by the Village. The views and opinions of the authors of documents published on or linked to the Village social networking site or websites do not necessarily state or reflect the opinion, policy, or position of the Village.

The Village is not responsible for the content, quality, accuracy, or completeness of any offsite materials referenced by or linked through the Village social networking sites or websites. By using the Village social networking sites, the user acknowledges and accepts that the risk of injury or damage from viewing, hearing, downloading, or storing such materials rests entirely with the user and that the Village is not responsible for any materials stored on other social networking sites or websites, nor is it liable for any inaccurate, defamatory, offensive, or illegal materials found on other social networking sites or websites. The Village invites users to report any inappropriate content on external sites.

The Village does not endorse any content, viewpoint, products, or services linked from its social networking sites and shall not be held liable for any losses caused by reliance on the accuracy, reliability, or timeliness of such information. The Village does not warrant the accuracy or reliability of or endorse any products or service providers listed or linked to its site.

Links to other social networking sites or websites are approved if they meet the following criteria:

- They are state, regional, local, or federal government agencies, special purpose districts, hospitals, scientific or cultural organizations serving the Village of Palm Springs community and public and private not-for-profit educational institutions.
- They are human service organizations that receive direct support from the Village of Palm Springs.

- They are not-for-profit community festivals and events that are open to the general public and that are sponsored or co-sponsored by the Village of Palm Springs.
- No links are allowed to site containing inappropriate material or to information irrelevant to the Village mission or services.
- The Village's review team, consisting of the Village attorney, IT department, and Social Media committee has the authority to approve external links.
- The Village's Social Media committee is authorized to order removal of material that is noncompliant with these guidelines from the Village social network sites.
- Links shall not be made to sites that are for-profit or those associated with, sponsored by, or serving a candidate for elected office or any political party or organization supporting or seeking to defeat any candidate for elective office or ballot proposal.

SECURITY GUIDELINES

In general, Approved Users should show caution when interacting with external entities, those both known and unknown to the user. If at all in doubt of the legitimacy of any information sent to you, please avoid said information or contact the Social Media Administrator to report the information. The following guidelines should be adhered to:

- Employ strong passwords which cannot be easily compromised by cyberattacks.
- Periodically change passwords to Social Media accounts
- Use caution when adding, installing, attaching, or linking to any additional external services or applications that may potentially grant or enable access to the content, information, or posts within the Social Media account.
- Use caution when accessing links received from External Entities.
- Exercise caution when utilizing shortened links (links that have been shortened for ease of relaying the original link), as these may lead to a malicious site. Avoid clicking on shortened links. Consider requesting the link re-sent in another form.
- Be watchful for spoofed emails and/or websites (seemingly official-looking communications that lead the user to a malicious website or attempt to solicit the user's personal or financial information). Consult IT or the Administrator regarding any security-related matter.

TERMS OF USE

It shall be the policy of the Village of Palm Springs that the following agreement must be continuously and conspicuously posted on each Social Media Account established and maintained by the Village of Palm Springs if such capability exists. The agreement shall be posted on the Village website as well.

- Inappropriate comments are subject to deletion by the administrator of this account. If you don't comply with the posting guidelines, an administrator will contact you and your message will be removed. If you post inappropriate content a second time, an administrator will contact you and you will be blocked from posting any more information to the site.
- This forum is not monitored at all times. Do NOT use this forum to report emergencies or time-sensitive issues.

(If comments/public posting are enabled) Please follow these guidelines when posting:

- Content containing graphic, obscene, or explicit comments or submissions; or comments that are abusive, threatening, hateful, or intended to defame anyone or any organization; or comments that suggest or encourage illegal activity will not be tolerated.
- Content that promotes, fosters, or perpetuates discrimination based on race, creed, color, age, religion, gender, marital status, status regarding public assistance, national origin, physical or mental disability, gender identity, or sexual orientation will not be tolerated.
- Content posted by persons whose profile picture or avatar, username, or email address contains any of the aforementioned prohibited conduct will not be tolerated.
- Content should be related to the subject matter of the Social Media site where it is posted.
- Solicitations or advertisements are not permitted. This includes promotion or endorsement of any financial, commercial, or non-governmental agency or attempts to defame or defraud anyone.
- Solicitations of businesses or the selling of merchandise will not be permitted o Information intended to compromise the safety or security of the public or public systems will not be tolerated. You participate at your own risk, taking personal responsibility for your comments, your username, and any information provided.
- All comments will be turned off
- The appearance of external links on this site does not constitute an official endorsement on behalf of the Village of Palm Springs.

FAILURE TO COMPLY

Non-compliance with this policy may result in any or all the following:

- Limitation or revocation of an individual or Village Department's right to use or participate in Village related Social Media.
- The Village reserves the right to remove posts/content on Social Media accounts that violate this policy. Before removal, the Village will comply with public records laws by archiving posts.
- Corrective or disciplinary actions or sanctions.

Public Records

All Social Media accounts are subject to public records laws. Anything related to Village content or business whether posted by the Village or citizens is subject to public records request. All requests go through the Village Clerk's office.

GUIDELINES FOR VILLAGE EMPLOYEES' PERSONAL USE OF SOCIAL MEDIA

The Village of Palm Springs recognizes that Villages Employees are free to express their individual opinions on Social Media accounts, pursuant to the rights conferred by the First Amendment to the U. S. Constitution and other applicable laws, provided that they do so in their individual capacity. There are no limitations on the creation and upkeep of personal Social Media accounts by Village employees for sharing private information and personal opinions. However, Village employees should not post or comment on social media in a manner that

states, suggests, or imply they are speaking on behalf of the Village, without official and express authorization to do so.

Village Employees should assume that there is no expectation of privacy regarding posts on Social Media. Accordingly, any Social Media posts that violate this policy or any other rules of employee conduct may result in disciplinary action.

Employees of the Village are not permitted to use their work email or password in connection with a personal social networking site

No employee of the Village may independently create a Social Media platform that either expressly or implicitly claims to be an official Village platform, nor post on any platform in a manner that indicates or imply speaking in an official Village role on behalf of the Village, without the Village Manager's express consent.

Employees of the Village may follow the Village on its Social Media accounts and may "Like" and share content published by the Village. Staff members are permitted to personally comment on posts about Village business, but in doing so should include a disclaimer such as: "The postings on this site are my own and do NOT reflect or represent the opinions of the Village of Palm Springs."

Employees who participate in social media as part of their job on behalf of the Village may also comment on posts about Village business and in doing so should:

- State their names and, if relevant, position at the Village; and
- Confirm the comment and or messaging is consistent with and approved by the Village Manager or Designee.

6.4 Mobile Telephone Policy

The Village discourages the use of mobile telephone devices in certain situations, while prohibiting such use in others, to promote safety, efficiency, and productivity in the workplace. Employees who violate this policy may be subject to disciplinary action, up to and including, immediate termination.

Restrictions While Driving (Non-Commercial)

Employees driving motor vehicles for Village purposes are prohibited from using hand-held mobile telephone devices. If it is necessary to use the device while in transit and hands-free is not available, the driver should find an appropriate and safe place to park the vehicle before using the device. The vehicle should be in "park" for automatic transmission vehicles or "neutral" with the parking brake applied for manual transmission vehicles. However, using a hand-held mobile telephone device is permissible when necessary to communicate with law enforcement officials or other emergency services.

Restrictions While Driving (Drivers Operating Commercial Vehicles Regulated by DOT)

Drivers of Village vehicles qualifying as commercial motor vehicles are prohibited from texting while driving. Texting while driving is only permissible under DOT regulations when necessary to communicate with law enforcement officials or other emergency services.

Drivers of the Village's commercial motor vehicles are prohibited from using a hand-held mobile telephone device while driving a commercial motor vehicle. However, using a hand-held mobile telephone device is permissible when necessary to communicate with law enforcement officials or other emergency services.

Restrictions During Business Hours

All mobile telephone devices, whether personally owned or issued by the Village, should be placed in either vibrate or silent modes during meetings. During the meeting, employees should only utilize the mobile telephone device to obtain urgent information relating to the meeting or operations of the Village, or for emergency use. Emergency use is generally related to a threat to the health or safety of a colleague, family member or citizen.

Village-Issued Devices

Employees who have been provided with a Village-issued mobile telephone device shall operate the device within the terms of the contract to avoid overage charges. Broken or unusable devices shall be returned to the IT Department for reorder or repair. Employees are prohibited from directly contacting the service provider. Employees should be aware that information sent, received, or stored on Village-issued devices relating to Village business is a public record subject to Florida's Public Records law. These public records need to be retained and made available to the public when requested. Failure to retain such information may result in disciplinary action, including dismissal from employment.

Using Personal Devices for Village Business

Employees should be aware that information sent, received, or stored on personal cell phone or other device which relates to Village business is subject to Florida's Public Records law, regardless of the fact that it is sent, received, or stored on such personal device.

Telephones and Voicemail

Employees are not permitted to incur charges on any Village equipment including telephones, cellular phones, or computers that are not directly related to Village business. Any employee who uses such equipment in violation of this policy shall be personally responsible for the full amount of any charges incurred including any interest charged by the company providing the service on the Village's equipment. Any charges incurred by employees in violation of this policy shall be deducted from the employee's next paycheck immediately following discovery of said charges, to the extent permitted by federal and state law.

Moreover, should the charges to the employee exceed the amount that may be deducted from the next paycheck, the Village shall continue to deduct the charges from each successive paycheck

until the Village is completely and fully reimbursed for such charges, to the extent permitted by federal and state law.

Employees have no expectation of privacy with respect to information in voicemail because such information is the sole property of the Village and may be inspected by management or others at any time, with or without prior notice. The contents of electronic mail obtained through legitimate business purposes may be disclosed within the Village without permission of the employee. Any violation of this policy shall be subject to discipline up to, and including, termination.

The use of Village systems may not be used for solicitation of commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations. Furthermore, these systems may not be used to create any offensive or disruptive messages, including any violation of the Village's anti-discrimination and anti-harassment policy.

Chapter 7: Compensation, Benefits, Overtime, Salary, and Records

Employees shall be compensated on the regular pay date. The Village will not provide pay advances on wages or leave to any employee.

7.1 Overtime - General Policy

Department Directors will make every effort to maintain service level standards while keeping overtime use to a minimum. However, when overtime is worked, the Village will compensate employees for the overtime hours in accordance with applicable law.

7.2 Departmental Responsibilities

Department Directors are the authorized authority for the approval of overtime requests. It shall be the responsibility of the Department Director to determine whether overtime or compensatory time is granted to the employee when compensatory time is requested in lieu of overtime. Department Directors shall ensure that all overtime and compensatory time earned and used is recorded. Department Directors will exercise restraint in the utilization of overtime within their departments. Temporary adjustments in working hours or realignment of duties within the department should be considered as alternatives to the use of overtime. Overtime shall be considered necessary only in emergency situations, or where additional effort is needed to complete a task which is critical in nature.

7.3 Overtime Eligibility

All nonexempt employees shall be compensated for periods worked in excess of forty (40) hours worked per workweek, at a rate of one and one-half (1 and ½) times their regular straight-time rate of pay. The Village's workweek runs from Wednesday at 12:00 a.m. through Tuesday at midnight for the purpose of calculating hours worked for overtime purposes. Only time categorized as productive time will be considered when computing overtime. Productive time only

includes time actually worked, scheduled Paid Leave Time with notice, compensatory leave, jury duty, bereavement, and birthday (PBA members require a 24hour notice).

Members of the Palm Beach County Police Benevolent Association (PBA) shall be compensated for periods worked in excess of eighty-four (84) hours worked in a fourteen (14) day work period, at a rate of one and one-half (1 and ½) times their regular straight-time rate of pay in accordance with the 7(k) exemption of the Fair Labor Standards Act.

Employees exempt from the overtime provisions of applicable law are expected, as part of their responsibilities, to work in excess of forty (40) hours per week from time to time as required by the requirements and needs associated with their position. Exempt employees do not receive overtime or other compensation relating to hours worked in excess of forty (40) hours per week.

All overtime work must be approved by the Department Director or his or her designee. While employees will be paid for all overtime work, employees who work unauthorized overtime may be subject to disciplinary action, up to and including termination.

Non-exempt employees will not be compensated for bona fide meal breaks. Non-exempt employees are prohibited from performing work during uncompensated meal breaks. In the event an employee is asked to work during an uncompensated meal break, the employee must contact the Human Resources Department immediately (within 24 hours), verbally and in writing.

7.4 Compensatory Time

Compensatory Leave (Comp Time) is defined as time off from work granted an eligible employee in compensation for hours worked in excess of to the employee's regularly scheduled work period which is forty (40) hours in one week for general employees and eighty-four (84) hours in fourteen (14) days for police. Union members must refer to their Collective Bargaining Agreements for further guidance.

Upon request by an eligible employee, the Village may grant compensatory time off in lieu of overtime in compliance with FLSA, at the rate of one and one-half hours for each hour worked. Members of collective bargaining units should refer to their collective bargaining agreements regarding the specific policy and procedures related to Comp Time. Please note: Comp time is not an option on Holidays as it is considered "Premium" Pay.

Please refer to respective CBA for language pertaining to compensatory time.

7.5 Exempt Employees (Salaried)

Generally, employees considered "exempt" from the minimum wage and overtime provisions of applicable law include those employees' holding executive, administrative, and learned professional, among others. Employees of the Village who are unsure of their status as an exempt or nonexempt employee should contact the Human Resources Department. Exempt employees are not eligible for overtime.

It is our policy and practice to accurately compensate employees in compliance with all applicable state and federal laws. If an employee is classified as an exempt employee, the salary for the position is intended to compensate the employee for all hours worked. While the salary may be subject to review and modification from time to time, the salary is a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work.

In addition to deductions as a result of enrollment in health, dental, or life insurance programs, certain deductions from the salaries of exempt employees are permissible, such as:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability.
- Full day disciplinary suspensions for infractions of safety rules of major significance.
- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of major workplace conduct rules set forth in written policies.
- The first or last week of employment in the event you work less than a full week.

However, exempt employees who believe that their salary may have been improperly reduced, must report their concerns to the Human Resources Department, in writing within fourteen (14) calendar days of receipt of the payroll check reflecting the asserted deduction. To the extent that it is determined that an improper deduction was made, such amounts will be reimbursed to the employees, and the Village will undertake a good faith commitment to comply in the future.

7.6 Maintenance of Time Records

Nonexempt employees are required to record all hours worked on the Village's electronic timekeeping system. Employees must clock in and out at the beginning and end of each workday or shift as well as for bona fide unpaid meal breaks. Department Directors shall review and approve their payrolls and shall report any irregularities to the Human Resources and Finance Departments immediately (within 24 hours). If not otherwise electronically recorded, time sheets shall be completed by all departments. Falsification of time records is grounds for discipline, up to and including termination.

Exempt employees are not required to clock in and out.

Employees who believe they may not have been paid appropriately must report such concern within fourteen (14) calendar days of discovering the potential issue, both verbally and in writing, to the Human Resources Department. Employees must report both instances in which they believe that they may not have received enough compensation, as well as instances in which they believe they may have received too much compensation.

7.7 Benefits

Full-time employees will be eligible for certain benefits that the Village may offer from time to time, including, for example, health and dental insurance, retirement benefits, short-term disability benefits, and personal leave time. Participation in such benefits plans is subject to applicable plan rules and requirements. Additionally, the Village reserves the right to amend or eliminate benefits in its discretion and judgment based on operating and financial needs, subject to any restrictions imposed by law or contract.

Please see the Human Resources Department for additional information regarding benefits currently available to full-time employees.

Solely to allow the Village to calculate the appropriate insurance premiums and to provide COBRA notices, all employees shall promptly notify the Human Resources Department of any changes to marital status or dependents.

Benefits after termination:

In the event the employee's last day of employment occurs before the end of the month or on the last day of the month, coverage will cease on the last day of the month of the employee's termination. Employee's whose last day of employment does not occur on the last day of the month, will be required to pay for their portion of the insurance premiums through the end of the month. In this case, the Village will deduct the employee's portion of the monthly insurance premiums from the final paycheck. If the employee has unused PLT or comp time, the Village will deduct the cost of the premiums from the employee's final PLT/comp balance to cover the cost of the premiums. If the employee does not have enough PLT or comp time to cover the premium cost, the employee will be responsible for paying the insurance premium out of pocket.

7.8 Employee Classification and Compensation Plan

There is hereby created a plan for compensation of Village employees. It is the goal of the Village to effectively compete for qualified personnel, and to ensure that salaries are equitable and commensurate with the duties performed by each employee. The Compensation Plan shall include a pay grade schedule and a pay grade level assignment list. The Compensation Plan shall be reviewed and adjusted from time to time by the Village Council and shall apply to all employees whose jobs are included on the pay grade level assignment list. Copies of the Compensation Plan shall be available for inspection at each department office. The Human Resources Director in consultation with the Village Manager shall be responsible for the continuous maintenance and administration of the Village's Compensation Plan. A periodic review will include an analysis of prevailing rates of pay for similar positions in comparable labor markets, organizations, cost-of-living factors, budgetary considerations, and other related factors. On the basis of this information, the Village Manager, in the annual proposed budget, shall recommend to the Village Council changes to keep the plan current, uniform and equitable.

Starting Pay

Original appointments to the Village service shall normally be made at the minimum of the pay range designated for the classification. When an applicant possesses exceptional qualifications

warranting employment above the established minimum, the Department Director may request a higher rate than the minimum of appropriate pay range. Increases higher than the minimum must be authorized by the Human Resources Director and the Village Manager.

Across the Board Pay Adjustments

Across the Board Adjustments are discretionary periodic adjustments to the overall pay grade schedule. These adjustments are made by the Village Council, upon recommendation of the Village Manager, and if approved typically are made on the first full pay period of the fiscal year.

Administrative Salary Increase – Outstanding Performance Increase

The Village Manager may upon recommendation of a Department Director, grant a one-time administrative pay increase of 4% to an employee for performance considered by the Department Director, Human Resources Director and the Village Manager to be outstanding. Such increases may be granted only in limited numbers based upon exceptional circumstances and shall not exceed one such increase per employee per year. Such increase shall not cause an employee to exceed the maximum of his/her pay range.

Position Classifications

Jobs with similar duties and levels of responsibility are assigned to the same pay grade level. The Human Resources Director is responsible for conducting periodic studies of various jobs when there is an indication that employees are working above or below the established responsibilities for a position. These studies are normally initiated at the request of the Department Director. When amendment of the pay plan causes the pay grade for a class to be adjusted to a higher or lower pay grade, employees in the class may be placed at that level in the new pay grade which is equivalent to the salary received in the previous pay grade. Employees whose salary is less than the minimum level of the new pay grade shall be raised to the minimum level. Employees whose salary exceeds that maximum of the new pay grade shall not have their salary reduced and shall not be eligible for pay increases during the period of incumbency, except for across the board pay adjustments granted by Village Council.

Exceeding the Range

Any employee whose pay rate exceeds the maximum prescribed for the pay grade level as a result of a job reclassification to a lower classification will not be reduced in pay. This does not apply to demotions, which may have lower pay rates. Such an employee will not be eligible for future performance increases until occupying a position for which the maximum pay grade level is higher than the current pay rate, however they remain eligible for across-the-board increases unrelated to merit.

7.9 Personal Use Vehicles

Employees in certain Village positions are furnished with Village vehicles, and all Internal Revenue Service Regulations and Rules apply. The Village Manager may authorize the use of

Village vehicles for personal use, and the employee must sign a document accepting the taxation of this non-cash benefit.

Definitions

For the purposes of these subsections the following are applicable:

Personal Use Miles - Miles the Village vehicle is operated beyond the scope of employment. Commuting to and from work is considered a Personal Use.

Business Use Miles - Miles the Village vehicle is operated while performing tasks in the scope of employment.

Employee Responsibilities: Taxation

In addition to responsibilities assigned to the employee driver of the personal use vehicle under these employment regulations, the employee is responsible for payment of federal income tax on this non-cash benefit. Each employee who drives a Village provided personal use vehicle will have a non-cash benefit reported annually in the employees IRS Form W-2.

Employees using take home vehicles need to keep an odometer log showing travel to and from home and work. The percentage of personal use can be calculated for tax purposes.

Employees who are approved to use Village vehicles for personal usage must purchase additional rider insurance known as "Extended Non-Owned Coverage" to cover the employee involved in an accident and protect the Village.

Refer to Village of Palm Springs Take Home Vehicle Policy – Non-Police for further guidance.

Police Generally Exempted

Police officials are exempt from these provisions where the assigned vehicle is a designated police vehicle that is not likely to be used more than minimally for personal purposes because of its design. Refer to Collective Bargaining Agreement "Law Enforcement take-home vehicles" for more information about the regulations and fees.

Chapter 8: Leave

8.1 Temporary Leave of Absence (Without Pay)

Employees may, upon written request to the Department Director in consultation with Human Resources Director and subsequent approval by the Village Manager, be granted a leave of absence without pay.

Requests for a leave of absence without pay shall be made by completing a letter requesting a leave of absence at least thirty (30) days in advance of the date in which the proposed leave of absence

shall begin and shall be for a period determined on a case-by-case basis. However, a leave of absence without pay shall not exceed ninety (90) days unless approved in writing by the Village Manager. The requesting employee shall state the reasons why, in the employee's opinion, the request should be granted, the date the leave is to begin, and the date of the proposed return to work. The Village Manager, upon the recommendation of the Department Director and Human Resources Director, may approve or disapprove such request. The Village Manager may consider, without limitation, the operational requirements of the Department, budgetary considerations, availability of temporary substitute employees, the performance and attendance record of the employee, and the underlying reason for the request.

Unlike leave qualified under the FMLA or ADA, no assurances of reinstatement will be given to an employee who has been granted a leave of absence without pay. Upon return, if the employee's position is in existence and is vacant, the employee shall be eligible for re-employment, provided that the employee can perform the essential functions of the position in accordance with applicable law. If the position previously held by the employee is no longer vacant or has been eliminated at the time the employee seeks re-employment, at its discretion, the Village may offer employment in another vacant position for which the employee is qualified.

Employees must exhaust all paid leave time during a leave of absence, prior to taking an unpaid leave of absence this includes compensated time. During any leave of absence without pay, at the end of the month in which the leave of absence without pay begins, all benefits shall be suspended/terminated until the employee returns to work, unless the employee elects to pay the full premiums and amounts associated with such benefits. Leave benefits will not continue to accrue during periods of paid or unpaid leaves of absences (unless they receive a paycheck).

Nothing in the foregoing policy is intended to restrict or modify any rights and responsibilities of the Village and eligible employees under the Family and Medical Leave Act and/or the Americans with Disabilities Act.

Failure to return to work from a leave of absence on the expected return date, without an approved extension, may lead to discipline up to and including termination.

8.2 Jury Duty

An employee, regardless of temporary, full-time, or part-time status, may be granted a Leave of Absence with pay when called to jury duty. If an employee is called for jury duty, they shall promptly notify his/her immediate supervisor within five (5) days of receipt of the summons. Employees called to jury duty on their regularly scheduled days, will receive their regular salary/pay and benefits for the day(s) in which they serve on jury duty, for up to five (5) days. Such paid time will be recorded as time worked in the computation of any overtime for the pay period that the leave falls in if the employee would have worked in excess of 40 hours in the pay period. All other jury duty will be unpaid unless the employee elects to use personal leave time.

The employee must provide the Department Director with proof of jury duty service before compensation is approved.

If an employee is released from jury duty more than two (2) hours before the end of their scheduled work shift, the employee must report to work that day.

8.3 Court Appearances

Job Related

Employees required to appear in court or testify for job-related purposes shall be considered on-duty with the Village and shall receive compensation in salary/pay and benefits equal to that associated with the employee's regular duty, as long as they remit the entire amounts paid to them by the Court in connection with such Court appearance to the Village. Transportation expenses will be reimbursable in accordance with the Village's policies. Any monies received for Court appearances or subpoena fees must be forwarded to the Village's Finance Department for deposit into the general fund of the Village. Under no circumstances may an employee keep subpoena or Court appearance fees, while receiving compensation from the Village.

Non-Job Related

Employees subpoenaed to appear in court or testify for any reason unrelated to their employment with the Village, for example, divorce proceedings, custody suits, inheritance suits, bankruptcy, personal lawsuits or claims, traffic violations, *etc.*, or for criminal actions, may use Personal Leave Time.

8.4 Domestic Violence/Sexual Violence Leave

Eligible employees will be granted up to three (3) days of unpaid Domestic Violence/Sexual Violence Leave in any twelve (12) month period, measured forward from the first date domestic/sexual violence leave is used, according to Florida Statute § 741.313, as amended from time to time. The Village shall not discriminate against an employee for exercising his or her rights under this policy.

Domestic Violence means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. Domestic violence shall also include any crime the underlying factual basis of which has been found by a court to include an act of domestic violence. Sexual violence is defined in Florida Statute 784.046 as amended from time to time.

Family or Household Member means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as a family, and persons who are parents of a child in common regardless of whether they have been married. Except for persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same dwelling unit.

Eligible employees may be permitted to use the leave for:

1. Seeking an injunction for protection against domestic violence or a conjunction for protection in cases of repeat violence, dating violence, or sexual violence.
2. Obtaining medical care or mental health counseling for the employee and/or family/household member to address physical or psychological injuries resulting from the domestic or sexual violence.
3. Obtaining services from a victim-services organization as a result of the act of domestic or sexual violence.
4. Making the employee's home secure from the perpetrator of domestic or sexual violence, or to seek new housing to escape the perpetrator.
5. Seeking legal assistance or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

Except in cases of imminent danger to the health or safety of the employee, or to the health or safety of a family household member, an employee shall provide notice to the Human Resources Department as soon as possible after the employee learns of the need for the leave. If the leave is foreseeable, such as Court dates, the employee must provide thirty (30) days' notice. The request for leave must be accompanied with sufficient documentation.

To be eligible for Domestic Violence/Sexual Violence Leave, an employee must have been employed by the Village for three (3) or more months. Domestic Violence/Sexual Violence Leave shall be granted if the employee or a family or household member of the employee is the victim of domestic/sexual violence and provides sufficient notice and documentation regarding same.

An employee seeking leave under this section must, before receiving the leave, exhaust all Personal Leave Time available.

8.5 Military Leave

The Village will comply with the requirements of and grant leave in accordance with the Uniform Services Employment and Reemployment Rights Act (USERRA), Chapter 115 of the Florida Statutes, as amended from time to time, and Florida Statute § 250.48, as amended from time to time.

Training

All commissioned reserve officers or reserve enlisted personnel in the United States military or naval service, or members of the National Guard shall receive a leave of absence without loss of vacation leave, pay, time or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations when assigned to active or inactive duty. In any one annual period, leaves of absence shall not exceed 240 working hours provided that leaves of absence for additional or longer periods of time for

assignment to duty functions of a military character shall be granted without pay and without loss of time or efficiency rating.

Active-Duty Assignments

All officers or enlisted personnel in the National Guard or a reserve component of the Armed Forces of the United States who are granted leave to perform active military service will receive their full pay for the first 30 days of any such leave.

All members of the Florida National Guard who are granted leave to engage in active State duty for a named event, declared disaster, or operation pursuant to Florida Statute §§ 250.28 or 252.36, shall receive their full pay for the first 30 days. The leave of absence with full pay shall not exceed 30 days for each emergency or disaster. Additionally, under Florida law, National Guard Members called to active State duty may not be terminated from employment for a period of one (1) year after the date the employee returns to work, except for cause.

Employees and their dependents will continue to be eligible to participate in the Village's health and dental insurance in accordance with the requirements of USERRA.

Notice of Leave

Employees seeking to invoke military leave shall provide advance notice to the Village unless such notice is precluded by military necessity or otherwise impossible or unreasonable as interpreted under applicable law.

Documentation of Leave

Employees on military leave for periods of more than 30 days shall provide the Village with such documentation that can be used to establish the employee's basic eligibility for protection under USERRA. If the employee is unable to provide satisfactory documentation of military service in excess of 30 days, the Village reserves the right to contact the military unit with assistance from the employee to obtain such documentation.

Reinstatement after Leave

Employees on military leave will be reinstated with the Village in accordance with applicable State law and USERRA. Employees who take a military leave of absence are entitled to any seniority-based rights and benefits that they would have attained had the employee remained continuously employed. The period of military leave is not considered a break in employment unless the employee indicates that they will not return from military leave.

Upon the return of any employee from military leave, as described above, the temporary services of any employee filling his or her position shall be terminated or any such temporary employee will be moved elsewhere in the Village's service, at the Village's sole discretion. If an employee called to active duty is a probationary employee, the remaining number of days left on the probationary status will be added following the employee's return to work.

Failure to Return after Military Leave

Should the employee not return to employment with the Village following said military leave, any Personal Leave Time accrued while on military leave will be subtracted before any allowable payment of any benefits is made in accordance with other provisions of these policies regarding payment of leave balances upon separation from employment.

8.6 Bereavement Leave

Regular, full-time employees of the Village are eligible for bereavement leave in connection with the passing of an immediate family member. Employees will receive three (3) working days of leave with pay to attend to family matters, arrange and attend funeral services, and other matters relating to the death of an immediate family member. Non-PBA employees will receive up to 24 hours (8 hrs./day x 3 days). PBA will receive 36 hours (12hr/day x 3). The Department Director may approve or deny such request in his or her sole discretion and may request appropriate documentation of the need for bereavement leave. Employees who need additional time off may apply for such leave under other applicable Village policies, such as the use of Personal Leave Time.

For purposes of this policy, an “immediate family member” means an employee’s spouse, domestic partner, parent, grandparent, grandchild, sibling, child, domestic partner’s parents, domestic partner’s children, foster child, parent-in-law, aunt, uncle, sibling-in-law, grandparents of spouse or domestic partner, or legal guardian. Employee must provide proof of bereavement to the Human Resources Department (i.e., memorial, or funeral program).

8.7 Conference and Training Leave

The Village may grant conference and training leave with pay, together with the necessary travel expenses to allow employees to attend conferences, schools, and similar events designed to improve their efficiency, if considered to be in the best interest of the Village. Employees seeking such leave and expenses must submit a request in advance to the Department Director for approval. Department Directors must submit requests to the Village Manager for approval. All requests must be budgeted.

Out of State Travel:

Travel time for non-exempt employees is considered hours worked on regular working days during normal working hours and during the corresponding hours on nonworking days. As such, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sunday as well as on the other days. Regular meal period time is not counted.

Please note, however, that the Department of Labor has implemented an enforcement policy where they will not consider time spent in travel away from home outside of regular working hours as a passenger on an airplane, train, boat, bus, or automobile as compensable work time.

For example, if an hourly employee normally works Monday through Friday, 8:30 a.m. to 5 p.m., and they are required to travel by plane on a Sunday for business in another state, her travel time on Sunday between 8:30 a.m. and 5 p.m. is compensable. So, if the employee arrives at the airport on Sunday at 3 p.m. and at her destination at 8 p.m., the employer is required to pay her only from 3 p.m. to 5 p.m., the hours that correspond with her normally scheduled work hours.

Alternatively, if the employee drives herself or others at the direction of the employer rather than traveling as a passenger, all the time spent driving is compensable work time, regardless of the employee's normal work hours (8 hours a day).

Please also keep in mind that if a non-exempt employee were to perform work at the time spent away from the Village, that time would also be compensable.

8.8 Administrative Leave

Employees may be placed on administrative leave with or without pay pending an investigation that, in the Village Manager's sole discretion, requires the employee to remain off premises. Where the Village Manager is unavailable to make a determination as to the necessity of such leave, a Department Director in consultation with the Human Resources Director, may temporarily assign an employee to administrative leave with pay until such time the Village Manager can make a determination on the employee's leave status.

8.9 Paid Parental Leave

PURPOSE

To offer Village employees paid parental leave. The Village of Palm Springs will provide up to four (4) consecutive weeks of paid parental leave to employees following the birth of a child(ren) or placement of a child(ren) with an employee through adoption or foster care.

Paid parental leave provides up to four (4) **consecutive** weeks of paid leave to employees for the birth of a child(ren), or placement of a child(ren) with an employee through adoption or foster care. Paid Parental Leave shall not be taken intermittently.

ELIGIBILITY

To be eligible for paid parental leave, an employee must follow FMLA guidelines:

1. Have worked for the Village of Palm Springs at least twelve (12) consecutive months; and
2. Have worked at least 1,250 hours for the Village of Palm Springs over the preceding twelve (12) consecutive months.
3. If an employee does not meet the above criteria paid parental leave will be

denied and a leave of absence must be requested.

QUALIFYING REASONS

Paid parental leave is available to eligible employees for one or more of the following qualifying reasons and must conclude within twelve (12) weeks following:

- The birth of a child(ren) or to care for a newborn child(ren);
- The placement of a child(ren) with the employee through adoption or foster care.

Guidelines

1. Paid Parental Leave shall commence concurrently with Family Medical Leave, shall last up to four (4) weeks, and must conclude within twelve (12) weeks after birth, or within twelve (12) weeks after placement with the employee through adoption or foster care. Employees are not eligible for more than one (1) paid parental leave event in any rolling 24-month rolling period, regardless of whether more than one birth, adoption, or foster care event occurred within that rolling 24-month time frame.
2. Short Term Disability (STD) must be used (if applicable) concurrently with paid parental leave; PPL will offset any pay not covered by STD, including the fourteen (14) calendar-day elimination period. Documentation supporting births, adoptions and/or foster care is required.
3. Paid parental leave must begin when FMLA leave begins and must be taken within the first twelve (12) weeks following the birth, adoption, or foster care placement of the child(ren).
4. Any unused paid parental leave will be forfeited twelve (12) weeks following the birth, adoption, or foster care placement of the child(ren).
5. If both parents work for the Village, each is entitled to a paid four (4)-week leave period which may be taken concurrently or separately, but must conclude within the first twelve (12) weeks following the birth, adoption, or foster care placement of the child(ren). In either case, the leave may not be taken intermittently.
6. The number of paid parental leave periods each employee may take is limited to 2 leave periods over the duration of his or her Village employment (whether

employment is consecutive or not), and an employee is only eligible for one (1) 4-week paid leave per birth, adoption, or foster care placement event within a 24-month rolling period.

7. During the leave period, employees will be paid 100% of base wages, which may be offset by Short Term Disability payments, where applicable.
8. Paid parental leave shall run concurrently with Family Medical Leave and the time period where the leaves run concurrently shall be counted toward the 480 hours of job protected leave allowed within a rolling 12-month period under the Family Medical Leave Act. Paid parental leave will also be counted toward any Temporary Leave of Absence (Without Pay) when applicable within the same rolling 12-month period.
9. Upon separation of employment, employees will not be paid for any unused paid parental leave.

NOTIFICATION REQUIREMENTS

10. Employees must provide thirty (30) written days' notice of the need to take paid parental leave, if the need is foreseeable. If thirty (30) days' notice is not feasible, notice must be provided as soon as practicable. Notice must be submitted to the Human Resources Department.
11. Written notice is not required in the event of a medical emergency.
12. All requirements for FMLA (while running concurrently with paid parental leave) must be followed in accordance with federal law, in accordance with the Village of Palm Spring Employee Handbook, and in accordance with any other associated Village of Palm Spring policies.

Employees must comply with all Village policies while on Paid Parental Leave including but not limited to policies related to outside employment. Employees may not engage in outside employment while on paid parental leave, while on sick leave, while receiving any form of disability payments, or while receiving worker's compensation payments.

Chapter 9: Workers' Compensation

Note: Notwithstanding any provision of this policy, the Village and the employee/claimant shall retain all statutory rights under Florida's Workers' Compensation Statute.

9.1 Safe Work Habits

Each Village employee is required, as a condition of employment, to develop and exercise safe work habits in the course of their employment, to prevent injuries to themselves, their fellow employees, and to conserve Village property and equipment.

9.2 Reporting

Employees who are injured while performing their duties for the Village shall make an immediate report of the injury to their immediate supervisor. Every injury, including those not requiring medical attention, shall be reported in writing to the Department Director by the injured employee's supervisor within twenty-four (24) hours of the injury. Department Directors shall be responsible for notifying the Human Resources Department of all injuries reported by employees under their supervision and shall ensure that proper written reports are prepared and forwarded to appropriate parties.

9.3 Immediate Medical Attention/Care

If an employee is injured to such an extent that the employee requires immediate medical care, employees, supervisors, co-workers, or other witnesses to the accident should call 911 immediately for emergency assistance. If the need is not immediate, the employee should consult the Human Resources Department for additional information regarding the procedure for obtaining medical treatment.

9.4 Workers' Compensation Procedure

An employee who sustains a compensable workplace injury may be eligible to receive certain benefits depending on the nature of the injury. The first forty (40) hours following injury are charged to the employees PLT. In certain circumstances, employees may also be released and eligible for "light duty" work (if available). Additional information and guidance regarding the procedure associated with workers' compensation should be obtained from the Human Resources Department.

9.5 Retaliation Prohibited

The Village will not terminate, discipline, or take any other adverse personnel action against any employee for filing a claim for workers' compensation benefits in good faith.

9.6 Temporary Light Duty

Work Related Injuries and Illnesses

If an employee suffers a work-related injury or illness and becomes physically able to perform some useful alternate or transitional duty work, the Village will consider temporary alternate or transitional duty work for the employee, if there is such work available and if such work is

consistent with the employee's medical limitations. The Village is not required to create or provide alternate or transitional duty work. The availability and duration of alternate or transitional duty work is up to the sole and exclusive discretion of the Village. Temporary alternate or transitional duty generally shall not exceed six (6) months at the sole discretion of the Village Manager.

Non-Job-Related Injuries or Illnesses

If an employee suffers a non-job-related injury or illness and becomes physically able to perform some useful alternate or transitional duty work, the Village will consider temporary alternate or transitional duty work for the employee, if there is such work available in the employee's department and if such work is consistent with the employee's medical limitations. The Village is not required to create or provide alternate or transitional duty work. The availability and duration of alternate or transitional duty work is up to the sole and exclusive discretion of the Village.

Chapter 10: Travel, Training, and Licenses

10.1 Training Programs, Including Seminars or Conventions

Training is any work-related program, seminar, conference, convention, course, or workshop attended by an employee whose tuition and expenses are funded in whole or in part by the Village or while the employee is in a paid status with the Village.

10.2 Reimbursement

Reimbursement for training expenses incurred by such participation shall be granted for job related courses with prior approval of the Department Director, provided funds have been appropriated for such reimbursement.

If previously approved in writing, a request for reimbursement, must be made within thirty (30) days following the completion of the course of study. Training reimbursement is generally available to only those employees who have successfully completed the employee's designated probation period.

10.3 Training Programs

- (a) Request for attendance at in-state training programs must be submitted and approved by the Department Director prior to attend. Attendance at any program or course work in excess of one (1) shift requires approval by the Department Director prior to registration. In addition, registration, travel costs, meals, and lodging costs, require approval by the Department Director prior to registration. Attendance at a training program involving out-of-state travel by an employee requires approval by the Village Manager prior to registration.
- (b) A travel request form is needed if the destination is inside or outside the County if there are any expenses paid by the Village (directly or by reimbursement)

- (c) Village-sponsored and required training shall generally be arranged during regularly scheduled work hours. A Department Director may change the standard work hours to accommodate or require attendance at such training activities. Such required training shall be recorded as time worked.
- (d) Employees who acquire training on their own time and expense are encouraged to notify Human Resources so the additional training can be noted in the employee's personnel file.
- (e) Approval for State Training Academy coursework for police officers shall be at the discretion of the Police Chief. Records of such training shall be maintained in the employee's personnel file.
- (f) The Human Resources Department shall maintain an employee training history and shall periodically audit training attendance and policy compliance.

10.4 Travel Expenses While on Village Business

It is the policy of the Village to reimburse employees for reasonable and necessary expenditures made by employees while on official Village business in accordance with the law. All expenses will be reimbursed in accordance with the applicable governing law. Extraordinary expenses must be itemized if applicable. If an employee reimbursement is necessary, the reimbursement will be handled by the Finance Department after the Travel Request Form is turned in. Travel expenses may be paid in advance (not more than one week before travel) upon approval of the Department Director. Any travel reimbursement must have a travel request form.

Overnight Trips

- (a) Lodging. Hotel and Motel expenses may be prepaid or paid by using a Village credit card, upon submittal of proper documents. A reasonable class of accommodation shall be selected where choice is available. The single rate should be clearly indicated on all receipts, and a governmental rate should be obtained where it is less expensive than any other rate quoted.
- (b) Meals. Meal reimbursements for all overnight trips are as follows (governed by statute as amended from time to time): Please note Amounts will follow current rates at the time of budget completion.

Per diem allowance for meals and lodging in the following amounts determined by gsa.gov (<https://www.gsa.gov/travel-resources>) using the per diem allowances for a trip calculator by city with an itemized receipt and the Village Manager's approval:

Breakfast \$ 14.00

Lunch \$ 16.00

Dinner \$ 26.00

Breakfast - When travel begins before 6 a.m. and extends beyond 8 a.m.

Lunch - When travel begins before 12 noon and extends beyond 2 p.m.

Dinner - When travel begins before 6 p.m. and extends beyond 8 p.m., or when travel occurs during nighttime hours due to special assignment.

(c) Mileage Allowance. Employees who utilize their personal vehicles on travel assignments will be given the Internal Revenue Service allowable rate per mile in accordance with governing laws. Each employee who drives a private vehicle on Village business must have liability insurance on said vehicle to cover business use of a personal vehicle (e.g., business use endorsement), as provided in these Regulations.

No reimbursement for mileage shall exceed the dollar amount of round-trip air fare at the coach rate of a licensed common carrier, plus auto rental, tolls, and parking, or taxi fare to the point of destination.

When two or more employees are attending the same seminar, convention, or meeting, carpooling shall be practiced whenever possible. MapQuest or Google Maps must be used to calculate the trip's mileage.

(d) No traveler shall be allowed either mileage or transportation expense when such traveler is gratuitously transported by another person or when transported by another traveler who is entitled to mileage or transportation expense.

(e) Out-of-State Travel. Requires prior approval from the Village Manager, in writing, and a completed Travel Request Form. Out of state travel must be budgeted.

10.5 Local Travel and Expenses

(a) Local Mileage. No mileage will be paid for commuting from an employee's personal residence to Village Hall or work location.

(b) Local Meals. Reimbursement for meals will be allowed only where the employee is attending a seminar or conference as a representative of the Village for a specific purpose, or where the employee's attendance will directly benefit the Village. No reimbursement will be allowed for meetings which are of a social nature except as may be provided by the Village Council. The request for reimbursement of local meals shall be submitted on a Travel Request Form with proper back-up attached. Any travel reimbursement should have a travel request attached.

(c) If the traveler departs from a personal residence to the destination, only the mileage in excess of the commuting mileage from the traveler's home to the official headquarters is allowed.

Parking Fees

Parking Fees will be reimbursed by actual cost and receipts shall be presented. Employees must record the reason/meeting and location with the receipt.

Non-Allowable Expenses

- (a) Laundry, cleaning, or valet services (except for trips of over one week duration).
- (b) Tobacco.
- (c) Alcoholic beverages.
- (d) Entertainment.
- (e) More than one (1) personal telephone call to home per day.
- (f) First class travel accommodations when economy or coach class is available.
- (g) Meals and lodging in lieu of other meals and/or lodging the expense of which is included in the Registration fee.
- (h) Fines, forfeitures, or penalties. (Traffic tickets with Village or Personal Vehicle)
- (i) Rental vehicles except as pre-approved by the Village Manager. Rental vehicles have only been approved when employee flies to a conference and needs a vehicle to get between hotel & conference center.
- (j) Expenses of a spouse or other non-employee.
- (k) Loss or damage to personal property.
- (l) Barber, beauty parlor, shoeshine, or toiletries.
- (m) Personal postage.

10.6 Special Licenses and Membership Fees

The Village will pay directly to the agency providing the license or membership current annual dues or fees for each employee who is required by the Village Manager, or by ordinance, state, or federal law to be a member of a professional organization or who must maintain a particular certification or license as a condition of employment. Payment will be made upon approval by the employee's Department Director.

Employees who belong to professional organizations that promote individual professional growth, competence, and effectiveness in functioning as Village employees will be allowed time off with pay to attend local, state, and national meetings subject to approval by the Village Manager and budgetary appropriations.

10.7 Driver's Licenses

All employees whose duties require the operation of a Village-owned, leased, or rented motor vehicle or who operate a privately-owned vehicle while conducting official business as a part of

their employment with the Village must possess a valid State Drivers' License or Commercial Driver's License and maintain a safe driving record.

Commercial License; Required

All employees of the Police, Utilities, and Public Works Departments whose job may subject them to driving commercial motor vehicles must have a valid Commercial Driver's License (CDL), in accordance with State and Federal law. Employees may be required to hold a CDL because of their position with the Village, even where the position does not operate a commercial motor vehicle in the course and scope of employment.

Drivers' Record Checks; Conditional Employment

All new employees who will be assigned work that involves operating of a Village vehicle will be required to submit to a Division of Motor Vehicles driving records check as a condition of employment. A report indicating a suspended or revoked license status may be caused to deny or terminate employment.

Periodic Record Checks

Periodic checks of employee's driver's licenses and records through the Division of Motor Vehicles shall be made by the Human Resources Department. Any employee whose position requires driving and does not hold a valid driver's license shall not be allowed to operate a vehicle for Village purposes until such time as the employee obtains a valid license. If an employee's position involves driving and the Driver's License is found to have been suspended, expired or revoked, the first offense will incur a three (3) day suspension. On the first occasion an employee fails to timely report the suspension, expiration or revocation, the employee will incur a three (3) day suspension. Subsequent offenses are subject to termination.

Supervisor Notification

Any employee performing work which requires the operation of a Village vehicle must notify his/her immediate supervisor and Human Resources in those cases where his/her license is expired, suspended, or revoked and/or who is unable to obtain a hardship license for work purposes after suspension or revocation from the Division of Motor Vehicles. If an employee fails to report such an instance within three (3) calendar days, and is later discovered to have an expired, suspended, or revoked drivers' license in the category required (driver's or commercial) for their position with the Village shall be subject to disciplinary action, including demotion or termination.

Minimum Qualifications for the Operation of Village-Owned, Leased, or Rented Vehicles and Privately-Owned Vehicles While Conducting Official Business

No Village employee shall be required to provide their own vehicle to conduct Village business, and employees are encouraged to use Village vehicles instead of their own for official Village business whenever possible. Personal vehicles may be used for official Village business with the prior approval of the employee's Department Director. Employees using their personal vehicles will be reimbursed for mileage at the prevailing rate established by the Village Council after submittal of the appropriate form and that such expenditure is in their appropriate budget. The

employee must keep a log of usage, including starting and ending odometer readings and purpose of travel. Then the Village would reimburse at same rate as is on current FY Travel Request form.

Any employee who operates a privately-owned vehicle while conducting official business for the Village must maintain automobile liability insurance of \$15,000/\$30,000/\$5,000 in accordance with the State Financial Responsibility Law and a business use endorsement. Employees who do not maintain minimum liability coverage shall not operate privately-owned vehicles in an official capacity.

All non-law enforcement employees who drive take home vehicles can purchase an additional rider from their personal insurance agent commonly referred to as "Extended Non-Owned Coverage". This policy will cover the employee in the event the employee is involved in an accident while driving to and from work or are otherwise using the Village's vehicle for anything other than official Village business. Pursuant to Florida law, the Village provides coverage for law enforcement officers using take home vehicles during their travel to and from work, as well as to or from any other employing agency assignment in such vehicle. However, such motor vehicle insurance does not provide for coverage if: (a) the law enforcement officer makes a distinct deviation for a nonessential personal errand unless the collective bargaining agreement permits such deviation; or (b) the law enforcement officer acts in bad faith or with malicious purpose or in a manner exhibiting wanton and willful disregard of human rights, safety, or property.

10.8 Use of Village-Owned, Leased, or Rented Motor Vehicles

Village-owned, leased, or rented motor vehicles shall be used for official Village business only and must be available for Village business at all times. Village vehicles shall not be taken home overnight except as follows:

1. Employees may take a Village-owned, leased, or rented vehicle home for one night when attendance to an out-of-city meeting takes place late at night after normal working hours or early in the morning prior to normal working hours upon receiving approval by the appropriate Department Director.
2. Those employees designated by the Department Director to be "on call" for department/division emergencies. Department Directors must be able to show that taking the vehicle home is needed for response efficiency.
3. For more than one night when specifically authorized by the Village Manager, in writing.
4. Keeping the vehicles clean and in good condition is the employee's responsibility.
5. Refer to page 53 regarding taxable fringe benefits if the vehicle is not used for business purposes.

Village vehicles may be used for travel to lunch when an employee is otherwise on Village business. Village vehicles shall be legally and appropriately operated and/or parked at all times.

Traffic violations issued to the driver of the vehicle will be the responsibility of the driver, not the Village.

Seat belts must be used by the driver and all passengers at all times when the vehicle is in use. It shall be the driver's responsibility to ensure the use of seat belts by all passengers.

10.9 Collision Investigation Involving Village Employees and/or Vehicles

If an employee is involved in an accident resulting in personal injury or property damage while operating a Village owned vehicle or a privately owned vehicle in the performance of official duties, and they shall:

- (a) Request that all parties and properties concerned remain at the scene of the accident if possible until a law enforcement officer has released them.
- (b) All collisions involving Village vehicles or persons on duty and actively engaged in Village business will be investigated by a police agency, other than the Village Police Department, except if occurring within the Village and involving property damage, the collision may be investigated only by the Village Police Department.
- (c) Employees shall refrain from making statements regarding the accident to anyone other than the investigating law enforcement officer, appropriate Village officials, and representatives of his or her own insurance company. Statements made to investigating authorities should be confined to factual observations. However, in cases where the underlying facts may lead to discipline of the employee, the employee may consult with the union representative.
- (d) A copy of all police reports and any statements attached thereto will be forwarded to the Village Clerk, Risk Specialist and/or designee and Village Manager within one (1) day.
- (e) If the employee caused or contributed to the accident, the employee must immediately go for a drug screen and will be subject to discipline.

Chapter 11: Employee Tuition Reimbursement

The Village of Palm Springs supports its employees in pursuing educational opportunities. We strive to make the Village a great place to work which means it is important for our employees to have the opportunity to grow within our organization. The purpose of the program is to broaden the knowledge of employees in their fields and/or to provide avenues for career growth within the Village. All reimbursements are subject to the availability of funds in the Village budget.

Purpose

The purpose of this program is to provide Village employees assistance with their educational endeavors. This program is available to employees who wish to voluntarily pursue educational advancement or training outside the course of their employment with the Village. Employees who participate in this program will attend classes and complete course work outside of their normal work hours, on their own personal time (no overtime will be approved). When there is a conflict between classes and the employee's job responsibilities, the job responsibility must have priority.

Please note: This program does not apply to courses or training required by the Village. It also does not cover professional licensing and professional development seminars, as any course, training, licensing, or certification that is required by the Village as those approved expenses are covered by professional development funds within each department. Leave of Absence for Higher Education: The Village will not provide for educational leave when education is initiated by the employee. The employee pursuing higher education goals, whether or not approved for tuition reimbursement, may use their accumulated personal leave, request a leave of absence without pay, or make arrangements to make up the normal hours of work missed. All such arrangements must be approved by the Department Director.

Eligibility

An employee must be employed in a regular full-time position and becomes eligible to participate after completion of the one year [12] month probationary period. The Village Manager may waive the employment tenure requirement for recruitment purposes. The employee must also have satisfactory job performance and not have received any disciplinary action above a verbal reprimand or have been under disciplinary investigation during the entire semester period the employee is requesting reimbursement from this program. If disciplinary investigation is resolved without corrective action, employee is eligible to seek reimbursement under the program.

Employees requesting tuition reimbursement must be enrolled in a college, university, or community college that has been accredited by the Southern Association of Colleges and Schools, another regional accrediting agency, the Accrediting Council for Independent Colleges and Schools, or an accrediting agency or association that is recognized by the database created and maintained by the United States Department of Education. Employees must complete course work that is related to their current Village employment or to a position that the employee could reasonably progress to within the Village. Prior to participating in the program, employees must submit an application, as well as a summary statement that indicates how the degree will assist the employee in the current position and/or how the degree could help prepare the employee for a different position within the Village.

The Department Director must review and approve prior to submitting to Human Resource. HR will then review the application to determine whether the degree and coursework is eligible. Once an application is reviewed and approved, HR will determine acceptable coursework under that degree plan. Elective courses must be based on a discipline that applies to municipal government service delivery. The Village Manager will review the requests if the Human Resource Director feels the course warrants additional consideration. Reimbursement happens after the course ends and proof of tuition cost and grade is verified.

Application

Employees must submit a completed Employee Tuition Reimbursement Application Form (and attachments as required) to Human Resources, which will include the signature of the employee's Department Director and all related registration paperwork, no later than April 1st for the following fiscal year. It is the responsibility of the Department Director to review and

approve the application. If the Department Director disagrees with the application, he/she still must forward the application to Human Resources for their review and include an explanation for their position.

Employees should allow adequate time for review by the Department Director prior to the deadline of submission to Human Resources. A new application form must be submitted for each academic class within the degree program. Entire program of study must be attached to the application form. Approved classes will be discussed with the employee and department director.

Within forty-five [45] calendar days after the completion of the course, employees must submit a Tuition Reimbursement Request Form to the Department Director with a copy of the course grade[s] or certificate[s] of completion, validated by the school, along with a copy of the itemized statement of tuition [i.e., bill], showing payment and all financial aid applied. Internet printouts are acceptable, but grades must be validated by the school [i.e., official seal or stamp]. After department director approval the same packet must be sent to Human Resources for final approval. If for some reason grades have not been posted in this time frame employee must get a letter from the school stating such. The employee is responsible for completing the Request for Check which will then be approved by the Department Director and Human Resources.

TUITION REIMBURSEMENT GUIDELINES

1. Tuition Reimbursement Request Forms received more than forty-five [45] days after the last day of class, and those without a complete Employee Tuition Reimbursement Application on file will not be honored or reimbursed.
2. Eligible Expenses and Reimbursement – Full time employees are eligible for reimbursement up to \$2500 annually, each fiscal year (subject to the availability of funds in the Village budget). Request for reimbursement must be submitted to the department director prior to April 1st of each year for budget purposes. Department Director must approve before sending to HR for approval.
3. For courses taken from an accredited college or university, employees will be reimbursed only for tuition and mandatory fees. Reimbursement will be capped monetarily at the amounts previously stated. If an employee is eligible for grants, scholarships or any additional funds, the reimbursement will only be for the amount the employee actually paid/was incurred.
4. The Village will reimburse tuition and mandatory fees requested such as but not limited to lab fees, library fees, student center fees, automated services and records processing fees, registration fees, student services fees and identification card fees. Employees will not be reimbursed for the cost of books, course supplies, parking, late fees, penalties, orientation fees, applications for graduation, installment fees, transportation fees, decal fees, costs related to acquiring official transcripts or certificates, housing, or any other costs other than those described above.
5. Student loans do not affect the reimbursable amount because the student must repay the loan.
6. The tuition/fee reimbursement for completed courses to approved employees is as follows:

Grade A = 100% Reimbursement

Grade B = 75% Reimbursement

Grade C = 50% Reimbursement

Grade D = 0% Reimbursement

7. If the employee leaves the Village voluntarily or involuntarily within one (1) year after completion of such educational class, the employee will reimburse the Village for all Village funds invested in such educational class. If the employee leaves the Village within one (1) to two (2) years after the completion of such educational class, the employee will reimburse the Village for one-half (1/2) of the Village funds invested for such educational class." Funds will be subtracted from PLT/Comp balance upon leaving the Village. If balance owed is not covered by remaining leave banks employee will be responsible to pay the difference.
8. There will be no reimbursement if an employee repeats a course for which they have already been reimbursed.
9. The employee is required to submit documentation of any other financial assistance received [GI or VA benefits, federal or state grants, scholarships, etc.]. Reimbursement will be coordinated in conjunction with any other financial assistance and will not exceed 100% of the cost of tuition and fees as defined above. The amount requested for reimbursement [total eligible tuition and fees, minus other financial assistance received] will be subject to the level of academic success [i.e., 100% for A, 75% for B, etc.], not the full total eligible tuition and fees. All reimbursements are subject to the availability of funds in the Village's budget.

Chapter 12: Personal Leave Time

12.1 Regular Employees

Personal Leave Time (PLT) are those days where a full-time employee may be absent from the job and still receive his/her regular wage. The Department Director or his/her designee shall determine the time at which personal leave time may be taken and will not be unreasonably denied. Personal Leave Days are considered as a combined program of current personal leave and sick time. Personal Leave Time are earned at a rate based upon the employee's length of service in accordance with the following Accrual Table and used at a yearly rate based on the employee's length of service in accordance with the following Usage Table.

Accrual

Each probationary, provisional, and permanent full-time employee shall earn and accrue personal leave for each month of full-time service according to the following table.

Personal Leave Accrual Table:

<u>Completed Years of Service</u>	<u>PLT Days</u>	<u>Hours</u>
0-5	20	160
6-10	25	200
11-20	30	240
21+	35	280

12.2 Conditions for use of Personal Leave Time

1. Part-time, temporary, and casual employees are not eligible for Personal Leave Time (PLT).
2. Employees on probation for 6 months or less are not eligible
3. When used, PLT shall be rounded off to the nearest one quarter hour (1/4 hour).
4. Employees must only use PLT that is available to be used. PLT that is unearned or has not yet accrued cannot be used in advance. Employees' available PLT is displayed in hours on the employees' last direct deposit advice.
5. Earned PLT must be exhausted prior to taking an unpaid medical leave of absence.
6. PLT must be used concurrently with FMLA as provided in the FMLA policy.
7. Employees on a Leave of Absence or FMLA will be transferred to Human Resources Timesheet in the electronic timekeeping system.
8. In computing overtime, scheduled PLT will be considered productive time used to calculate overtime.
9. Department Directors will ensure that any PLT used will be reflected with the submission of time sheets and electronic timekeeping system.
10. It is the responsibility of the Finance Department to ensure that proper accountability of PLT is kept on all eligible employees. This shall include keeping a record of accruals and utilization.
11. Department Directors in consultation with the Human Resources Director with the written approval of the Village Manager, may establish more restrictive procedures in cases of suspected patterns of abuse of PLT, as long as they are not in conflict with these regulations, or applicable labor laws, and are necessary for the effective operation of the department.
12. It is the responsibility of each Department Director or designated supervisor to ensure the provisions of this policy are observed. Corrective action should be taken in instances of suspected abuses or misinterpretations of the utilization of PLT.

Usage

- a. All full-time employees who are permitted to use PLT according to the following schedule provided may make a written request to the Department Director or his/her designee. Employees may request to use PLT in excess of the maximum use amount for good cause shown. For good cause shown, the Department Director may authorize employees to use an additional amount of their earned accrued personal leave. Good cause shall mean a physically certified disabling physical or mental condition, which prevents an employee from working or other good and sufficient reasons as determined by the appointing authority considered to be in the best interest of the Village of Palm Springs.
- b. Non-PBA employees are done through an electronic time keeping system, paper forms are longer used

- c. The Department Director or his/her designee shall approve or deny requests for PLT. In cases of unforeseen sickness or emergency, employees are required to notify their supervisors prior to the start of any scheduled work period or prior to leaving their work assignment.
- d. Employees entitled to personal leave time may remain away from work with pay, where such absence is the result of a personal illness or physical incapacity (not job connected) or enforced quarantine or immediate family illness.
- e. Employees shall use accrued personal leave for time taken under the Family Medical Leave Act (FMLA) in accordance with the FMLA policy. All available accrued personal leave must be used before requesting unpaid leave of absence. Leave taken under FMLA will be used in increments appropriate for the reason for leave and will be coordinated with Human Resources.
- f. It shall be the duty of the Village Manager working through the Department Directors to arrange personal leave schedules so that no employee shall carry over, from one fiscal year to another, personal leave hours that exceed the maximum on the carry-over/payout table.
- g. Employees absent on account of injury incurred in the line of duty, for which worker's compensation is authorized, shall upon written request to the Human Resources Department, be allowed to take personal leave in an amount requested in addition to worker's compensation leave; except however, that in no case shall the total amount paid for both workers compensation leave and personal leave exceed the amount of wages to which the employee would ordinarily have been entitled had they not been injured. Personal leave used to supplement workers compensation will be charged against the employee's total unused personal leave until exhausted.
- h. Personal Leave is intended to be used for periodic vacation or incapacitating illness; however, earned personal leave may be used for other reasons when approved by the Department Director or his/her designee.
- i. Employees' birthday time off (8 hours) will not be charged as personal leave used. The birthday time off must be taken in the pay period in which the birthday occurs or as approved by the employee's supervisor, but not as pay in lieu of time off.
- j. Personal leave shall be used only with the approval of the Department Director or his/her designee and shall not be authorized prior to the time it is earned and credited to the employee.
- k. Personal leave usage shall be calculated to the nearest one-quarter (1/4) of one hour (e.g., .25, .50, .75) reflecting the actual time the employee was not at work during his/her normal work period and documented on the employee's timesheet in the electronic timekeeping system.

- l. Employees using accrued personal leave (scheduled) shall be considered to be working for the purpose of accumulating additional personal leave and length of service. Productive time is all time during which an employee is required to be on duty, on the employer's premises, or at a prescribed workplace and in active productive labor in addition to scheduled Paid Leave Time and compensatory time.
- m. In computing overtime, scheduled personal leave may be used to satisfy any part of the work period when an employee is required to work hours in addition to those hours normally worked within an established work period.
- n. Scheduled personal leave shall be defined as leave, which has been approved with not less than three (3) days advance written notice. PBA is 24 hours' notice. Requests are submitted through the Villages electronic keeping system (exempt for PBA members).

In the event of a death in the immediate family, an employee shall be allowed to utilize accrued personal leave and such leave be charged as scheduled leave up to a maximum of forty (40) hours per occurrence.

For purposes of this policy, an "immediate family member" means an employee's spouse, domestic partner, parent, grandparent, grandchild, sibling, child, domestic partner's parents, domestic partner's children, foster child, parent-in-law, aunt, uncle, sibling-in-law, grandparents of spouse or domestic partner, or legal guardian

- o. Unscheduled personal leave shall be defined as leave, which has been approved with less than three (3) days advanced written notice and is not considered productive time for Overtime calculations

Personal Leave Incentive Payment Program

- a. Each permanent employee shall be authorized to participate in the personal leave incentive program, provided that:
 - 1. The employee meets or exceeds the minimum requirements for the incentive program.
 - 2. The employee must have the equivalent of two (2) consecutive work weeks remaining in their PLT balance.
 - 3. All permanent full-time employees may be paid a maximum of eighty (80) hours of unused personal leave time per fiscal year under the Personal Leave Incentive Pay Program.

Examples:

If an employee has 170 hours in their PLT balance. They may select to receive 80hrs. Their remaining balance would be 90 hours.

If an employee has 80 hours or less of PLT, they will not be allowed to participate in the incentive program.

- b. Effective for PLT payout for fiscal year 2025, eligibility for incentive payments will be determined around September 1st of each year, with payments issued during the last pay period of September, prior to the start of a new fiscal year. Implementation of this schedule does not violate the one payment per fiscal year limitation.
- c. Finance will distribute PLT election forms to all full-time employees, and completed forms must be submitted to Finance by September 1st. Failure to submit the required form by the deadline will result in the employee being ineligible to participate in the personal leave incentive program for that fiscal year.
- d. Personal leave payments shall be calculated using the employee's current straight time base hourly rate.
- e. Accruals
- f. shall not exceed the maximum allowable accrual of Personal Leave Time (PLT) hours based on each employee's years of service. This policy ensures equitable leave management and compliance with Village personnel regulations.

Example:

An employee with 7 years of service may accrue up to 200 hours of PLT. Once the employee reaches a balance of 200 hours, the employee will stop accruing PLT until the employee uses leave or participates in the Personal Leave Incentive Payment Program to draw down the balance.

- g. Please refer to the termination table for guidance on the **maximum PLT hours** permitted. Max accrual for PLT will be set in the system of record for Personal Leave Time.

Holidays

Holidays occurring while an employee is on personal leave time shall not be charged against the employee's personal leave time balance.

Termination Pay

In the event any person having accrued personal leave ceases to be employed by the Village, they will be compensated for their accrued balance based on the following table:

Please note: You cannot earn above the maximum balance referenced in the below table.

Please note: You must complete 6 months of employment with the Village in order to receive PLT payout.

<u>Years</u>	<u>Maximum Balance</u>	<u>Payout</u>
0-5	320	240
6-10	480	360
11-20	640	480
21+	680	600

Commented [AS2]: What is the logic of the diminishing payout until 21 years is worked? A person could retire with a pension before 21 years yet they are penalized?

Commented [U3R2]: Per discussion on 1/10, HR will let us know if this should be modified to allow for full payout.

12.3 Employee Absence

Any employee who is on personal leave and away from work due to personal illness for a period of three (3) days or longer shall, prior to being returned to work or being entitled to any further compensation, furnish without delay to the Human Resources Department, a report from a duly licensed physician which shall provide sufficient information to support the employee's absence due to personal illness.

12.4 Donations of Personal Leave Time or Comp Time

It shall be the policy of the Village to permit an employee who has a minimum of 120 hours of personal leave time the opportunity of donating accrued personal leave time or comp time to a designated employee whenever extraordinary circumstances require the designated employee to be absent from work for a lengthy period of time, and when the employee has exhausted all accrued leave. Extraordinary circumstances shall be defined as lengthy hospitalization, critical illness, or injury of the employee.

Donation requests must be submitted in writing to the Human Resources Department who will then review approve/deny and send to the Finance department for processing. Transfers of PLT or Comp Time hours from the donating employee's PLT or Comp bank to the designated employee's PLT bank will be done as soon as practical after receipt of the written request. PLT and Comp Time donations are transferred hour for hour regardless of pay rate of donor or designated recipient.

Commented [U4]: When done in this manner rather than as an emergency illness leave pool (not specified donation to anyone at time of donation), the cash value of the donated leave is includable in the donor's gross income and will be treated as wages for tax purposes. We can create a program that does not allow employees to specify a donor that won't have tax consequences. But, if employees are used to this, no problem keeping it.

1/10--AS/JP will find out if Finance is properly taxing.

Donated hours do not count as "Used" hours to meet their annual minimum usage for the "Donor" employee.

12.5 Leaves of Absence without Pay

Personal leave shall not accrue during leaves of absence without pay. Any regular employee may be eligible for an unpaid leave of absence as provided by the Family Medical Leave Act. When the leave does not qualify as FMLA, the employee is responsible for the full cost of their benefits, including the portion normally paid by the Village if they were actively working or on paid leave. Refer to the FMLA policy regarding continuation of benefits while on unpaid FMLA leave.

12.6 Notification

When an employee requests personal leave time, they must notify his/her Department Director or designated supervisor prior to his/her duty start time. Failure to do so may result in denial of PLT use and pay. The Department Director or designee must ensure adequate personnel are available to carry the mission and responsibility of the Village when granting personal leave time.

12.7 Observed Holidays

The following shall be official Village holidays:

• New Year's Day	January 1
• Dr. Martin Luther King, Jr. Day	3rd Monday in January
• President's Day	3rd Monday in February
• Good Friday	
• Memorial Day	Last Monday in May
• Juneteenth	June 19th
• Independence Day	July 4
• Labor Day	1st Monday in September
• Veteran's Day	November 11
• Thanksgiving Day	4th Thursday in November
• Friday following Thanksgiving	4th Friday in November
• Christmas Eve	December 24
• Christmas Day	December 25
• New Year's Eve	December 31

If a recognized holiday falls on a Saturday, the designated holiday shall be observed on the previous Friday. If a recognized holiday falls on a Sunday, the designated holiday shall be observed on the Monday following the holiday. In cases where Christmas Eve and Christmas day/New Year's Eve and New Year's Day fall on Friday/Saturday, Saturday/Sunday, or on Sunday/Monday, the holidays shall be observed by the Village as follows:

<u>Christmas/New Year's Eve (actual)</u>	<u>Christmas/New Year's Day (actual)</u>	<u>Observed as:</u>
Friday	Saturday	Thursday and Friday
Saturday	Sunday	Friday and Monday
Sunday	Monday	Monday and Tuesday

The Village Manager, in conjunction with the Department Director, retains ultimate discretion as to whether employees will be required to work on a particular holiday based on the operational needs of the Village.

Holiday Pay

Regular, full-time employees are eligible for the receipt of paid holidays as set forth below.

Generally, regular, full-time employees will not be required to work on a recognized holiday and will receive their regular rate of pay for the recognized holiday. In some cases, due to departmental requirements, employees may be scheduled and required to work on a holiday. Non-exempt employees working on a holiday shall receive eight (8) hours of holiday pay. Additionally, they shall also be paid time and a half for a full eight (8) hour day. This does not apply to PBA members who receive ten (10) hours straight for every holiday in addition to hours worked.

Employees who call out the day before or the day after a holiday (Unscheduled PLT) will not be compensated for the holiday. At the Department Director's discretion, with Human Resources approval, employees may be compensated for the holiday if it is deemed that the employee was legitimately ill. The Human Resources Department may require documentation from the employee's health care provider to confirm the personal illness.

Eligible employees on paid leave shall be granted holiday pay in lieu of a paid leave day. Eligible employees on unpaid leave, temporary employees, and part-time employees are not eligible for holiday pay.

Regular, full-time employees who do not work on a designated holiday by virtue of a modified work schedule necessitated by the requirements of their position will get eight (8) hours straight time for the designated holiday. This does not include PBA.

Chapter 13: Family and Medical Leave Act Leave

13.1 General Policy Statement

Eligible employees will be granted up to 12 weeks of unpaid family, medical, or exigency leave during a 12-month period in accordance with the Family and Medical Leave Act (FMLA). Eligible employees will be granted up to 26 workweeks of unpaid leave to care for a covered member or veteran of the Armed Forces, including a member or veteran of the National Guard or Reserves, who is a family member or next of kin, during a single 12-month period in accordance with the FMLA as amended from time to time. The 12-month period is measured backward from the first date an employee uses FMLA leave. However, in the case of an employee caring for a service member, where up to 26 weeks of leave may be taken, the 12-month period is measured forward from the first date of leave.

During this leave, an eligible employee is entitled to continued group health plan coverage as if the employee had continued to work, however the employee will not accrue Personal Leave Time during unpaid FMLA leave. At the conclusion of the leave, subject to some exceptions, an employee generally has a right to return to the same or an equivalent position.

13.2 Notice

Employees must provide Human Resources with no less than thirty (30) day's notice of their intent to take FMLA leave when the leave is foreseeable. If such leave is unforeseeable, the employee

shall provide notice as soon as possible after the employee learns of the need for the leave. Employees on approved family leave, medical leave, exigency leave, or service member leave under this policy, with or without pay, must make at least monthly contact with the Human Resources Department during their absence. Family Medical Leave under this policy runs concurrently with all other paid or unpaid leaves of absence.

13.3 Eligibility

To be eligible for FMLA leave, exigency leave, or service member leave, an employee must have been employed by the Village for at least twelve (12) months and must have worked for at least 1,250 hours during the previous twelve-month period. Employees must also work at a site with 50 or more Village employees or where 50 or more Village employees are located within 75 miles of the worksite.

In addition to the foregoing eligibility requirements, the employee must also show that the reason for the leave falls into one of the following categories:

1. For the birth of a son or daughter, and to care for the newborn child.
2. For the placement of a child with the employee for adoption or foster care, and to care for the newly placed child.
3. To care for an immediate family member (spouse, child, or parent) with a serious health condition.
4. When the employee is unable to work because of a serious health condition.
5. To care for an injured or ill covered service member or covered veteran. The employee must be the family member or the next of kin (nearest blood relative) of the covered service member or covered veteran; and
6. To address any qualifying exigency arising out of the fact that a spouse, child, or parent who is also a military member in the National Guard or Reserves or a regular component of the Armed Forces when the military member is on covered active duty or called to covered active-duty status and deployed to a foreign country.

13.4 Medical Certifications

The employee shall provide Human Resources with complete and sufficient certification of the need for leave from the health care provider of the employee, family member, or covered service or military member within fifteen (15) days of notification of the need for leave.

The employee will be required to submit a recertification in certain circumstances. Employees bear the entire cost of obtaining all certifications required by the Village.

The Village may require, at its own expense that the employee obtain the opinion of a second health care provider designated or approved by the Village.

Employees failing to provide complete and sufficient certifications as required, and after any opportunity to correct, may be denied the taking of FMLA leave. Failure to provide any certification may result in denial of leave under the FMLA policy. Employees who fail to provide requested documentation of the reason for an absence from work may be subject to disciplinary action up to, and including, termination.

13.5 Intermittent or Reduced Work Week Leave

Leave can be taken intermittently or on a reduced work schedule when medically necessary for a serious health condition or as a result of a qualifying exigency. However, the employee must provide a certification from the health care provider stating that the employee's reduced work schedule is medically necessary and the expected duration and schedule of the intermittent leave or reduced work schedule when intermittent leave is medically necessary.

If an employee requests intermittent leave or leave on a reduced work schedule that is foreseeable based on a planned medical treatment, the employee:

1. May be required to transfer temporarily to an available alternative position (for which they are qualified) which has an equivalent pay and benefits, and which better accommodates recurring periods of leave than the regular position of the employee.
2. Must make reasonable efforts to schedule the treatment so as not to unduly disrupt operations.

13.6 Health Insurance during FMLA Leave

During approved FMLA leave, the Village is required to maintain group health insurance benefits. Maintenance of such group health insurance requires that the employee continue to contribute any co-payment of his or her normal portion of the insurance premiums to the Village at the same time payroll deductions would normally be made in order to maintain insurance coverage. If the employee's payment is more than thirty (30) days late, the Village may discontinue health insurance coverage upon notice to the employee. To the extent an employee's FMLA leave is paid through available accrued leave balances, the employee's portion of premiums will be collected through payroll deductions. For details on continuation of health insurance benefits for dependents, please contact the Human Resources Department.

13.7 Return from FMLA

Employees returning from an FMLA leave are required to submit a fitness for duty certification from their healthcare provider prior to returning to work demonstrating the employee can perform the essential functions of the job. Failure to provide that certification may delay the employee's reinstatement.

After the beginning of the leave, an employee may discover that circumstances have changed, and the amount of leave time originally anticipated is either reduced or needs to be extended. In foreseeable circumstances where it is necessary to change leave time, the employee is required to give the Village notice within two (2) business days.

An employee who accepts other employment during FMLA leave, or who fails to return to work on the next regularly scheduled workday following the expiration of the leave, or who does not accept a position offered by the Village when returning from leave, will be separated from their employment. Employees are prohibited from performing any work during FMLA leave, for the Village or any other entity or individual, and may be terminated immediately upon discovery of same.

Employees who give notice to the Village that they do not intend to return to work upon conclusion of FMLA leave will be considered to have voluntarily resigned.

13.8 Concurrent Use of Paid and Other Leave

The Village requires that employees use their accrued paid leave, such as Paid Leave Time or comp, concurrently with their FMLA leave. Similarly, other leave occasioned by, for example, workers' compensation injury or disability will run concurrently with an employee's FMLA leave.

Questions on Family and Medical Leave can be directed to the Human Resources Director/Department.

In the event the requirements under the Family and Medical Leave Act are amended, such requirements shall control.

Chapter 14: Drug-Free Workplace Policy

The Village of Palm Springs recognizes that substance abuse is a serious problem; the Village strives to provide a safe working environment; the Village considers the abuse of drugs or alcohol in the workplace unsafe and counterproductive. To ensure that the Village maintains a drug free workplace, the Village has adopted this Drug Free Workplace Program in accordance with and pursuant to Section 440.102, Florida Statutes.

While the Village of Palm Springs understands that employees and applicants who are under a physician's care may be required to use prescription drugs, the abuse of prescribed medications will be dealt with in the same manner as the abuse of illegal substances.

The Village is committed to providing a safe work environment and to fostering the well-being and health of its employees. That commitment is jeopardized when any employee illegally uses drugs on the job; reports to work under the influence of drugs or alcohol; possesses, distributes, or sells drugs in the workplace; or abuses alcohol on the job. Therefore, the Village has established the following policy:

14.1 Policy

1. It is a violation of this policy for any employee to use, possess, sell, trade, offer for sale, or offer to buy illegal drugs or otherwise engage in the illegal use of drugs on the job or on Village property, including parking lots.
2. It is a violation of this policy for anyone to report to work under the influence of illegal drugs or alcohol.
3. It is a violation of this policy for anyone to use prescription drugs illegally. (However, nothing in this policy precludes the appropriate use of legally prescribed medications).
4. It is a violation of this policy to unlawfully manufacture, distribute, dispense, possess, or use controlled substances in the workplace.
5. It is a condition of employment to abide by the Drug-Free Workplace Policy.
6. Violations of this policy subject all employees to disciplinary action up to and including immediate termination.

The goal of this policy is to balance our respect for individual privacy with the need to maintain a safe, productive, and drug-free environment. The intent of this policy is to offer a helping hand to those who need it, while sending a clear message that the illegal use of drugs and the abuse of alcohol are incompatible with employment at the Village.

A visibly impaired employee is unable to properly perform required duties and shall not be allowed to work. The employee's supervisor should consult privately with the employee if the supervisor makes any such observation.

If the supervisor determines that the employee is impaired, the employee shall be sent to a testing facility by a means of safe transportation. The employee may be accompanied by the supervisor or another employee, if necessary. An impaired employee shall not be allowed to drive.

14.2 Authority for Drug & Alcohol Testing

The Village has implemented this policy in accordance with the program requirements outlined in Florida Statute § 440.102.

14.3 Definitions

1. Drug: alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine; phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or

a metabolite of any of the substances listed in this paragraph. Please note that marijuana, even if prescribed for a medical purpose and even if deemed lawful by some states for other purposes, remains an illegal controlled substance under federal law. As such, the Village strictly prohibits the use of marijuana for any purpose.

2. **Drug Test or Test:** any chemical, biological, or physical instrumental analysis administered, by a laboratory certified by the United States Department of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.

3. **Initial Drug Test:** a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the United States Food and Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective forum.

4. **Job Applicant:** a person who has applied for a special-risk or mandatory testing position with the Village and has been offered employment conditioned upon successfully passing a drug test and may have begun work pending the results of the drug test.

5. **Mandatory Testing Position:** a job assignment that requires the employee to carry a firearm, work closely with an employee who carries a firearm, perform life-threatening procedures, work with heavy or dangerous machinery, work as a safety inspector, work with children, work with detainees in the correctional system, work with confidential information or documents pertaining to criminal investigations, work with controlled substances; or a job assignment that requires an employee security background check pursuant to Florida Statute § 110.1127; or a job assignment in which a momentary lapse in attention could result in injury or death to another person.

6. **Medical Review Officer or MRO:** a licensed physician, employed with or contracted with the Village, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results; and who has the necessary medical training to interpret and evaluate an employee's positive test result in relation to the employee's medical history or any other relevant biomedical information.

7. **Prescription or Nonprescription Medication:** a drug or medication obtained pursuant to a prescription as defined by Florida Statute § 893.02 or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.

8. **Special-Risk Position:** a position that is required to be filled by a person who is certified under Chapter 633 or 943 of the Florida Statutes.

14.4 Types of Testing Required

1. Job Applicant Drug Testing: Job applicants for mandatory testing and special risk positions must submit to a drug test. Refusal to submit to a drug test, or a positive confirmed drug test result, shall be used as a basis for declining to offer employment to the applicant.

2. Reasonable Suspicion Drug & Alcohol Testing: Employees will be tested following any observed behavior creating “reasonable suspicion.” These behaviors may include the following:

- a. Direct observation of drug/alcohol use, or the symptoms of being under the influence of a drug or alcohol (e.g., bloodshot, glassy, or watery eyes, alcoholic odor, stumbling or staggering, unable to walk, fumbling, reduced reaction).
- b. Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- c. A report of drug use, provided by a reliable and credible source.
- d. Evidence that an individual has tampered with a drug test while working for the Village.
- e. Information that an employee has caused, contributed to, or been involved in, an accident while at work, which includes post-accident in a Village owned, leased, or rented vehicle.
- f. Evidence that an employee has used, possessed, sold, or solicited drugs while working or while on the Village’s premises or while operating the Village’s vehicles, machinery, or equipment; and

3. Follow-Up Testing: If the Village requires an employee to enter an employee assistance program, or a drug rehabilitation program, as a condition of continued employment after a confirmed, positive drug test, the employee is required to submit to a random drug test, at least once per year for a two (2) year period after completion of the program. Advance notice of the testing date will not be given to the employee being tested. If the employee voluntarily enters the program, the Village is not required by law to conduct follow-up testing but may do so in its discretion.

4. Routine Fitness-For-Duty Testing: Employees who ordinarily must submit to annual physical fitness for duty examination must also submit to drug testing at that time.

5. Random Testing of Mandatory Testing and Special Risk Positions: employees with job assignments designated as mandatory testing and employees in special risk positions are subject to testing through the use of an unbiased selection procedure.

14.5 Confidentiality

All information, interviews, reports, statements, memoranda, drug test results, written or otherwise, received or produced as a result of a drug-testing program are confidential and may not

be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in accordance with Florida's Drug-Free Workplace Act or in determining compensability under the workers' compensation or unemployment benefits laws.

The Village, the laboratories, medical review officers, employee assistance programs, drug rehabilitation programs and their agents shall not release any information concerning drug test results obtained under this policy without first obtaining a release from the individual in accordance with Florida's Drug-Free Workplace Act and other applicable laws or regulations. All information, interviews, reports, statements, memoranda, and drug test results, written or otherwise, received or produced as a result of the drug testing program are confidential and exempt from disclosure under Florida's public records laws.

Drugs to Be Tested

The Village will test for the following drugs: ALCOHOL, AMPHETAMINES, CANNABINOIDS (MARIJUANA), COCAINE, OPIATES, PHENCYCLIDINE (PCP), METHAQUALONE, BARBITURATES, BENZODIAZEPINES, METHADONE AND PROPOXYPHENE.

Testing Location

The Village only uses laboratories for drug testing that are licensed by the Florida Agency for Health Care Administration or that are certified by the U.S. Department of Health and Human Services. You may be tested at the following laboratory:

Please see the Human Resources Department for testing location(s).

Testing Procedures

The Village and its MRO will comply with all testing procedures as outlined in Florida Statute Section 440.102(5). Employees or job applicants may confidentially report the legitimate use of prescription or non-prescription medications both before and after being tested to the testing laboratory and the Medical Review Officer.

Employees and job applicants have the right to consult the testing laboratory for technical information regarding prescription and non-prescription medication.

NOTE: All employees are subject to this policy, including commercial drivers who are also separately subject to the Alcohol and Drug Testing Program for DOT-Covered Commercial Motor Vehicle Drivers. In all cases, commercial drivers will be advised as to which policy under which a test is being conducted.

Challenging Results

Within five (5) working days after receiving notice of a positive confirmed test result, an employee or job applicant may submit information to the Village explaining or contesting the test result, and explaining why the result should not constitute a violation of this policy. If the employee's or job applicant's explanation or challenge is unsatisfactory to the Village, the employee will be notified by the Village in writing within 15 days of the date the challenge was received and will be subject to discipline under this policy. At that time, the employee will be provided with a copy of the confirmed positive test result and the name and address of the laboratory.

The foregoing documentation shall be kept confidential and retained by the Village for at least one (1) year.

Any employee or job applicant may contest the drug test result pursuant to law or to rules adopted by the Agency for Health Care Administration.

All employees or job applicants must notify the laboratory of any administrative or civil action brought pursuant to Florida's Drug-Free Workplace Act.

Employees are solely responsible for all costs associated with any challenge.

Consequences of Positive Confirmed Test Result

Job applicants receiving a positive confirmed test result shall not be hired. Any employee, regardless of probationary status or regular status, receiving a positive confirmed test result for the first time will be suspended for 3 days, up to and including termination. A second offense is automatic termination.

Follow-Up Testing: If the Village requires an employee to enter an employee assistance program, or a drug rehabilitation program, as a condition of continued employment after a confirmed, positive drug test, the employee is required to submit to a random drug test, at least once per year for a two (2) year period after completion of the program.

The employee may reapply for employment after three (3) months and upon demonstrating successful completion of an appropriate treatment program.

Additionally, an employee receiving a positive confirmed test result may lose his or her right to workers' compensation, unemployment compensation benefits, medical and indemnity benefits.

The Village may also discipline the employee for the consequences of their alcohol/substance abuse (e.g., absenteeism) even on a first offense even where this policy was not violated.

An employee or job applicant has 180 days after receiving written notification of a positive confirmed test result to have the sample retested at his or her own expense at another licensed or certified laboratory chosen by the employee or job applicant.

Consequences of Conviction for Violation of Criminal Drug Statute Occurring in the Workplace

All employees shall report any conviction for a violation of a criminal drug statute occurring in the workplace to the immediate supervisor in writing, no later than 5 (five) calendar days after such conviction.

Within 30 calendar days of receiving such notice from a convicted employee, the Village shall take one of the following actions:

- Take appropriate disciplinary action against the employee, up to and including termination;
- Require the employee to participate satisfactorily in a drug abuse or assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency.

Commented [U5]: Left discretion for level of discipline here because it conviction may be result of solely off-duty activity.

Consequences of Refusing to Submit to Drug/Alcohol Testing

An employee who refuses to submit to drug testing shall be immediately terminated. Additionally, the employee may lose his or her right to workers' compensation, unemployment compensation, medical and indemnity benefits. A job applicant who refuses to submit to drug testing will not be hired.

Refuse to submit (to an alcohol or controlled substances test) means that an employee:

- Failed to appear for any test within 2 (two) hours of being directed to report by the Village. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator.
- Failed to remain at the testing site until the testing process was complete.
- Failed to provide a urine specimen for any drug test, or failure to provide a blood specimen for alcohol testing.
- In the case of a directly observed or monitored collection in a drug test, failed to permit the observation or monitoring of the employee's provision of a specimen.
- Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.
- Failed or declined to take a second test that the Village or collector has directed the employee to take.

- Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the Village.
- Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during the course of treatment following an accident or to allow the Village access to medical records containing the results of such tests or attempted to block the release of such specimens or medical records.
- Failed to cooperate with any part of the testing process (*e.g.*, refused to empty pockets when so directed by the collector, behaved in a confrontational way that disrupts the collection process); or
- Was reported by the MRO as having submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

Medications That May Alter or Affect the Drug Test

Some common medications may alter or affect a test result. They are listed below for your information. Due to the large number of obscure brand names and the marketing of new products, this list cannot, and is not intended to, be all-inclusive.

ALCOHOL All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol, Comtrex is 20% (40 proof), Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).

AMPHETAMINES Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex, Ionamine, Fastin.

CANNABINOIDS Marinol (Dronabinol, THC).

COCAINE Cocaine HCl topical solution (Roxanne).

PHENCYCLIDINE Not legal by prescription.

METHAQUALONE Not legal by prescription.

OPIATES Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Tussi-organidin.

BARBITURATES Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butalbital, Phrenilin, Triad.

BENZODIAZEPINES Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.

METHADONE Dolophine, Metadose.

PROPOXYPHENE Darvocet, Darvon N, Dolene.

Employee Assistance Programs (EAP)

Employees are encouraged to contact the EAP if they need help in dealing with substance or alcohol abuse prior to the use becoming a problem at work.

Generally:

(1) An Employee Assistance Program (EAP) will be maintained by the Village to provide assistance to employees who suffer from alcohol and/or drug abuse. However, it is the responsibility of the employee to seek assistance from the EAP before substance abuse problems lead to disciplinary action. Once a violation of this policy occurs, the subsequent utilization of EAP on a voluntary basis will not necessarily lessen disciplinary action and may, in fact, have no bearing on the determination of appropriate disciplinary action.

(2) If an employee decides to seek prior assistance from the Employee Assistance Program, the decision will not be used as the basis for disciplinary action and will not be used against the employee in any disciplinary proceeding.

(3) The use of EAP shall not be a defense to imposition of disciplinary action where facts providing violation of this policy are obtained outside of the EAP. Accordingly, the purposes and practices of this policy and the EAP are not in conflict but are distinctly separate in their applications.

(4) Using the EAP, the Village shall provide appropriate assessment, referral to treatment, and treatment of drug and alcohol abuse, subject to the provisions of the Village's health insurance plan. Such employees who seek voluntary treatment prior to violating this policy may be granted leave with a conditional return to work depending on successful completion of the agreed upon appropriate treatment regimen which shall include follow-up testing.

EAP Referral.

(1) Self-Referral. In a self-referral, the employee contacts the EAP counselor directly. The employee is assured that no one in the Village will be notified.

(2) Supervisory Referral. It is the responsibility of the Village's supervisors to appropriately confront an employee whenever they see changes in performance that suggest an employee problem. The supervisor may suggest that the employee voluntarily seek help (informal referral) from the Village's Employee Assistance Program (EAP) or decide that the severity of the problem is such that an involuntary referral to the EAP should be made (formal referral). This must be in consultation with Human Resources.

(3) Informal Referral. Informal referrals can take place at any time during the disciplinary process or if an employee confides in the supervisor that they are having problems of a personal nature.

In an informal referral:

- (a) The supervisor should inform the employee of the benefits provided by the EAP and give the employee the name of the counselor and the telephone number.
 - (b) The supervisor should contact the EAP counselor and inform him/her of the informal referral and the circumstance leading to it, but this is not necessary.
 - (c) In an informal referral, the EAP counselor will not tell the supervisor whether the employee used the EAP and will not divulge any information to the supervisor about the visit.
- (4) Formal Referral. A formal referral can take place at any time during the disciplinary action up to and including termination.

In formal referral:

- (a) The supervisor (or another manager designated by the Village) should contact the EAP counselor to discuss the employee's problem.
- (b) The EAP counselor will ask the employee to sign a waiver allowing the counselor to call the supervisor and tell his/her whether the employee saw the counselor and followed recommendation. No other detailed information is revealed to the supervisor.

Organizations with Substance Abuse Programs:

Narcotics Anonymous Helpline: 561-393-0303

Drug Abuse Foundation of Palm Beach County: 561-278-0000

Palm Beach Al-Anon/Al-a-Teen Information Service: 561-278-3481

Alcoholics Anonymous (Palm Beach County): 561-655-5700

Comprehensive Alcoholism Rehabilitation Program: 561-844-6400

Village's Employee Assistance Program: Please see Human Resources.

The Village does not promote or recommend any specific program or organization for treatment. Other options for treatment can be located online or through various social service organizations.

14.6 Effective Date of Drug-Free Workplace Policy

This Drug-Free Workplace is effective immediately upon adoption and supersedes any prior policies.

Chapter 14 Part 2: Alcohol and Drug Testing Program for DOT-Covered Commercial Motor Vehicle Drivers

BACKGROUND AND PURPOSE

The illegal use of drugs and the abuse of alcohol are problems that invade the workplace, endangering the health and safety of the abusers and those who work around them. Every employee and applicant should understand those dangers and be aware of the federal requirements and state guidelines concerning substance abuse and alcohol in the workplace.

The Village's Drug/Alcohol Testing Policy For DOT-Covered CDL Drivers ("the Policy") was developed in conformity with the Department of Transportation Regulations located in 49 C.F.R. Part 40 and 49 CFR Part 382, which are on file with the Village's Designated Employer Representative (DER) [the Village's Human Resources Director and Village Manager] for review at any time during normal working hours.

Our policy formally and clearly states that the illegal use of drugs and abuse of alcohol or prescription drugs will not be tolerated. As a means of maintaining this policy, the Village has implemented pre-employment and active employee drug testing as outlined in this Policy.

This Policy is designed to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by drivers of commercial motor vehicles. Substance abuse, while at work or otherwise, seriously endangers the safety of employees, as well as the general public, and creates a variety of workplace problems including increased injuries on the job, increased absenteeism, increased health care and benefit costs, increased theft, decreased morale, decreased productivity, and a decline in the quality of products and services provided. This policy is designed to detect users and remove abusers of drugs and alcohol.

Commercial drivers are subject to Department of Transportation ("DOT") testing regulations, which includes placement in a *separate random testing pool* containing only DOT-covered employees for the purposes of DOT compliance. With regard to those employees covered by the DOT regulations, the federal regulations, as amended from time to time, shall govern any conflicts with this Policy. As employees of the Village, DOT-covered commercial drivers are also separately subject to the Village's Drug-Free Workplace Policy which covers all employees.

The Village determines the level of discipline following violations of this policy, and the level of discipline is not dictated by federal requirements. The Village has determined that it will terminate any employee who violates this, Policy.

APPLICABILITY AND PARTICIPATION REQUIRED

This Policy applies to every employee who is required to maintain a commercial drivers' license whose position requires operation of a commercial motor vehicle owned or leased by the Village. These employees are referred to as "commercial drivers" and include full time, regularly employed drivers; casual, intermittent, or occasional drivers; leased drivers and independent owner-operator contractors.

The positions that are subject to this policy at the Village due to the requirement the employee hold a valid CDL and drive a commercial motor vehicle are:

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Position Title	Basis for Testing	Applicable Policy
Bus Drivers	Mandatory Testing, Commercial Driver w/ CDL	Drug Free & DOT
Recreation Supervisor I	Mandatory Testing, Commercial Driver w/ CDL	Drug Free
Utilities Field Service II	Mandatory Testing (all)	Drug Free
	Commercial Driver w/ CDL	DOT
PW Field Service II	Mandatory Testing (all)	Drug Free
	Commercial Driver w/ CDL	DOT

aacrua

Participation in the DOT Drug/Alcohol Testing program as set forth in this Policy is a requirement for all commercial drivers and is a condition of employment. Failure to participate and comply with the requirements set forth in this Policy may result in disciplinary action up to and including termination of employment, which is determined by the Village and not federal law or regulations.

While the Village may require other positions to maintain a CDL license, the employees filling those positions are not subject to the DOT Drug/Alcohol Testing Policy for Commercial Drivers because it has been determined those positions never operate commercial motor vehicles.

DEFINITIONS

Commercial motor vehicle (CMV) means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle is a—

- (1) Combination Vehicle (Group A)—having a gross combination weight rating or gross combination weight of 11,794 kilograms or more (26,001 pounds or more), whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 4,536 kilograms (10,000 pounds), whichever is greater; or

(2) Heavy Straight Vehicle (Group B)—having a gross vehicle weight rating or gross vehicle weight of 11,794 or more kilograms (26,001 pounds or more), whichever is greater; or

(3) Small Vehicle (Group C) that does not meet Group A or B requirements but that either—

- (i) Is designed to transport 16 or more passengers, including the driver; or
- (ii) Is of any size and is used in the transportation of hazardous materials as defined in this section.

Safety-sensitive function means all time from the time a commercial driver begins work or is required to be in readiness to work until the time the driver is relieved from work and all responsibility for performing work. Safety-sensitive functions shall include:

- (1) All time at the Village’s plant, terminal, facility, or other property, or on any public property, waiting to be dispatched, unless the commercial driver has been relieved from duty by the Village.
- (2) All time inspecting, servicing, or conditioning any commercial motor vehicle at any time.
- (3) All time spent at the driving controls of a commercial motor vehicle in operation.
- (4) All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the federal requirements).
- (5) All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- (6) All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle.

DUAL TESTING REQUIREMENTS

As noted above, commercial drivers subject to the testing requirements of this Policy are separately subject to the Village's Drug-Free Workplace Policy covering all employees. The Village Drug-Free Workplace Policy reflects requirements of the Village and are not required by the DOT. Any personnel actions under the general Drug- Free Workplace Policy will be clearly indicated as being based on Village authority under the Drug-Free Workplace Policy and not based upon the DOT Drug/Alcohol Testing Policy. Any personnel actions under this Policy will be clearly indicated as such. Further, this policy will identify where the Village has utilized its discretion where federal regulations do not specify a particular course of action.

REQUIRED HOURS OF COMPLIANCE

Alcohol prohibited:

- while on duty.
- 4 hours prior to on-duty time; and,
- 8 hours following an accident or until a post-accident test is complete, whichever occurs first.

Controlled Substances:

Commercial Drivers are prohibited from reporting to, or remaining on, duty when using any controlled substance, unless the use is at the direction of a physician who advised that the substance does not adversely affect the commercial driver's ability to safely operate a commercial motor vehicle.

While not required by the federal regulations, the Village requires all employees to report the use of controlled substances at the direction of a physician to Human Resources along with documentation from the physician advising that the substance does not affect the driver's ability to safely operate a commercial motor vehicle *prior to reporting for duty*.

DRUG/ALCOHOL TESTING POLICY DISSEMINATION

- (1) The Village will give a general one-time notice to its commercial drivers that it is a condition of employment for employees to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and that a drug testing program is in place. To this end, each commercial driver shall be provided a copy of this Policy, and each employee is required to sign a statement certifying that the employee has received a copy of the Policy. The Village will maintain the original of the signed certificate and will provide a copy of the certificate to the employee upon request.
- (2) Prior to each alcohol or controlled substance test performed under this Policy, each employee or job applicant for employment to be tested will be advised that the testing is being conducted pursuant to this Policy, rather than the Village's general Drug-Free Workplace Policy.
- (3) A notice of drug testing will be included with all vacancy announcements for those positions where drug testing under this Policy is required (want ads, job postings, etc.). A notice of the DOT Drug/Alcohol Testing Policy will also be posted in an appropriate and conspicuous location on the Village's premises and copies of the policies will be made available for inspection during regular business hours by the employee or job applicant in the Village's Human Resources Department.

DESIGNATED EMPLOYER REPRESENTATIVE

The Village has designated certain individuals as Designated Employer Representatives (DER). These individuals are responsible for the administration of the DOT Drug/Alcohol Testing Policy and are authorized by the Village to take immediate action(s) to remove employees from safety-sensitive duties, or cause employees to be removed from these covered duties, and to make required decisions in the testing and evaluation processes. The DER is also authorized to receive test results and other communications for the Village, consistent with the requirements of this Policy and with the applicable regulations. The DER is available to answer any questions by employees concerning this policy. The DER for the Village is the Director of Human Resources and the Village Manager.

DRUG AND ALCOHOL TESTING RECORD (CLEARINGHOUSE QUERIES)

The Village is required under the DOT regulations to obtain information regarding the drug and alcohol testing record of commercial drivers from their previous DOT-regulated employers where the Village intends to use such drivers to perform safety-sensitive (commercial driving) duties. As a result of this requirement and in accordance with federal regulations (49 C.F.R. § 382.701), the Village or its providers will query the FMCSA Drug and Alcohol Clearinghouse for any drug or alcohol information pertaining to DOT-covered CDL drivers and applicants, as follows:

1. *Full pre-employment queries* will be conducted on applicants for any position which requires a DOT-covered CDL license or on current employees who have not held a position requiring a DOT-covered CDL license with the Village. As a condition of consideration for employment, applicants will be required to provide the Clearinghouse with consent to allow the Village to conduct a full query.
2. *For current employees* who are employed in a position requiring a DOT-covered CDL, *a limited query* of the Clearinghouse will be conducted annually. As a condition of continued employment, employees are required to execute the required consent form permitting the limited query. If the limited query reveals that information about the CDL driver exists in the Clearinghouse, the Village will conduct a full query within 24 hours. As a condition of continued employment, the DOT-covered CDL driver will be required to provide the Clearinghouse with consent allowing the Village to conduct a full query.

In accordance with federal regulations (49 C.F.R. § 382.703), the Village (or its Service Agent if the Village uses a Third-Party Administrator to administer its DOT drug testing policy) will report the following drug/alcohol information regarding DOT-covered CDL drivers/applicants to the FMCSA:

Reporting entity	When information will be reported to Clearinghouse
Village	• A verified positive, adulterated or substituted drug test result. • An alcohol confirmation test with a concentration of 0.04 or higher. • Refusal to test (alcohol) as specified in 49 CFR 40.261.
	• Refusal to test (drug) not requiring a determination by the MRO as

	specified in 49 CFR 40.191.
	Actual knowledge that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. “Actual knowledge” means the employer's direct observation of the employee, a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use. Direct observation means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing. “Traffic citation” means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.
	- Negative return-to-duty test results (drug and alcohol testing, as applicable) - SAP's report of successful completion of return-to-duty process
	Completion of follow-up testing.
Service Agent acting on behalf of Village (if the Village uses a TPA)	- A verified positive, adulterated or substituted drug test result. - An alcohol confirmation test with a concentration of 0.04 or higher. - Refusal to test (alcohol) as specified in 49 CFR 40.261.
	Refusal to test (drug) not requiring a determination by the MRO as specified in 49 CFR 40.191.
	Actual knowledge that a driver has used alcohol on duty, used alcohol within four hours of coming on duty, used alcohol prior to post-accident testing, or has used a controlled substance. “Actual knowledge” means the employer's direct observation of the employee, a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance use. Direct observation means observation of alcohol or controlled substances use and does not include observation of employee behavior or physical characteristics sufficient to warrant reasonable suspicion testing. “Traffic citation” means a ticket, complaint, or other document charging driving a CMV while under the influence of alcohol or controlled substances.
	- Negative return-to-duty test results (drug and alcohol testing, as applicable) - SAP's report of successful completion of return-to-duty process

	• Completion of follow-up testing.

If an employee or applicant refuses to provide the necessary consent, the Village will not permit the employee to perform safety-sensitive functions and the Village will terminate the employee. The level of discipline is within the Village's discretion and is not set forth by the federal regulations.

If the Village obtains information that an employee or applicant violated a DOT agency drug and alcohol regulation, the employee will be terminated, and an applicant will not be hired. Termination is not required by the federal regulations and is within the Village's discretion to do so. Terminated employees are permitted to reapply for employment after three (3) months and may be permitted to perform safety-sensitive functions at that time if the Village is provided documented proof that the employee has subsequently complied with the return-to-duty requirements of 49 CFR Part 40.

REQUIRED TESTING

Pre-employment testing

All job applicants for commercial driver positions, including internal transfers, are required to undergo testing for controlled substances as a condition of employment. Additionally, prior to the first time an employee performs safety-sensitive functions for the Village as a commercial driver, either as a new hire or as a result of a transfer, the employee shall undergo testing for controlled substances. The Village will not allow an employee to perform safety-sensitive functions unless the Village has received a controlled substances test result from the MRO or C/TPA indicating a verified negative test result for that commercial driver.

The Village reserves the right to invoke any and all exceptions to the pre-employment testing requirement as set forth in the DOT regulations (49 CFR § 382.301(b)).

Post-accident testing

Commercial drivers will be tested as soon as practicable following an occurrence involving a commercial motor vehicle on a public road in commerce as follows:

Type of Accident	Citation Issued* to CMV Driver	Test Must Be Performed
Human Fatality	Yes	Yes
Human Fatality	No	Yes
Bodily injury with immediate medical treatment away from scene	Yes	Yes

Bodily injury with immediate medical treatment away from scene	No	No
Disabling damage to any motor vehicle requiring tow away	Yes	Yes
Disabling damage to any motor vehicle requiring tow away	No	No

*In the above chart, "citation issued" refers to a citation received by the commercial vehicle driver under State or local law for a moving traffic violation arising from the accident. With respect to alcohol testing, the citation must be received within eight (8) hours of the occurrence. With respect to controlled substance testing, the citation must be received within thirty-two (32) hours of the occurrence.

If an alcohol test is required but not administered within two (2) hours following the accident, the Village will prepare and maintain a record stating the reasons it was not promptly administered. The Village will not attempt to administer an alcohol test after eight (8) hours, or a controlled substance test after thirty-two (32) hours, following the accident.

Commercial drivers subject to post-accident testing shall remain readily available for testing or the Village may designate such unavailability as a refusal to submit to testing and the commercial driver will be terminated. The level of discipline is within the Village's discretion and not set forth by federal regulations. However, nothing in this section shall be construed to require the delay of necessary medical attention for injured people following an accident or to prohibit an employee from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident, or to obtain necessary emergency medical care. The results of a breath or blood test for the use of alcohol, or the results of a urine test for the use of controlled substances, conducted by Federal, State, or local officials having independent authority for the test, meet the requirements of testing under this policy, provided the tests conform to the applicable Federal, State or local alcohol or controlled substance testing requirements, and that the results of the tests are obtained by the employer.

Post-accident testing under this Policy does not apply to:

- (a) An occurrence involving only boarding or alighting from a stationary motor vehicle.
- (b) An occurrence involving only the loading or unloading of cargo; or
- (c) An occurrence in the course of the operation of a passenger car by an employer unless the motor vehicle is transporting passengers for hire or hazardous materials that require DOT-mandated markings or placards.

Random testing

Every DOT covered commercial driver shall submit to unannounced random alcohol and controlled substance testing to be spread reasonably throughout the calendar year. However, a

DOT covered employee will only be tested for alcohol while performing safety-sensitive functions, just prior to performing safety-sensitive functions, or just after performing such functions. The selection of employees for random alcohol and controlled substances testing shall be made by a scientifically valid method, and each employee selected for random alcohol and controlled substances testing under the selection process used, shall have an equal chance of being tested each time selections are made. Each employee selected for testing shall be tested during the selection period. Random testing for commercial drivers will be conducted according to the applicable rates mandated by the DOT and its applicable agencies (2023 DOT Rates: 50% Random Drug; 10% Random Alcohol) but may exceed those rates at the Village's discretion.

After notification, it is the responsibility of the employee to provide a specimen immediately. At the time of the notification, the donor will be instructed to go directly to the designated collection site. The employee will notify the collection site personnel that the employee has been selected for a random test and that the employee is ready to provide a specimen for the requested test.

Reasonable suspicion testing

Commercial drivers who, based on specific, contemporaneous, articulable observations of a qualified supervisor concerning the appearance, behavior, speech, or body odor, may be reasonably suspected of using or being under the influence of alcohol or controlled substances or tampering with a drug screen test, shall undergo alcohol and controlled substance testing. In the case of controlled substances, the observations may include indications of the chronic and withdrawal effect of controlled substances.

A "qualified supervisor" is a supervisor or Village supervisor, manager or department director who has received at least 60 minutes of training on alcohol misuse and receive at least an additional 60 minutes of training on controlled substances use. The training will be used by the supervisors to determine whether reasonable suspicion exists to require a commercial driver to undergo testing. The training shall include the physical, behavioral, speech, and performance indicators of probable alcohol misuse and use of controlled substances. Recurrent training for supervisory personnel is not required.

Alcohol testing is only authorized for reasonable suspicion testing if the observations are made during, just preceding, or just after the period of the workday that the commercial driver is required to be in compliance. A commercial driver may only be directed to submit to this testing while the driver is performing safety-sensitive duties, just before or just after the driver performed such duties. An alcohol test pursuant to reasonable suspicion testing shall occur within eight (8) hours. If the alcohol testing is done after two (2) hours from the time the observations occurred, the Village must document the reasons the test was not promptly administered.

Notwithstanding the absence of a reasonable suspicion alcohol test under this section, no commercial driver shall report for duty or remain on duty under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol misuse, nor shall the Village permit the employee to perform or continue to perform his/her work duties, including any safety-sensitive functions, until:

- (i) An alcohol test is administered and the employee's alcohol concentration measures less than 0.02; or
- (ii) Twenty-four (24) hours have elapsed following the determination that there is reasonable suspicion to believe that the employee has violated the prohibitions in this part concerning the use of alcohol.

A copy of documentation supporting a reasonable suspicion test will be completed and signed by the qualified supervisor within 24 hours of the observed behavior or before the results of the tests are released, whichever is earlier, and will be retained confidentially by the Village.

On the basis of circumstances requiring a reasonable suspicion test, a commercial driver will immediately be removed from safety-sensitive functions, placed in a non-duty status, and required to use Personal Leave Time (the non-duty status shall be unpaid if the employee does not have such leave hours available) pending the outcome of the required drug/alcohol test.

Return to Duty and Follow-up testing

The Village is not required to provide commercial drivers who violate this Policy with an evaluation by a Substance Abuse Professional (SAP) or any subsequent recommended education or treatment. As such, commercial drivers who test positive in violation of this policy shall be terminated for the first offense. The level of discipline is determined by the Village and not set forth in the federal regulations.

If the Village, in its sole discretion, allows a driver to reapply and selects the driver for a position that would return the employee to a DOT safety-sensitive function following a violation, the Village will require that the commercial driver has already undergone an evaluation by an SAP and complied with the SAP's recommendations at the commercial driver's sole cost and expense. In addition, following removal from a safety sensitive position after a positive, adulterated or substituted test and referral to an SAP, and successful compliance with the prescribed education and/or treatment, a commercial driver is required to undergo a return to duty test for controlled substances and/or alcohol before returning to safety-sensitive duties. Follow-up tests are unannounced and at least 6 tests must be conducted in the first 12 months after an employee return to duty as provided by the SAP's follow-up testing plan. Follow-up testing may extend for up to 60 months following return to duty.

Additional testing

Additional testing may also be conducted as required by applicable state or federal laws, rules, or regulations, in accordance with the Village's Drug-Free Workplace Policy for all employees or as otherwise deemed necessary by the Village.

SUBSTANCES TO BE TESTED AND DETECTION THRESHOLDS

The Village tests for the following substances pursuant to the federal regulations:

Drug Screen Cut-off GC/MS

Marijuana metabolites/THC	50 ng/mL - 15ng/mL

Cocaine metabolites	150 ng/mL - 100 ng/mL
Codeine/Morphine	2,000 ng/mL – 2,000 ng/mL
Hydrocodone/Hydromorphone	300 ng/mL – 100 ng/mL
Oxycodone/Oxymorphone	100 ng/mL – 100 ng/mL
6-Acetylmorphine	10 ng/mL – 10 ng/mL
Phencyclidine (PCP)	25 ng/mL - 25 ng/mL
Amphetamines, Methamphetamine	500 ng/mL - 250 ng/mL

And Methylenedioxymethamphetamine (MDMA)

Alcohol - removal from safety-sensitive position at .02% Blood/Alcohol Content (B.A.C) or greater, violation of Policy at .04% BAC or greater.

PRESCRIBED OR OVER-THE-COUNTER MEDICATIONS

The Village recognizes that eventually most employees will need to take medications to combat various illnesses. Commercial drivers must realize, however, that the use of certain medications may constitute a violation of this Policy if not properly reported and may potentially alter or affect the results of a drug or alcohol test. A commercial driver could potentially test positive for a drug when taking medications prescribed by a doctor or purchased over the counter. Some medications known to alter or affect a drug test are listed in the next section of this Policy.

Employees who want more comprehensive or technical information about the use of medications, and their potential effects on the drug test results, should consult the Village's DER or a local testing laboratory. To avoid the potential problems created by a false test result, the Village has implemented procedures to enable employees to confidentially report the use of medications. An employee may report the use of medications on the back of his/her copy of the chain of custody form after the specimen is collected and discuss the use only with the Medical Review Officer.

However, employees are required to report the use of prescribed drugs for which the Village tests and provide written certification from their physician advising that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle **prior to engaging in any safety sensitive functions**. Failure to do so will result in termination, which is in the Village's discretion and not set forth by the federal regulations.

Note about Medical Marijuana and CBD Products: The DOT's Drug and Alcohol Testing Regulation – 49 CFR Part 40, at 40.151(e) – **does not authorize “medical marijuana” under a state law** to be a valid medical explanation for a commercial driver's positive drug test result. Therefore, a positive test result for marijuana or THC will result in the consequences set forth for a positive drug test. Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if the commercial driver claims only a CBD product was used.

Substances which could alter or affect the outcome of a drug test

The following substances, listed by brand name and common name, are among those that could affect the results of a drug test. This list is not comprehensive. All questions concerning substances which could result in a positive test should be directed to the Village's DER or the MRO.

(1)	AMPHETAMINES:	Abetrol, Biphedamine, Desoxyn, Dexadrine, Didrex
(2)	CANNABINOIDS:	Marinol (Dronabinol, THC), Marijuana, Hash, Pot
(3)	COCAINE:	Cocaine HCl Topical Solution (Roxanne), Crack, Coke
(4)	PHENCYCLIDINE:	PCP, Angel Dust
(5)	OPIATES:	Paregoric, Parepectolin, Donnegan PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Diluadid (Hydromorphone), M-S Contin and Roxanol (morphine sulfate), Percodan, Vicodin, Opium, Heroin
(6)	ALCOHOL:	Liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. For example, Vick's Nyquil is 25% (50 proof) ethyl alcohol; Comtrex is 20% (40 proof); Contac Severe Cold Formula Night Strength is 25% (50 proof); and Listerene is 26.9% (54 proof); Booze, Drink, wine, distilled spirits, malt beverages, beer, etc.
(7)	BARBITUATES:	Phenobarbital, Tuinal, Amytal
(8)	BENZODIAZOPHINES:	Ativan, Azene, Klonopin, Dalmone, Diazepam, Halcion, Librium, Poxipam, Restoril, Serax, Transene, Valium, Vertron, Xanax
(9)	METHADONE:	Dolophine, Methadose
(10)	PROPOXYPHENE:	Darvocet, Darvon N, Dolene

TESTING PROCEDURES

All alcohol or controlled substances testing under this Policy shall be conducted in conformity with the provisions and procedures set forth in the DOT Workplace Drug and Alcohol Testing Programs (49 C.F.R. Part 40 and 49 C.F.R. Part 382), which are on file with the Village's DER for review at any time during normal working hours. In summary, the testing procedures adopted by this Policy are as follows:

Alcohol Testing

All alcohol testing will be conducted using one of two possible methods. Alcohol testing may be performed using evidential breath testing (EBT) devices or saliva alcohol screening devices (ASD) approved by the NHTSA. A screening test is conducted first. Any result less than 0.02 alcohol concentration is considered a "negative" test. If the alcohol concentration is 0.02 or greater, a second confirmation test must be conducted. The employee and the individual conducting the test (called a breath alcohol technician (BAT)) complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an EBT that prints out the results, date and time, a sequential test number, and the name and serial number of the EBT to ensure the reliability of the results. The confirmation test results determine any actions taken. Under certain circumstances, post-accident tests conducted by law enforcement

personnel will be acceptable.

Controlled Substance Testing

Controlled substance testing is conducted by analyzing an employee's urine specimen. The analysis is performed at laboratories certified and monitored by the Department of Health and Human Services (DHHS). The employee provides a urine specimen in a location that affords privacy, and the "collector" seals and labels the specimen, completes a chain of custody document, and prepares the specimen and accompanying paperwork for shipment to a drug testing laboratory. The specimen collection procedures and chain of custody ensure that the specimen's security, proper identification, and integrity are not compromised. The testing for DOT requirements will be performed using "split specimen procedures" that require each urine specimen to be subdivided into two bottles labeled as a "primary" and a "split" specimen. Both bottles are sent to a laboratory. Only the primary specimen is opened and used for the urinalysis. The split specimen bottle remains sealed and is stored at the laboratory. The testing is a two-stage process. First, a screening test is performed. If it is positive for one or more of the controlled substances, then a confirmation test is performed for each identified controlled substance using state-of-the-art gas chromatography/mass spectrometry (GC/MS) analysis.

GC/MS confirmation ensures that over-the-counter medications or preparations are not reported as positive results. If the analysis of the primary specimen confirms the presence of illegal, controlled substances, the commercial driver has 72 hours to request the split specimen be sent to another DHHS certified laboratory for analysis. This split specimen procedure essentially provides the driver with an opportunity for a "second opinion."

All drug test results are reviewed and interpreted by a physician (Medical Review Officer (MRO)) before they are reported to the Village. If the laboratory reports a positive result to the MRO, the MRO contacts the employee (in person or by telephone) and conducts an interview to determine if there is an alternative medical explanation for the drugs found in the employee's urine specimen. If the employee provides appropriate documentation and the MRO determines that the positive result was due to legitimate medical use of the prohibited drug, the drug test result is reported as negative to the Village.

Note about Medical Marijuana and CBD Products: The MRO may not verify a drug test as negative based upon information that a physician recommended that the employee use "medical marijuana." Furthermore, CBD use is not a legitimate medical explanation for a laboratory-confirmed marijuana positive result. Therefore, the MRO will verify a drug test confirmed at the appropriate cutoffs as positive, even if an employee claims they only used "medical marijuana" or a CBD product.

PROHIBITED CONDUCT UNDER DOT REGULATIONS AS ADOPTED BY THIS POLICY

The following is an overview of the terms and conditions of this Policy, and for violation of which a commercial driver is subject to discipline as outlined below.

1. It is a violation of the DOT regulations, as adopted by this Policy, for any employee

to report for duty or remain on duty requiring the performance of safety-sensitive (commercial driving) functions while having an alcohol concentration of 0.04 or greater. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

2. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to use alcohol while performing safety-sensitive functions. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

3. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to perform safety-sensitive functions within four (4) hours after using alcohol. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

4. It is a violation of the DOT regulations, as adopted by this Policy, for any employee required to take a post-accident alcohol test to use alcohol for eight (8) hours following the accident, or until the employee undergoes a post-accident alcohol test, whichever occurs first. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

5. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to refuse to submit to a post-accident alcohol or controlled substances test, a random alcohol or controlled substances test, a reasonable suspicion alcohol or controlled substances test, or a follow-up alcohol or controlled substances test. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

6. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty or remain on duty requiring the performance of safety-sensitive functions after or during use of any controlled substance, except when the use is pursuant to the instructions of a

licensed medical practitioner, who has advised the covered employee that the substance will not adversely affect the driver's ability to safely operate a commercial motor vehicle. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

7. It is a violation of the DOT regulations, as adopted by this Policy, for any employee to report for duty, remain on duty or perform a safety-sensitive function, if the driver tests positive or has adulterated or substituted a test specimen for controlled substances. The DOT regulations require that all covered employees in violation of this rule be immediately removed from safety-sensitive duties, including driving a commercial motor vehicle, and not be allowed to return to such duties until completion of the return to duty process set forth by the DOT regulations in 49 CFR Part 40, Subpart O. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

8. It is a violation of the DOT regulations, as adopted by this Policy, for any employee tested under the provisions of this Policy and who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 to perform or continue to perform safety-sensitive functions, including driving a commercial motor vehicle. The Village will not permit such an employee to perform or continue to perform safety-sensitive functions, until the start of the next regularly scheduled duty period, but not less than 24 hours following administration of the test. All employees found in violation of this rule will also be subject to sanctions determined by the Village, as set forth below, for violation of this Policy.

9. Employees must also fully comply with all prohibitions set forth in the Village's general Drug-Free Workplace Policy, which is applicable to both DOT-covered commercial drivers and non-DOT covered drivers who may or may not hold a CDL. When safety-sensitive commercial drivers are being tested pursuant to this Policy (i.e., the DOT-mandated policy), the testing procedures set forth herein shall apply. When safety-sensitive commercial drivers are being tested pursuant to the general Drug-Free Workplace Policy, the procedures set forth in that policy shall apply.

CONSEQUENCES OF VIOLATIONS

Prohibited conduct by an employee will result in the following Village sanctions that have been determined by the Village:

- (1) Job Applicants will not be hired.
- (2) Any employee violating this Policy will be terminated, regardless of length of service. The employee may reapply after three (3) months and after the individual completes the Substance Abuse Professional Process at their sole expense.
- (3) An employee found to have an alcohol concentration of .02 or greater, but less than .04, shall not perform or continue to perform safety-sensitive functions until the start of the

commercial driver's next regularly scheduled duty period, but not less than 24 hours following administration of the test. This time away from work shall be unpaid and the employee shall not be permitted to use Paid Leave Time. No action will be taken under this Policy based solely on test results showing alcohol concentrations of less than .04, but the Village may take action independent of this Policy in accordance with other applicable policies or laws.

(4) In addition to the other consequences provided in this Policy, all employees who refuse to submit to an alcohol or drug test to be conducted under this Policy will be presumed to be positive for the presence of alcohol or a controlled substance for the purpose of all workers' compensation medical and indemnity benefits claims arising from the incidents or accidents leading to said testing. Refusals to test shall subject the commercial driver to immediate termination.

(5) An employee who fails to report the use of prescribed drugs for which the Village tests and/or fails to provide written certification from their physician advising that the substance does not adversely affect driver's ability to safely operate a commercial motor vehicle prior to engaging in any safety sensitive functions shall be subject to immediate termination.

REFUSAL TO SUBMIT (to an alcohol or controlled substances test) means that an employee:

(1) Failed to appear for any test (except a pre-employment test) within two hours of being directed to report by the Village's DER or designee. This includes the failure of an employee to appear for a test when called by a consortium or third-party administrator.

(2) Failed to remain at the testing site until the testing process is complete. Provided, that an employee who leaves the testing site before the testing process commences for a pre-employment test is not deemed to have refused to test.

(3) Failed to provide a urine specimen for any drug test or failed to attempt to provide a saliva or breath specimen for alcohol testing, required by this Policy or DOT agency regulations. Provided, that an employee who does not provide a urine specimen because they have left the testing site before the testing process commences (see 49 CFR Sec. 40.63(c) of the DOT regulations) for a pre-employment test is not deemed to have refused to test.

(4) In the case of a directly observed or monitored collection in a drug test, failure to permit the observation or monitoring of the employee's provision of a specimen.

(5) Failed to provide a sufficient amount of urine when directed, and it has been determined, through a required medical evaluation, that there was no adequate medical explanation for the failure.

(6) Failed or declined to take a second test the Village, the Village's DER, or collector has directed the employee to take.

(7) Failed to undergo a medical examination or evaluation, as directed by the MRO as part of the verification process, or as directed by the DER as part of the shy bladder or shy lung procedures set forth in 49 CFR Sec. 40.193(d) of the DOT regulations. In the case of a pre-

employment drug test, a covered employee is deemed to have refused to test on this basis only if the pre-employment test is conducted following a contingent offer of employment.

(8) Refused to allow collection of specimens for drug and/or alcohol testing by a treating medical facility during the course of treatment following an "accident" requiring post-accident testing or refused to allow the Village access to medical records containing the results of such tests, or any attempt by an employee to block the release of such specimens or medical records.

(9) Failed to cooperate with any part of the testing process (e.g., refuse to empty pockets when so directed by the collector, behave in a confrontational way that disrupts the collection process); or

(10) Is reported by the MRO as having a submitted or attempted to submit a verified adulterated, diluted, or otherwise altered or substituted specimen.

SUBSTANCE ABUSE PROFESSIONAL REQUIREMENT

Any driver who has a verified positive controlled substances result, an alcohol concentration of .04 or greater, or refuses to submit to a test must also be evaluated by a Substance Abuse Professional at the employee's own expense, even if the employee is terminated by the Village, before obtaining a DOT-covered commercial driver position at any entity including the Village.

DRUG/ALCOHOL INTERVENTION

There are many good reasons why you should be concerned if any of your coworkers are using drugs or alcohol on the job including, but not limited to:

- Your health and safety may be at risk.
- Alcohol misuse and drug use costs you money.
- Alcohol misuse and drug use creates a negative work environment.

If drinking or using drugs affects your work life, it could lead to job loss and all the financial problems that could follow. Please contact Human Resources, or encourage a coworker to do so, if you suspect a problem.

Signs and Symptoms of Alcohol and/or Drug Abuse

Any one or more of the following signs may indicate a drinking or drug problem:

- Family or social problems caused by drinking or drug use.
- Job or financial difficulties related to drinking or drug use.
- Loss of consistent ability to control drinking or drug use.
- "Blackouts" or the inability to remember what happened while drinking or taking drugs.
- Distressing physical and/or psychological reactions if you try to stop drinking or taking drugs.

- A need to drink increasing amounts of alcohol to get the desired effect.
- Marked changes in behavior or personality when drinking or taking drugs.
- Getting drunk or high frequently.
- Injuring yourself - or someone else - while intoxicated or high.
- Breaking the law while intoxicated or high.
- Starting the day with a drink or drugs.

Available Resources for Resolving Problems Associated with Alcohol or Drug Abuse

Outpatient programs exist in a variety of settings:

1. Community mental health centers.
2. Family service agencies.
3. Private physicians and therapists' offices.
4. Occupational settings.
5. Specialized alcoholism/drug addiction treatment facilities.

Inpatient services, designed for those with more serious alcohol or drug addiction problems, can be found in hospitals, residential care facilities, community halfway houses, and some clinics.

An internet-based search will list helpful referral organizations such as (none of which are specifically recommended by the Village; treatment decisions are highly personal and made by the employee and their family):

U.S. Dept. of Health & Human Services
Substance Abuse and Mental Health
Services Administration:

1-800-HELP (4357)

Alcoholics Anonymous

1-800-344-2666

M.A.D.D.

1-800-438-6233

AL-ANON Family Group Headquarters

1-800-356-9996

Additionally, an Internet search will identify the names and locations of treatment centers. Also, the United Way, offers many confidential services at no charge. Any costs of outside services are, however, the employee's responsibility.

Employee Assistance Program

The Village maintains an Employee Assistance Program (EAP) that may offer services or referrals for employees and their family members who suffer from alcohol or drug abuse problems. Any questions concerning the EAP program can be directed to the Village's DER.

Seeking Voluntary Assistance

Any employee who has not previously tested positive for drug and alcohol use and has not yet entered a drug and/or alcohol abuse rehabilitation program, may seek assistance for drug and/or

alcohol problems before they lead to disciplinary actions, provided that:

- (1) The employee does not self-identify in order to avoid testing under the requirements of this Policy.
- (2) The employee makes the admission of alcohol misuse or controlled substances use prior to performing a safety sensitive function (i.e., prior to reporting for duty); and
- (3) The employee does not perform a safety sensitive function until the Village is satisfied that the employee has been evaluated and has successfully completed education or treatment requirements in accordance with the requirements set forth below.

No employee will be discharged, disciplined, or discriminated against solely upon that employee's voluntarily seeking treatment for a drug and/or alcohol problem if the employee has not previously tested positive for drug use, entered an employee assistance program for alcohol- or drug-related problems, or entered an alcohol and drug rehabilitation program.

Employees may not continue to work in commercial driver positions while seeking voluntary treatment but may be granted leave without pay with a conditional return to work upon successful completion of an educational or treatment program, as determined by a drug and alcohol abuse evaluation expert, i.e., employee assistance professional, substance abuse professional, or qualified drug and alcohol counselor. An employee returning to work from voluntary treatment shall undergo a return to duty test with a result indicating an alcohol concentration of less than 0.02; and/or a verified negative test result for controlled substances use. For up to two (2) years, a series of periodic non-DOT follow-up drug and/or alcohol tests will be administered after the employee returns to work under the Village's general drug free workplace policy.

CONFIDENTIALITY

All written reports and related information received by the Village, laboratories, employee leasing programs, drug and/or alcohol rehabilitation programs and their agents will be held in strict confidence and will not be disclosed except in accordance with the applicable federal, state, and/or local laws and regulations. Any other release of this information will be allowed only with the tested individual's consent. If an employee initiates a grievance, hearing, lawsuit, or other action as a result of a violation of these rules, the Village may release relevant information to its legal counsel and the decision maker in said action.

The Village or its Service Agent shall maintain the records for a period of up to five (5) years in accordance with the requirements of the DOT regulations in 49 CFR §382.401(b), as well as the applicable retention period under Florida's public records laws, and these records will be provided to the following agencies and/or individuals under the following circumstances:

- (1) An employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol or controlled substances, including any records pertaining to his or her alcohol or controlled substances tests. The Village will also release information regarding an employee's records as directed by the specific written consent of the employee authorizing release of the information to an identified person. Release of such

information by the person receiving the information is permitted only in accordance with the terms of the employee's specific written consent as outlined in the DOT regulations in 49 CFR § 40.321(b);

(2) To the decision maker in a lawsuit, grievance, or administrative proceeding initiated by or on behalf of the employee, and arising from a positive drug or alcohol test or a refusal to test (including, but not limited to, adulterated or substituted test results) or this Policy (including, but not limited to, a workers' compensation, unemployment compensation, or other proceeding relating to a benefit sought by the commercial driver). Additionally, an employer may disclose information in criminal or civil actions in accordance with the DOT regulations in 49 CFR § 40.323(a) (2).

(3) The National Transportation Safety Board as part of an accident investigation.

(4) Secretary of Transportation, any DOT agency, or any State or local officials with regulatory authority over the Village or its commercial drivers; or

(5) A subsequent employer upon receipt of a written request from a covered employee.

FEDERAL AND STATE LAWS AND REGULATIONS

Nothing in this Policy shall be presumed to override, amend, or change any requirements of state and/or Federal law. In the event any of the provisions of this Policy conflict with applicable laws and regulations, such laws and regulations will be deemed to control.

All employees will notify the Village of any conviction of plea of guilty or nolo contendere to, any violation of any controlled substance law of United States or any other state for a violation occurring in the workplace no later than five (5) days after such conviction. The Village has determined that failure to report any such conviction within five (5) days shall result in termination of employment.

IMPORTANT INFORMATION FOR DOT-COVERED COMMERCIAL DRIVERS
(It is required that this information be posted for all employees)

<u>Notice to Applicants and Employees</u> PRE-EMPLOYMENT AND OTHER REQUIRED DRUG TESTING IS FOR THE FOLLOWING DRUGS: • Marijuana • Cocaine • Opioids • Amphetamines • Phencyclidine (PCP) REASONABLE SUSPICION AND POST-ACCIDENT TESTING: • Above Drugs • Breath Alcohol Testing (when suspected for reasonable suspicion) RANDOM TESTING — above Drugs and Alcohol	VILLAGE DESIGNATED EMPLOYER REPRESENTATIVE (DER) - ALL QUESTIONS REGARDING THE DRUG & ALCOHOL TESTING PROGRAM <u>DER:</u> Director of Human Resources and Village Manager
DRUG OR ALCOHOL HOTLINE #'S National Council on Alcoholism and Drug Dependence Hotline Phone: (800) 622-2255 www.ncadd.org Alcohol & Drug Referral Hot Line 1-800-252-6465 SUBSTANCE ABUSE PROFESSIONAL (EMPLOYEE MUST BE REFERRED AFTER VIOLATION OF DOT DRUG/ALCOHOL POLICY EVEN IF TERMINATED)	IT IS THE POLICY OF THE VILLAGE THAT THERE IS NO PLACE FOR THOSE WHO USE ILLEGAL DRUGS OR WHO ABUSE LEGITIMATE DRUGS OR WHO HAVE BECOME DEPENDENT UPON ANY CHEMICAL SUBSTANCE INCLUDING ALCOHOL. THIS VILLAGE INTENDS TO BE IN COMPLIANCE WITH THE DOT REGULATIONS CONCERNING DRUG ABUSE AND ALCOHOL MISUSE, WHICH INCLUDES A PROGRAM OF URINALYSIS TESTING FOR ILLICIT DRUG USE.

	EMPLOYEES WHO HAVE A CONFIRMED POSITIVE TEST FOR DRUGS OR ALCOHOL ARE SUBJECT TO TERMINATION.

Chapter 15: Health and Safety

15.1 Safety

The Village Manager, in cooperation with Department Directors, shall be responsible for the development and administration of programs providing for the general health and safety of Village employees.

The Village shall make appropriate efforts to promote among employees and in the department's appropriate standards of safety and good health. All employees shall be responsible for performing work assignments in a safe manner. Prime consideration shall always be given to safety in all work situations.

An Employee Safety Manual shall be provided, and it is the employees' responsibility to know the requirements of the manual.

Supervisors and Department Directors shall:

1. Be responsible for the establishment and implementation of appropriate safety standards within their respective activity areas, for periodically reviewing accident frequencies to determine and correct causes, and for identifying and correcting safety hazards.
2. Ensure that all new employees, including seasonal, temporary, and/or part-time employees are thoroughly advised, instructed, and supervised in necessary safety policies, practices, and procedures.
3. Implement and actively support the Village's safety program.
4. Arrange and conduct safety meetings, inspections, and training sessions.
5. Provide and/or require equipment necessary to adequately protect the health and safety of employees.
6. Immediately investigate accidents and prepare all necessary forms for documentation and future prevention of on-the-job injuries and hazardous conditions.

All employees shall:

1. Be thoroughly familiar with and comply with safety requirements and practices applicable to their respective work assignments.
2. Wear appropriate safety and/or protective gear as applicable to the work assignment.
3. Actively report unsafe or potentially dangerous conditions and accidents or injuries to their supervisor immediately.

4. Not remove guards or other protective devices from machinery and equipment.
5. Not engage in "horseplay", or other unsafe acts.
6. Attend any required training or orientation to increase safety awareness.
7. Not report to work under the influence of alcohol or drugs that alter normal behavior or ability to function safely.
8. Report all job-related injuries or illnesses to their supervisors immediately.
9. Assist supervisors in their investigation of any accident of which they have knowledge; accident investigation is fact finding, not fault finding.
10. Refrain from operating, modifying, adjusting, or using equipment in an unauthorized manner.

Employees may be subject to disciplinary action for failure to comply with health and safety workplace requirements.

15.2 Review Board

The Employee's Safety Committee shall meet periodically to review accidents that have occurred, discuss recommendations for improved safety and formulate safety rules and procedures.

First Aid Training Kits and Poster

All supervisors, or persons in charge of crews will be first aid trained; other persons may also be designated to be the recognized first aider. Valid first aid certificates are recognized as ones which are less than three years old. Cardiopulmonary Resuscitation Certification (CPR) is required in addition to the regular first aid training, if a first aid course does not combine the two subjects.

First aid kits will be available at work locations in accordance with the requirements of applicable law and safety practice.

- (a) First aid kit locations at Village facilities include:
 1. Shop Offices and Vehicles
 2. Police Department and Police Vehicles
 3. Village Hall
 4. Community Center Front Office and Leisure Services Vans
- (b) Department Directors are responsible to ensure that first aid kit(s) and AEDs are properly maintained and stocked.

15.3 Safety Orientation, Accident Investigation, and Reporting

All Village employees shall receive a safety orientation at the beginning of employment. The Employee Safety Manual is to be distributed to the employee by each supervisor and explained as needed.

ALL ACCIDENTS, no matter how minor, shall be reported IMMEDIATELY to the employee's immediate supervisor for evaluation/investigation. Since every accident includes a sequence of contributing causes, it is possible to avoid a repeat of the first event by recognizing and eliminating these causes. The removal of just a single cause can prevent a recurrence. During the supervisor's evaluation they must determine the possible consequences that could take place if the situation is not corrected and take appropriate action based upon those findings (i.e., investigate, report, correct, etc.).

Accidents Involving Defective Equipment

When an accident happens where defective equipment is suspected to be a contributing factor, the following action should be taken:

- (a) Attend to any injuries of employees or others.
- (b) Turn-in all suspected equipment involved in the incident to the employee's supervisor, who shall consult with the Department Director and Village Manager.
- (c) Write a detailed report, within one (1) day, to include all circumstances surrounding the incident and all manufacturing information available concerning the equipment in question. This report should be submitted to the Department Director who will report it to the Employee Safety Committee.

Hazard Communication Program

The following Hazard Communication Program is hereby established for the Village. All work sites of the Village are included within this program.

- (a) Definitions:
 - 1. HAZARDOUS CHEMICAL - Any chemical which is a physical hazard or a health hazard.
 - 2. HEALTH HAZARD - Includes any chemical for which significant evidence has been established, based on at least one study conducted by established procedures and principles, proving that acute or chronic health effects may occur in exposed employees. These health hazard chemicals include carcinogens, toxic or highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
 - 3. PHYSICAL HAZARD - A chemical for which there is scientifically valid evidence that it is a combustible liquid, a compressed gas, explosive, flammable, or organic peroxide, an oxidizer, pyrophoric, unstable (reactive) or water reactive.

- (b) Container Labeling: Each Department Director will verify that all containers received for use will:

1. Be clearly labeled as to the contents.
2. Note the appropriate hazard warnings.
3. List the name and address of the manufacturer.

The supervisors of each department will ensure that all secondary containers are labeled with either an extra copy of the original manufacturer's label or with generic labels which have a block for identity and blocks for the hazard warning.

The Employee Health and Safety Committee shall review the labeling system every 12 months and recommend any updates to this policy as required.

- (c) Material Safety Data Sheets (MSDSs): Documents containing safety information about a hazardous chemical, which is required to be maintained for each hazardous chemical in the workplace. Each Department Director is responsible for obtaining and maintaining the MSDS's for their department.

The Police Chief or designee will review incoming data sheets for new and significant health/safety information. They will see that any new information is passed on to the employees.

Copies of MSDS's for all hazardous chemicals to which employees of the Village may be exposed will be kept in each department. MSDS's will be available to all employees in their work area for review during each work shift. If MSDS's are not available or a new chemical is in use and does not have an MSDS, immediately contact the Department Director.

- (d) Employee Training and Information: The Department Director and/or designee shall be responsible for employee training. They will ensure that all elements specified below are carried out.

Prior to starting work, each new employee will receive a health and safety orientation and will be given information and training on the following when applicable to their position:

1. An overview of the requirements contained in the Hazard Communication Standard.
2. Chemicals present in their workplace operations.
3. Location and availability of our written hazard program
4. Physical and health effects of the hazardous material.

5. Methods and observation techniques used to determine the presence or release of hazardous chemicals in the workplace.
6. How to lessen or prevent exposure to these hazardous chemicals through usage of control/work practices and personal protective equipment.
7. Emergency procedures to follow if they are exposed to these chemicals.
8. How to read labels and review MSDS's to obtain appropriate hazard information.
9. Location of the MSDS file and location of hazardous chemical lists.

After attending the training orientation session, the Department Director will keep a record of same, and the employee will acknowledge, in writing, that they received the written materials, and understood the Village's regulations on Hazard Communication.

Prior to any new hazardous materials being introduced into any department, employees of that department will be given information about the material and an opportunity to review the MSDS. The Department Director or designee is responsible for ensuring that an MSDS on the new chemical(s) is secured from the manufacturer.

15.4 Clean Indoor Air Policy / Smoke -Free and Tobacco-Free Workplace

All individuals are prohibited from smoking or using tobacco products in any enclosed indoor workplace at the Village in accordance with Florida law. Enclosed indoor workplaces include any place that is predominantly or totally bounded on all sides and above by physical barriers. "Predominately" generally refers to coverage of more than 50%. Employees unsure of an acceptable location for smoking should consult their supervisor.

Employees who witness individuals smoking or using tobacco products in an enclosed indoor workplace must request the individual immediately extinguish the smoking device. If the employee is not comfortable confronting another employee or a citizen about the violation, they should immediately seek assistance from his or her supervisor or any member of management if the supervisor is unavailable.

To ensure a professional appearance, employees are also prohibited from smoking, using tobacco products, or using simulated smoking devices on Village property during working hours or while on paid time, as well as while using Village vehicles.

Employees who violate this policy may be subject to disciplinary action up to, and including, immediate termination.

The Village will not retaliate against any employee who makes good faith reports of suspected violations of this policy.

For purposes of this policy, "tobacco products" include, but are not limited to cigarettes, cigars, chewing tobacco, and pipe smoking. Vapor-generating electronic device means any product that

employs an electronic, a chemical, or a mechanical means capable of producing vapor or aerosol from a nicotine product or any other substance, including, but not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product, any replacement cartridge for such device, and any other container of a solution or other substance intended to be used with or within an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or other similar device or product. “Vape” or “vaping” means to inhale or exhale vapor produced by a vapor-generating electronic device or to possess a vapor-generating electronic device while that device is actively employing an electronic, a chemical, or a mechanical means designed to produce vapor or aerosol from a nicotine product or any other substance.

The Village will not hire applicants who regularly use tobacco products. The Village will not consider applicants who have used tobacco products for a period of at least three months prior to application for employment. The definition of “tobacco products” shall include, but is not limited to, cigarettes, cigars, electronic cigarettes, chewing tobacco, pipes, snuff, and vaping. Employees of the Village who were hired before approval of the date of the updated regulations are exempt from this policy.

All applicants for employment hired on or after [INSERT EFFECTIVE DATE FOR NEW HIRES] must sign a Non-Tobacco Use Affidavit and must sign the affidavit each year on their work anniversary. Any employee who signs the Non-Tobacco Use Affidavit and violates the Non-Tobacco Use Policy may be subject to disciplinary action, up to and including termination.

Commented [AS6]: might need to run it by the unions? Are any employees hired after a certain date restricted on their use of tobacco products or only 3 months prior? Also, add it to NeoGov.

Commented [U7R6]: IF it is decided to regulate off-duty conduct AND the prohibition only applies to employees hired after a certain prospective date, then we would not need union input for the applicants. However, the union will receive the entire policy manual before implementation and they may raise this issue if we try to have employees hired prior to the effective date to sign something annual that should not apply to them.

Chapter 16: Hurricane & Emergency Preparedness

The Village Manager or designee shall be authorized to close Village offices and work locations to protect the safety and welfare of Village employees. In this event employees will receive full pay, and no personal leave allowances shall be affected.

In the case of an approaching hurricane or similar emergency, certain employees may be required to continue to perform work for the Village (“Essential Personnel”), while other employees may be excused from work (“Non-essential Personnel”).

In the case of an approaching storm, it may be necessary for the Village to revoke previously approved Personal Leave Time in order for employees to assist with Village storm-related preparations. The following sets forth an overview of compensation in the event of a hurricane or similar emergency.

If employees are unable to report to work due to emergency weather or other conditions, the following criteria shall apply:

- (a) Each employee is responsible for contacting a supervisor or Department Director by telephone or other appropriate means to indicate anticipated absence from work or late arrival to work and the reason.

- (b) If an employee is unable to report to work, the absence may be charged to personal leave time, unless an emergency is declared or unless approved by the Village Manager in writing for good cause shown.

16.1 Local Emergency Pay Conditions

PURPOSE:

The purpose of this policy is to describe how employees are to be paid in the event of a Village declared Local Emergency Condition, (i.e., hurricanes, tornados, gas leaks, terrorist events, etc.)

The implementation of the Local Emergency Pay Condition policy will occur when an authorized Village official(s) declares a state of local emergency in the Village and such a declaration becomes effective in accordance with the Village Code. The state of local emergency shall continue in effect in accordance with Florida Statute Section 252.38, unless extended or rescinded in accordance with applicable law.

This policy is applied uniformly, regardless of presidential declaration status.

OBJECTIVES:

During a disaster or declared emergency, Village operations may be suspended, altered, or changed requiring an employee to be reassigned according to their emergency classification and the needs of the Village based upon the size, scope, and magnitude of the emergency or disaster. The objective of this directive is to outline pay procedures in the event of an emergency.

RESPONSIBILITIES:

Employees may be considered essential during a disaster or declared emergency and must be prepared to support the community as assigned. Therefore, all employees may have a duty assignment and be required to work during a declared emergency.

Refer to Village of Palm Springs Emergency Management Plan and Departmental Emergency Plan

The Village shall designate Essential Employees and Non-Essential Employees to the local emergency declaration period.

- **Essential Employees** are required to report to work and/or remain at work during all or a portion of the local emergency declaration period as determined by the Village Manager and/or their designee.
- **Non-essential Employees** are not required to work during the emergency declaration period; but are required to stay updated on the status of the emergency condition and when they are required to return to work.

PROCEDURES:

Emergency Declaration/Suspension of Government Operations

- Upon declaration of a local emergency the Village Manager may suspend normal government operations when conditions are such that the normal work cannot be performed. Such suspension shall be announced through a declaration suspending routine government operations.
- Despite suspension of government operations, employees may be required to be available to work either before, during, or immediately after an emergency occurs. Employees may be required to work flexible hours as required by the Village. Employees shall not assume they are not required to work based solely on any media or news reports regarding Village closings.
- Employees must maintain contact accessibility with their supervisors.

EMERGENCY COMPENSATION:

Employee Status:

Essential (Exempt - Salaried) Employees including but not limited to Division Managers, Assistant Directors, Department Directors, Assistant Village Manager and Village Manager will be compensated according to the following during a declared emergency:

- Employees will be paid at a premium rate of time and one half for all hours worked during the local emergency declaration. Time and one half for exempt employees shall be calculated at 1.5 times the regular rate. The regular rate shall be determined by dividing the annual salary by 2080 hours.
- Exempt employees will be compensated upon activation for all hours worked while located on assigned premises while performing disaster-related duties.
- Leave requests approved prior to a local declared emergency will be honored, if in the Department Director's or Village Manager's opinion, the absence will not adversely affect the Village operations. Employees with previously scheduled and approved leave who are not required to work will be paid according to the applicable leave time

policy and shall not receive additional Local Emergency Condition Pay.

- Employees working from home during the local declared emergency shall not receive Local Emergency Pay unless approved by the Village Manager.

Pay Examples for Essential (Exempt - Salaried):

Scenario 1: The Village has declared a state of emergency during the pay week. Employee A has worked 32hrs. The employee would normally work on the Tuesday, but the Village is under a state of emergency. The employee is still required to work on Tuesday.

Name: Employee A
Status: Exempt Essential
Pay Period: Wednesday – Tuesday
Regular Salary: \$52,000/yr
Regular Hourly Rate: \$25.00/hr
Total Hours Worked: 40 hours
Emergency Hours Included: 8 hours
Non-Emergency Hours: 32 hours
Emergency Premium Pay: $\$25 \times 1.5 = \$37.50/\text{hour}$

Breakdown:

Regular non-emergency: $32\text{hrs} \times \$25.00 = \$800.00$
Emergency Hours: $\$37.50 \times 8\text{hrs} = \$300.00$
Total Pay - \$1,100

Scenario 2: The Village has declared a state of emergency during the pay week. Employee B worked 32hrs. The employee would normally work on the Tuesday, but the Village is under a state of emergency. The employee is still required to work on Tuesday and worked an additional 4 hours on Tuesday.

Name: Employee B
Status: Exempt Essential
Pay Period: Wednesday – Tuesday
Regular Salary: \$52,000/yr
Regular Hourly Rate: \$25.00/hr
Total Hours Worked: 44 hours
Emergency Hours Included: 12 hours

Non-Emergency Hours: 32
Emergency Premium Pay: $\$25 \times 1.5 = \$37.50/\text{hour}$

Breakdown:

Regular non-emergency: $32\text{hrs} \times \$25.00 = \$800.00$
Emergency Hours: $\$37.50 \times 12\text{hrs} = \$450.00$

Total Pay - \$1,250

*Please Note: Emergency hours are paid at 1.5x – if there is also emergency work that exceeds 40 hours, exempt employees do not receive double pay (you don't pay 2x); exempt employees only receive premium pay, not overtime pay, for disaster related work during the declared emergency.

*Premium and "Overtime" Pay is not stacked

Non-Essential (Exempt - Salaried) including but not limited to Employees, Division Managers, Assistant Directors, Department Directors, and Village Manager.

- Employees will be paid their regular compensation for all hours they would normally have been scheduled to work during the local emergency declaration period but are released from work and not required to report; but are required to stay updated on the status of the emergency conditions and when they are required to report back to work.
- Employees with previously scheduled and approved leave who are not required to work will be paid according to the applicable leave time policy and shall not receive any additional Local Emergency Condition Pay.
- Employees working from home during the local declared emergency shall not receive Local Emergency Pay unless approved by the Village Manager.

Essential (Non-Exempt – Hourly): Non-exempt employees will be compensated

during a declared emergency as follows:

- All hours worked shall be recorded as regular hours and the employee shall clearly record the nature of the work performed for each hour worked during the local emergency declaration.
- Employees shall be paid at a premium rate of 1.5 times the regular hourly rate for all hours actually worked during the local emergency declaration

while located on assigned premises while performing disaster-related duties. The regular rate of pay is the normal base rate, not the rate of pay for the duties being performed.

- Employees on a scheduled day off and called to work shall be paid at a premium rate of 1.5 times the regular hourly rate for all hours actually worked during the local emergency declaration.
- Leave requests approved prior to a local declared emergency will be honored if, in the Department Director's or Village Manager's opinion, the absence will not adversely affect the Village operations. Employees with previously scheduled and approved leave who are not required to work will be paid according to the applicable leave time policy and shall not receive additional Local Emergency Condition Pay.

Pay Examples for Essential (Non-Exempt - Hourly):

Scenario 1: The Village has declared a state of emergency during the pay week. Employee A has worked 32hrs. The employee would normally work on the Tuesday, but the Village is under a state of emergency. The employee is still required to work on Tuesday.

Name: Employee A
Status: Non-Exempt Essential
Pay Period: Wednesday – Tuesday
Regular Rate: \$25.00/hr
Total Hours Worked: 40 hours
Emergency Hours Included: 8 hours
Non-Emergency Hours: 32 hours
Emergency Premium Pay: $\$25 \times 1.5 = \$37.50/\text{hour}$

Breakdown:

Regular non-emergency: $32\text{hrs} \times \$25.00 = \$800.00$
Emergency Hours: $\$37.50 \times 8\text{hrs} = \$300.00$
Total Pay - \$1,100

Scenario 2: The Village has declared a state of emergency during the pay week. Employee B has worked 32hrs. The employee would normally work on the Tuesday, but the Village is under a state of emergency. The employee is still required to work on Tuesday and has worked an additional 4 hours on Tuesday.

Name: Employee B

Status: Non-Exempt Essential
Pay Period: Wednesday – Tuesday
Regular Rate: \$25.00/hr
Total Hours Worked: 44 hours
Emergency Hours Included: 8 hours
Non-Emergency Hours: 32
Overtime: 4 hours
Emergency Premium Pay: $\$25 \times 1.5 = \$37.50/\text{hour}$

Breakdown:

Regular non-emergency: $32\text{hrs} \times \$25.00 = \$800.00$
Emergency Hours: $\$37.50 \times 8\text{hrs} = \$300.00$
Overtime (emergency or non-emergency): $\$37.50 \times 4\text{hrs} = \$150.00$

Total Pay - \$1,250

*Please Note: Emergency hours are paid at 1.5x – if there is also overtime, you do not receive double pay (you don't pay 2x)

*Premium and Overtime Pay is not stacked

- Employees working from home during the local declared emergency shall not receive Local Emergency Pay unless approved by the Village Manager.
- Hours worked in excess of 40 hours in a workweek will be eligible for overtime in accordance with the Fair Labor Standards Act, but shall not also receive premium pay.
- Employees will be paid straight time during non-work (sleep, rest) hours.

Non-Essential (Non-Exempt – Hourly) includes all employees paid on an hourly basis.

- Non-essential hourly personnel will be paid their regular compensation for all hours they would normally have been scheduled to work during the local emergency declaration period but are released from work and not required to report.
- Non-essential hourly personnel with previously scheduled and approved leave who are not required to work will be paid according to the applicable leave time policy and shall not receive any additional Local Emergency Condition Pay.

- Non-essential hourly personnel working from home during the local declared emergency shall receive their regular rate for hours actually worked but shall not receive Local Emergency Pay, unless approved by the Village Manager.

Holiday Pay During an Emergency:

On occasion, a holiday may occur during a declared emergency. For those situations, please note the following:

- Non-bargaining non-exempt employees who worked: pay holiday worked as usual (shall receive eight (8) hours of holiday pay plus time and a half for a full eight (8) hour day.
- Non-bargaining exempt employees who worked: pay emergency pay.
- Non-bargaining (exempt or non-exempt) employees observing holiday: pay holiday as if no emergency existed
- SEIU employees who worked: pay holiday worked as usual (shall receive eight (8) hours of holiday pay plus time and a half for a full eight (8) hour day.
- SEIU employees who observed holiday: pay holiday as if no emergency existed.
- PBA employees who worked: provide 10 hours holiday leave per CBA Section 29.2, unless notification for pay is made in writing before the end of the pay period.
- PBA employees who observed the holiday: provide 10 hours holiday leave per CBA Section 29.2, unless notification for pay is made in writing before the end of the pay period.

Documentation

- Employees, both exempt and non-exempt, are required to document and report to management all hours worked during an emergency utilizing the Village's Disaster Daily Log as the approved form designated for disasters.

- It is each Department/Office's responsibility to verify all hours worked. Since departments are responsible for all wages paid to Village employees during a disaster/disaster recovery period, departments shall carefully review hours submitted, including those for alternate work assignments. All hours reported shall be verified by the employee's supervisor and approved through the timecard approval process.
- All Departments must maintain accurate timekeeping records during disaster/disaster recovery periods.
- It is the responsibility of the Director to ensure that all grant-funded employees work in accordance with grant requirements.

Meals

Initial 72 Hours:

Employees are expected to arrive prepared to be self-sufficient for the first 72 hours of activation. This includes bringing their own water and non-perishable food supplies to last at least 72 hours, and any necessary personal items. This policy ensures operational continuity during the critical initial response phase. The Village may provide meals and beverages during this period if possible. However, employees should still be prepared for the initial 72-hour period.

Beyond 72 Hours:

In the event that an emergency activation extends beyond 72 consecutive hours, the Village will make reasonable efforts to coordinate and provide meals and beverages for essential staff actively supporting emergency operations at the approval of the Village Manager or his/her designee.

Meal provisions will be based on the availability of resources, vendor accessibility, and logistical capabilities at the time of the extended activation. The priority will be ensuring the health, safety, and sustained effectiveness of the emergency response team.

Meals provided under this section are brought to the work location and purchased in a cost-effective and reasonable manner, such as bulk meals (not individual meals).

Important Information

- Administrative Leave may be provided for full-time employees released from duty by management and not deemed necessary to stay or return to work and who

are unable to work remotely. Any Administrative Leave authorized will not exceed the amount of time needed to make the employee's pay reach the regular number of hours scheduled (e.g. 40 for full-time).

- **Off-Duty/Scheduled Leave:** Exempt and Non-exempt employees who are not regularly scheduled, (i.e., off-duty, or are on scheduled leave) may be called into work if deemed necessary.
- **On-Call:** Only those non-exempt employees whose positions are identified in advance through a department/division approved emergency on-call plan will be eligible for emergency on-call pay. The identified employees will be directed to remain available to work in accordance with the approved on-call plan. The waiting period will be in anticipation of, and/or immediately after, a declared emergency. Those employees (only) will receive on-call pay in accordance with the established emergency on-call plan and pay policy.
- Departments are required to submit their Emergency On-Call plans to Human Resources prior to June 1.
- **Failure to Report for Duty:** Failure to report to work when directed negatively impacts the mission of the Village and shall be considered conduct unbecoming a Village employee as well as insubordination. Employees shall be subject to serious discipline for such a violation, including termination of employment.
- **Part-time (less than 30 hours per week) and Temporary.** Employees in this category may also be expected to fulfill a role in anticipation of, during, and immediately after a declared emergency as requested by supervisory or management staff. Such employees will be paid for actual hours worked in accordance with applicable law.
- **Seasonal Employee:** Employees in this category may also be expected to fulfill a role in anticipation of, during, and immediately after a declared emergency as requested by supervisory or management staff. Such employees will be paid for actual hours worked in accordance with applicable law.
- **Contracted individuals** are not Village employees. Utilizing contracted employees during a declared emergency must be coordinated with Human Resources and the contracting agency.
- In cases where a local emergency is not declared by the Village, but employees are unable to report to work (for their regular scheduled shift/hours or called into work) due to emergency conditions in and around their regular residence, employees will not be paid for the time off under this policy. However, employees may request available paid leave time in accordance with applicable policies for time away from work.
- Employees are required to stay in contact with the Village during Administrative Leave and notify immediate supervisor and/or identified member of Village staff if they are unable to report to work due to emergency circumstances.
- The Village will use (if available) social media and/or electronic mail/internet-based tools to stay in contact with employees. The utilization of these tools requires professionalism and good judgment on the part of employees because all correspondences are public record. If found to be unprofessional or not in good taste, discipline may be issued.

- Employees must understand that some employees could be assigned to other departments/tasks/responsibilities not normally associated with their permanent position. This is necessary for the general welfare and ensure the operation of the Village during a designated emergency.

Emergencies Declared Resulting from Public Health Crisis

During a declared local emergency resulting from a Public Health Crisis the Local Emergency Pay Conditions policy above does not apply. The Village Manager is authorized to temporarily modify, waive, or suspend applicable policies within, including those related to wages or paid/unpaid leave, in the interest of employees and public health, safety and welfare, in coordination with collective bargaining agreements and legal review.

DEFINITIONS

Emergency Condition: Any unforeseen event or unanticipated condition, either internal or external, to the Village requiring prompt action as officially declared by appropriately authorized staff and/or representative. An emergency condition may include, but is not limited to, emergencies involving natural or man-made disasters of any kind, power failures, or other situations beyond the control of the Village.

Emergency Management System: The system which the Emergency Management Division uses to process emergency role requests/changes and display current employee assignments.

Emergency Role Assignments: Employees will be designated an emergency response role in order to assist the Village's response and recovery efforts.

Exempt (Salaried) Employee: An employee who is paid a salary (non-hourly wage) to perform the duties and responsibilities of a job regardless of hours worked in a workweek. In accordance with the Fair Labor Standards Act, this category of employees is exempt from the overtime pay provisions of the act.

Non-Exempt (Hourly) Employee: An employee who is paid an hourly wage and is eligible under the Fair Labor Standards Act to receive overtime pay for hours worked in excess of 40 hours in a workweek.

On Duty: When an employee is on Village premises or assigned work sites at management's request and is available for work.

Chapter 17: Workplace Violence

17.1 Prohibited Conduct

Threats, threatening language, or any other acts of aggression or violence made toward or by any Village employee or visitor **WILL NOT BE TOLERATED**. Examples of threatening language or behavior include any verbal or physical harassment or abuse, any attempt at intimidating or instilling fear in others, menacing gestures, unlawful possession and display of weapons, stalking, or any other hostile, aggressive, injurious, or destructive action undertaken for the purpose of intimidation. To the fullest extent permitted by law, employees, with the exception of sworn law enforcement officers carrying Village-issued or approved equipment, and visitors are prohibited from possessing or carrying weapons on Village premises.

17.2 Procedures for Reporting a Threat

All potentially dangerous situations, including threats by co-workers, should be reported immediately to the Human Resources Department and, if appropriate, to law enforcement. Reports of threats may be maintained confidentially to the extent maintaining confidentiality does not impede our ability to investigate and respond to the complaints. All threats will be promptly investigated. All employees must cooperate with all investigations. No employee will be subjected to retaliation, intimidation, or disciplinary action as a result of reporting a threat in good faith under this policy.

If the Village determines, after an appropriate, good faith investigation, that someone has violated this policy, it will take prompt and appropriate corrective action, up to and including termination of the transgressor and notification of the appropriate authorities.

An employee who is the recipient of a threat made by an outside party, should follow the steps detailed in this policy. It is important for the Village to be aware of any potential danger in the work area. The Village is committed to taking effective measures to protect everyone from the threat of a violent act by an employee or by anyone else.

Employees are expected and encouraged to exercise reasonable judgment in identifying potentially dangerous situations.

The Village also prohibits the possession of a weapon, as defined herein, on your person while engaged in Village business or activities or in a Village vehicle, or when wearing a Village uniform or other clothing with a Village logo. Law enforcement officers, however, are permitted to possess Village-issued or approved equipment. Weapons are prohibited in any Village facility; Village vehicle or Village equipment and employees are prohibited from displaying properly licensed firearms while on duty at any location except for lawful defensive purposes as provided by Florida law. In accordance with Florida law, employees may lawfully possess a weapon that is locked and secured inside or locked to a private motor vehicle in a parking lot and when the employee is lawfully in such an area. This policy shall be construed in accordance with Florida law. Weapons are defined as follows: includes all firearms, ammunition, fixed blade knives, folding knives with a blade longer than three (3) inches, clubs, brass knuckles, explosives or destructive devices, chemical weapons and devices, stun guns, or other objects that may be considered weapons, as defined in section 790.001, Florida Statutes, as amended.

CHAPTER 18: Insurance, Litigation, and Other Claims

Matters involving tort claims against the Village or its elected and appointed officials shall be considered "privileged", and employees shall not discuss or otherwise publish information regarding those matters without first obtaining the express written permission of the Village Attorney. Unauthorized communications may result in additional risk or liability for the Village. In the unlikely event information relating to a tort claim is used for the sole purpose of collective bargaining or other mutual aid or protection, this policy is not intended to interfere with such rights. Similarly, nothing in this policy shall be construed to limit an employee's ability to comment on matters of public concern while off duty and expressly stating the opinion is their own and not that of the Village.

All questions pertaining to claims shall be referred to the Village Attorney.

Claims for property damage shall be referred to the Village Clerk for filing with the Village's insurance carrier.

All Village employees must immediately notify their supervisor in the case of incidents involving potential claims. The supervisor must forthwith prepare and submit a report, in writing, to the Village Manager. Items reported should include any injury or property damage occurring during work for the Village, no matter how small. The Village Clerk is responsible for receiving all property damage claims against the Village and referring them to the Village Manager.

The Village Manager, in consultation with the Village Attorney, shall:

1. Ensure that any applicable provisions of State law are met and see that all claims for damages accurately locate and describe the defect or act that caused the injury or damage, reasonably describe the injury or damage and state the time when the injury or damage occurred, contain the amount of damages claimed as verified by the claimant or a relative of the claimant, attorney or agent of the claimant.
2. Refer the claim to the insurance carrier within five (5) working days and provide an informational report to the Village Council on the claim status.
3. Recommend action to Village Council within thirty (30) days of receipt regarding claims which fall below deductible limits of existing policies, or which are not covered under existing insurance policies.

Chapter 19: Outside Employment

The Village of Palm Springs strongly discourages, but does not prohibit, outside employment with the following prohibitions:

19.1 General Prohibitions

Outside employment is prohibited when the work of the outside employment:

1. Is conducted on Village time.
2. Is conducted while on paid or unpaid leave including Paid Leave Time, workers' compensation leave, or disability leave.
3. Interferes with working hours or overtime requirements of the employee's position.
4. Involves the use of Village uniforms, facilities, equipment or supplies of any kind.
5. May reasonably be construed by the public to be an official act of the Village, or that a conflict of interest exists.
6. Reflects adversely upon the employee or the Village.
7. Is in conflict with the employee's position with the Village. This shall include work which an employee would be expected to do as part of his/her normal duties; work requiring approval or review of the Village, or work which would tend to influence the exercise of improper judgment on any matter coming before the employee in the course of his/her Village employment.
8. Inhibits the employee's ability to perform their job with the Village.

19.2 Conflicts Prohibited by State or Local Law

Employees may hold outside employment as long as they meet the performance standards of their position and they receive advance, written approval by the immediate supervisor, the Department Director, and HR Director and the Village Manager. Employees who have outside employment are required to complete an "Outside Employment Authorization" Form in addition to the "Commission on Ethics Employee Conflict of Interest Waiver." Certain restrictions apply including:

1. Neither the employee nor any relative may work in a Village department which enforces, oversees, or administers any contract or transaction with his or her outside employer.
2. The outside employment will not interfere or otherwise impair his/her independent judgment or the performance of public duties for the Village.
3. Neither the employee nor any relative is allowed to participate in determining the requirements or awarding of any contract to the employees outside employer.
4. The employee's job responsibilities and job description with the Village will not require him/her to be involved in any contract in any way including, but not limited to, its

enforcement, oversight, administration, amendment, extension, termination, or forbearance with the outside employer.

5. The employee has complied with all other Village policy requirements.

Outside employment that constitutes a conflict or could potentially be perceived to conflict with the Code of Ethics Policy, state or local ethics laws and ordinances, or that could impact or potentially impact negatively on the Village or its reputation, is prohibited.

Employees may hold outside jobs as long as no conflict exists, the outside employment has been approved in writing before beginning outside employment, the performance standards of their official duties with the Village are met, and outside employment is not conducted during paid or unpaid leave time provided by the Village.

19.3 Outside Employment Disclosure and Approval Process

All employees must advise the Village in writing whether they are engaged in outside employment, or as requested by the Village from time to time.

Employees seeking to engage in outside employment must submit an Outside Employment Request and Disclosure Form along with the Palm Beach County Conflict of Interest Waiver Form *prior* to engaging in outside employment. A separate form must be submitted for each outside employment situation. Incomplete forms will be denied.

Changes in outside employment including, but not limited to, changes in work schedules at the outside employer, termination from the outside employer, or changes to the ownership interests in the outside employer must be disclosed to the Village on a new Outside Employment Request and Disclosure Form within thirty (30) calendar days of the change.

Failure to abide by the Village's Outside Employment policy, including the timely disclosure of Outside Employment, may result in disciplinary action up to, and including, termination.

19.4 Injuries and Outside Employment

If an employee suffers an injury or illness during or resulting from an outside employment activity, the Village will not be responsible for any worker's compensation benefits.

If an employee holds outside employment and is injured on their job with the Village, the Village shall assume no responsibility for wages lost at the outside employment as a result of the injury.

Chapter 20: Conflicts of Interest and Code of Ethics Policy

It is the policy of the Village to require employees to avoid prohibited conflicts of interest. When employees are in doubt as to whether any particular action or inaction presents a prohibited conflict of interest, employees must immediately seek guidance from their immediate supervisor or Department Director.

All employees must undertake ethics training as required by the Ethics Commission, or every two (2) years, whichever is more frequent. The Village Manager maintains the right and sole discretion to request any employee undertake ethics training at any time and for any reason.

20.1 Definitions for Conflict of Interest and Code of Ethics Policy

A “conflict of interest” means a situation where regard for an employee’s private interest tends to lead to disregard of a public duty or interest. A “conflict of interest” occurs when employees solicit or accept gifts, do business with the Village and/or engage in prohibited employment or business relationships, accept unauthorized compensation, misuse their position, disclose or use certain information, solicit or accept honoraria, or engage in lobbying the Village within two (2) years of separation of employment, accept prohibited travel expenses, receive contingency fees, or submit false statements in connection with employment or services provided to the Village in violation of this policy, all of which are more fully described below.

A “covered person” for purposes of this Handbook is a Village employee. However, the statutes and local ordinances regulating ethics and conflicts of interests also govern Village Council members.

A “domestic partner” is an adult, unrelated by blood, with whom an unmarried official or employee has an exclusive committed relationship and maintains a mutual residence.

A “gift” is something which is paid or given by a person or entity to a Village employee, or to another for or on behalf of the employee, directly, indirectly, or in trust for the employee’s benefit or by any other means, where the employee does not, in exchange, give something of equal or greater value to that person or entity within ninety (90) days, including:

- Real property or the use of real property
- Tangible or intangible personal property or the use of tangible or intangible personal property
- A preferential rate or terms on a debt, loan, goods, or services, which rate is below the customary rate and is not either a government rate available to all other similarly situated government employees or a rate which is available to similarly situated members of the public by virtue of occupation, affiliation, age, religion, sex, or national origin.
- Forgiveness of an indebtedness
- Transportation, other than that provided to a public employee by an agency in relation to officially approved governmental business, lodging, or parking.

- Food or beverage
- Membership dues
- Entrance fees, admission fees, or tickets to events, performances, or facilities
- Plants, flowers, or floral arrangements
- Services provided by persons pursuant to a professional license or certificate
- Other personal services for which a fee is normally charged by the person providing the service
- Any other similar service or thing having an attributable value not already provided for above

A “gift” does not include the following items:

- Salary, benefits, services, fees, commissions, gifts, or expenses associated with the employee’s employment, business, or service as an officer or director of a corporation or organization.
- Campaign contributions or expenditures reported pursuant to statute, campaign-related personal services provided without compensation by individuals volunteering their time, or any other contribution or expenditure by a political party.
- An honorarium or an expense related to an honorarium event paid to a person or the person’s spouse.
- An award, plaque, certificate, or similar personalized item given in recognition of the employee’s public, civic, charitable, or professional service.
- An honorary membership in a service or fraternal organization presented merely as a courtesy by such organization.
- The use of a public facility or public property made available by a governmental agency, for a public purpose.
- Transportation provided to an employee by an agency in relation to officially approved governmental business.
- Gifts provided directly or indirectly by a state, regional, or national organization which promotes the exchange of ideas between, or the professional development of, government officials or employees, and whose membership is primarily composed of elected or appointed public officials or staff, to members of that organization or officials or staff of a governmental agency that is a member of that organization.

A “household member” includes anyone whose primary residence is in the official’s or employee’s home, including nonrelatives who are not rent payers or employees of the head of household.

“Immediate family” means any parent, spouse, child, or sibling.

A “relative” means an individual who is related to a Covered Person as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the Covered Person or who otherwise holds himself or herself out as or is generally known as the person whom the

Covered Person intends to marry or with whom the Covered Person intends to form a household, or any other natural person having the same legal residence as the Covered Person.

20.2 Prohibited Conflicts of Interest

All employees are prohibited from engaging in conduct that creates a conflict of interest. Additionally, employees should avoid engaging in conduct that merely has the appearance of a conflict of interest. No Village employee shall engage in any act which is in conflict or creates an appearance of interference or conflict with the performance of official duties. An employee shall be deemed to have a conflict of interest if the employee:

- a) Has any financial interest in any sale to the Village of any goods or services when such financial interest was received with prior knowledge that the Village intended to purchase the property, goods, or services.
- b) Solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm, or corporation involved in a contract or transaction which is the subject of official action by the Village.
- c) Participates in his/her capacity as a Village employee in the issuing of a purchase order or contract in which they have a private pecuniary interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the Village.
- d) Engages in, accepts employment from, or renders services for private or public interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.
- e) Except for courtesies allowed by law, no employee shall, directly or indirectly, give or receive, or agree to receive any compensation, gift, reward, commission, or gratuity from any source except the Village for any matter directly connected with or related to his official services as such employee with this Village.
- f) Discloses or uses without authorization confidential information concerning property or affairs of the Village to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the Village.
- g) Have a financial interest or personal interest in any legislation coming before the Village Council and participates in discussion with or gives an official opinion to the Village Council unless the employee discloses on the record of the Village Council meeting the nature and extent of such interest.

- h) Violates any provision of Section 112.311. *et seq.* Florida Statute

20.3 Solicitation or Acceptance of Gifts

Village employees are prohibited from soliciting or accepting anything of value, including gifts, loans, rewards, promises of future employment, favors, or services that are based on any understanding that their vote, official action, or judgment would be influenced by such a gift.

Employees are prohibited from soliciting any gift from a political committee, a certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the employee or the Village Council, within the past twelve (12) months, where the gift is for the personal benefit of the employee, or any member of their immediate family or household.

Employees, or any person on his or her behalf, are prohibited from knowingly accepting, directly or indirectly, a gift from a political committee, certified committee of continuous existence, or from a person who, for compensation, seeks or sought to influence the governmental decision making of the employee, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the employee, or the Village Council, within the past twelve (12) months, if they know or reasonably believe that the gift has a value in excess of \$100.00. However, such a gift may be accepted by the employee on behalf of Village or a charitable organization so long as the employee does not maintain custody of the gift for any period of time beyond that reasonably necessary to arrange for the transfer of custody and ownership of the gift. The value of the gift is generally determined using the actual cost to the donor, less taxes and gratuities, or the reasonable and customary charge for personal services provided by the donor directly. Compensation provided by the employee to the donor within ninety (90) days after receipt of the gift is deducted from the value.

No Covered Person shall accept or agree to accept a gift from a person or entity, because of:

- An official public action taken or to be taken, or which could be taken.
- A legal duty performed or to be performed or which could be performed; or
- A legal duty violated or to be violated, or which could be violated by any official or employee.

No Covered Person, or any other person or entity on his or her behalf, shall knowingly solicit a gift of any value from any person or business entity that the recipient knows is a vendor, lobbyist or any principal or employer of a lobbyist where the gift is for the personal benefit of the official or employee, another official or employee, or any relative or household member of the official or employee.

Even though the acceptance of gifts may be lawful under the Code of Ethics applicable to Village employees, acceptance of gifts may have the unintended consequence of creating the perception of impropriety or self-dealing. For that reason, employees are strongly urged to decline any and

all gifts offered by vendors, lobbyists, members of the public, or the principal or employer of a lobbyist doing business with the Village. Employees who are unsure how to politely and professionally decline a well-intentioned gift should seek guidance from their supervisor.

20.4 Gift Reports

Any employee who receives a gift in excess of one hundred dollars (\$100.00) shall report that gift in accordance with this section.

Gift reports for employees identified by state law as reporting individuals.

Those persons required to report gifts pursuant to state law shall report those gifts in the manner provided by Florida Statutes, §112.3148, as may be amended. A copy of each report shall be filed with the Palm Beach County Commission on Ethics.

All other employees who are not reporting individuals under state law.

Personal gifts. All employees who are not reporting individuals under state law are not required to report gifts in excess of one hundred dollars (\$100.00) so long as those gifts are given to the employee by a personal friend or co-worker and the circumstances demonstrate that the motivation for the gift was the personal or social relationship rather than an attempt to obtain the goodwill or otherwise influence the official or employee in the performance of his or her official duties. Factors to be considered in determining whether a gift was motivated by a personal or social relationship may include but shall not be limited to: whether the relationship began before or after the official or employee obtained his or her office or position; the prior history of gift giving between the individuals; whether the gift was given in connection with a holiday or other special occasion; whether the donor personally paid for the gift or sought a tax deduction or business reimbursement; and whether the donor gave similar gifts to other officials or employees at or near the same time. If the personal friend or co-worker is a vendor, lobbyist or principal or employer of a lobbyist that lobbies the Village, then the employee shall not accept a gift in excess of one hundred dollars (\$100.00) in accordance with this policy.

All other gifts. All employees who are not reporting individuals under state law and who receive any gift in excess of one hundred dollars (\$100.00), which is not otherwise excluded or prohibited pursuant to this subsection, shall complete, and submit an annual gift disclosure report with the Palm Beach County Commission on Ethics no later than November 1 of each year for the period ending September 30 of each year. All officials or employees who are not reporting individuals under state law and who do not receive a gift in excess of one hundred dollars (\$100.00) during a given reporting period shall not file an annual gift disclosure report. The annual gift disclosure report shall be created by the Palm Beach County Commission on Ethics and shall be in a form substantially similar in content as that required by state law.

20.5 Doing Business with the Village and Prohibited Employment and Business Relationships

Covered Persons are prohibited from having an employment or contractual relationship with any business entity or agency which is subject to the regulation of the Village or that is doing business with the Village.

Covered Persons are prohibited from having an employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.

Covered Persons acting in their official capacity as a purchasing agent, with authority to commit the expenditure of public funds through a contract for, or the purchase of, any goods, services, or interest in real property for the Village (as opposed to the authority to request or requisition a contract or purchase by another person) are prohibited from either directly or indirectly purchasing, renting, or leasing any realty, goods, or services for the Village from any business entity of which the employee, or the employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or his or her spouse or child, or any combination of them, has a material interest. A material interest means direct or indirect ownership of more than 5 percent of the total assets or capital stock of any business entity; however, indirect ownership does not include ownership by a spouse or minor child.

Covered Persons are prohibited from acting in a private capacity to rent, lease, or sell any realty, goods, or services to the Village unless the contract for the transaction was entered into prior to the employee's first date of employment at the Village.

20.6 Unauthorized Compensation

Employees, their spouses, and minor children are prohibited from accepting any compensation, payment, or item of value when the employee knows, or should know with the exercise of reasonable care, that is given to influence an action in which the employee was expected to participate in his or her official capacity.

20.7 Misuse of Position

Covered Persons are prohibited from, whether corruptly or not, using or attempting to use his or her position or any property or resources which may be within his or her trust, or perform his or her official duties, to secure a special privilege, benefit, or exemption for himself, herself, or others. "Corruptly" means done with a wrongful intent and for the purpose of obtaining, or compensating or receiving compensation for, any benefit resulting from some act or omission of an official or employee which is inconsistent with the proper performance of his or her public duties.

Specifically, an employee shall not use his or her official position, or take or fail to take any action, or influence others to take or fail to take any action, in a manner which they know or should know

with the exercise of reasonable care will result in a special financial benefit, not shared with similarly situated members of the general public, for any of the following persons or entities:

- Himself or herself.
- His or her spouse or domestic partner, household member or persons claimed as dependents on the official or employee's latest individual federal income tax return, or the employer or business of any of these people.
- A sibling or stepsibling, child or stepchild, parent or stepparent, niece or nephew, uncle or aunt, or grandparent or grandchild of either himself or herself, or of his or her spouse or domestic partner, or the employer or business of any of these people.
- An outside employer or business of his or hers, or of his or her spouse or domestic partner, or someone who is known to such official or employee to work for such outside employer or business.
- A customer or client of the official or employees outside employer or business.
- A substantial debtor or creditor of his or hers, or of his or her spouse or domestic partner—"substantial" for these purposes shall mean at least ten thousand dollars (\$10,000.00) and shall not include forms of indebtedness, such as a mortgage and note, or a loan between the employee and a financial institution.
- A civic group, union, social, charitable, or religious organization, or other not for profit organization of which they (or spouse or domestic partner) are an officer or director.

20.8 Use of Public Property

No employee of the Village shall request, use, or permit the use of Village-owned vehicles, facilities, clothing, equipment, materials, or other property for unauthorized personal convenience, for profit, for private use, or as part of secondary employment. Use of such Village property is to be restricted to such services as are available to the Village residents or employees generally, pursuant to a recognized program, or for the conduct of official Village business, or at the sole discretion of the Department Director for purposes of education or training.

Authorized personal uses include taking an assigned Village vehicle to lunch on workdays as needed, use of a Village copy machine at cost, stopping to run personal errands when the destination point is in conjunction with official or authorized business, and other nominal personal uses as permitted by law.

20.9 Non-Solicitation

No Village employee may use or cause the use of Village time or property in any manner to promote any personal issue, political issue, candidate, or labor union activity or to solicit funds for any political or labor union purpose or to influence the outcome of any election. With the exception of Village-approved activities, peddling or soliciting for sale or donation of any kind on Village premises during normal working hours is not allowed. Exceptions may be granted by the Village Manager. Notwithstanding this provision, the Village Manager may authorize an employee bulletin board for informal communications between employees or other notices and communications.

Working hours and Village time include the working time of both the employee doing the soliciting or distributing, and the employee to whom such activity is directed. Employees are free to discuss these matters before or after normal working hours, and during lunch or rest periods in non-work areas.

Political Activities

No Village employee shall seek or accept appointment or election to any public office when the holding of such office would be deemed to be dual office holding, as prohibited by law.

No officer or employee of the Village shall engage in any political activity which is prohibited under state or federal law. Any person engaged in such an activity shall be subject to disciplinary action, including immediate dismissal.

Nothing herein shall prohibit employees from expressing their opinion on any candidate or issue, or from participating in any political campaign, during the employee's off-duty hours, so long as the employee makes clear that his/her opinions are of a personal nature and not those of the Village.

Disclosure of Certain Information

Current and former employees of the Village are prohibited from disclosing or using information not available to members of the general public and gained by reason of his or her position, except for information relating exclusively to governmental practices, for his or her personal gain or benefit or for the personal gain or benefit of any other person or business entity.

Solicitation or Acceptance of Honoraria

The Village Manager, Village Clerk, Village Building Code Inspector, employees with the power to grant or deny a land development permit, and any purchasing agent with authority to make any single purchase in excess of \$20,000 on behalf of the Village are prohibited from soliciting an honorarium which is related to their public office or duties. An honorarium means any payment of money or anything of value, directly or indirectly, to the employee, or to any other person on his or her behalf, as payment for a speech, address, oration or other oral presentation by the employee, regardless of whether presented in person, recorded or broadcast over the media, or for a writing by the employee that is intended to be published (other than a book). Because an honorarium does not include the payment or provision of actual and reasonable transportation, lodging, and food and beverage expenses related to the honorarium event, including any event or meeting registration fee for the employee and spouse, the employee may accept payment of such expenses related to an honorarium event, provided the employee receives a statement listing the name and address of the person providing the expenses, a description of the expenses provided each day, and the total value of the expenses provided for the event within sixty (60) days of the event and receives a waiver from the Village Council authorizing acceptance of such expenses, as more specifically outlined under the Travel Expenses section of this policy. If the Village Council authorizes acceptance of the expenses, the employee must disclose such expenses and approval

annually in the financial disclosure when such expenses are paid by a political committee or committee of continuous existence or from a person who, for compensation, seeks or sought to influence the governmental decision making of the Village Manager or purchasing agent, or who encouraged the passage, defeat, or modification of any proposal or recommendation by the Village Manager, purchasing agent, or the Village Council, within the past twelve (12) months.

Moreover, speeches and presentations which are related to Village services delivered by Village employees to community and professional organizations shall generally be made without charge. If an organization wishes to give an honorarium or contribution for such a presentation, the remuneration must be made to the Village, not to the individual employee.

An honorarium or contribution for a speech or other presentation made by a Village employee to a group outside the Village either during working time or for which the Village provided travel expenses, will also be made to the Village.

Such contributions and honorariums shall be turned over to the Village for disposition.

Travel Expenses

No employee shall accept, directly or indirectly, any travel expenses including, but not limited to, transportation, lodging, meals, registration fees and incidentals from any municipal contractor, vendor, service provider, bidder, or proposer as applicable. The Village Council may waive the requirements of this subsection by a majority vote of the Village Council. The provisions of this subsection shall not apply to travel expenses paid by other governmental entities or by organizations of which the municipality is a member if the travel is related to that membership.

Contingency Fees

No person shall, in whole or in part, pay, give, or agree to pay or give a contingency fee to another person. No person shall, in whole or in part, receive or agree to receive a contingency fee. "Contingency fee" means a fee, bonus, commission, or nonmonetary benefit as compensation which is dependent on or in any way contingent on the passage, defeat, or modification of: an ordinance, resolution, action or decision of the Village Council, any employee authorized to act on behalf of the Village Council, the Village Manager, or any action or decision of an advisory board or committee. This prohibition does not apply to real estate brokers when acting in the course of their profession as regulated by Florida Statutes, §§ 475.001—475.5018, as may be amended. Nothing in this section may be construed to prohibit any salesperson from engaging in legitimate government business on behalf of a company from receiving compensation or commission as part of a bona fide contractual arrangement with that company provided such compensation or commission is ordinary and customary in the industry. Nothing in this section may be construed to prohibit an attorney from representing a client in a judicial proceeding or formal administrative hearing pursuant to a contingent fee arrangement.

Honesty in Applications for Positions

No person seeking to become an officer or employee or seeking to enter into a contract to provide goods or services to the Village, may make any false statement, submit any false document, or knowingly withhold information about wrongdoing in connection with employment by or services to the Village.

Federally Funded Programs

In addition to this policy, an officer or employee whose position is funded totally or primarily with federal funds shall be governed by the applicable rules established by the United States Civil Service Commission and its Office of Personnel Management. Any person who administers federal funds under a contract which limits the political activities of the administrator, or which incorporates U.S. Civil Service Commission rules shall comply with those provisions. Failure of any officer or employee to comply with applicable restrictions imposed by such a grant or contract shall be subject to disciplinary action, including immediate dismissal.

Ethics Training

At the beginning of employment and throughout the course of employment, employees are advised of their obligations to comply with the Palm Beach County and State of Florida Code of Ethics. Training provided by the Village is mandatory for all Covered Persons, whether initial training or follow-up training. The Village provides initial training within sixty (60) days of employment and follow-up training on the ethics obligations of Covered Persons approximately every twenty-four (24) months. The Human Resources Department shall act as liaison between Village and the Commission on Ethics with respect to ethics training. Employees must complete the acknowledgement form upon completion of training to be placed in their personnel file.

Consequences for Violations

Any employee who engages in a prohibited conflict of interest, as specified above, shall be subject to discipline, up to and including immediate termination of employment.

Additionally, any employee may be subject to investigation by the Florida Commission on Ethics, the Palm Beach County State Attorney's Office, Palm Beach County Commission on Ethics, or other enforcement agencies, which may result in civil and/or criminal penalties, if the violation of this policy also constitutes a violation of Florida or applicable local law.

Reporting Violations

Employees must contact their immediate supervisor or Department Director if they have any questions concerning the Conflict of Interest and Code of Ethics Policy. Suspected violations of the Conflict of Interest and Code of Ethics Policy must be reported immediately to their Department Director or the Village Manager. Employees may report their concerns verbally or in writing. Department Directors receiving reports of alleged violations must immediately forward the report to the Village Manager for action.

Employees may also report suspected violations of this policy to the Palm Beach County Inspector General or the Palm Beach County Commission on Ethics.

The Village will not retaliate against any employee who reports suspected violations of this Conflict of Interest and Code of Ethics Policy unless it is determined the report was made in bad faith or maliciously.

In the event state or local law governing conflicts of interest and ethics is amended, any such applicable amendments will control.

Chapter 21: Discipline Guidelines

21.1 Purpose

It shall be the duty of all Village employees to maintain high standards of competence, conduct, cooperation, efficiency, and economy in their work. Department Directors and supervisors shall organize and direct the work under their direction in a manner calculated to achieve these objectives.

When employee performance, conduct, or behavior issues occur, it is the responsibility of all supervisors, managers, and Department Directors to administer disciplinary action in a fair and consistent manner. Disciplinary actions involving suspension, demotion, or termination require the approval of the Village Manager, in consultation with the Human Resources Department.

21.2 Standards of Conduct

Making the Village of Palm Springs a great place to live and work requires that employees maintain proper standards of conduct at all times. As an employee of the Village, your performance and conduct are in the public eye of Village of Palm Springs residents. Employee actions and behavior directly affect the Village's reputation, and you must be constantly aware of the image you project to the public.

The Village of Palm Springs has established policies and procedures to guide employee performance. These do not cover all the work an employee is required to do, and do not replace the need to use sound judgment and common sense. Employees who fail to maintain proper standards of conduct or exhibit sub standard performance may be subject to appropriate corrective action, up to and including termination.

A partial list of unacceptable behavior has been developed as a guideline of employee standards of conduct while employed by the Village. Any and all violations may be subject to disciplinary action, up to and including termination. The Village recognizes that each instance differs in many respects from seemingly similar situations. The Village retains the right to treat each occurrence on an individual basis and without creating a precedent for other cases which may arise in the future. The types of offenses are not to be construed as a limitation upon the retained rights of the Village. These guidelines provide recommended standard penalties to apply for specific offenses. This means that a more severe penalty may be issued than that which appears as the recommended

level of discipline. In addition to the types of offenses listed below, infractions of written departmental rules and regulations will subject the employee to disciplinary action.

Non-bargaining, probationary, seasonal, part-time, and temporary employees' employment with the Village of Palm Springs is at will. The Village reserves the right to terminate employment of such employees at any time, for any reason, with or without cause, with or without prior notice or with or without prior disciplinary action.

21.3 Progressive Discipline

Although the Village Manager reserves the right to terminate employees at any time for any lawful reason, generally discipline shall be progressive and shall be designed to correct the infraction, performance, or negligent act or omission.

Progressive discipline is the process of using increasingly severe steps or measures when a member fails to correct behavior(s). For progressive discipline to occur, the time between incidents should normally be no more than two years. The degree of discipline administered will take into account the severity of the infraction and shall be in accordance with Village regulations as well as local, state, or federal laws and regulations. Although the Village Manager reserves the right to terminate employees at any time for any lawful reason, generally discipline shall be progressive and shall be designed to correct the infraction, performance, or negligent act or omission. Discipline may also start at a higher level depending on the seriousness of the offense."

21.4 Types of Offenses/Bad Conduct

The group listings below are not all-inclusive. It is impossible to list all actions and behaviors that would be considered unacceptable and subject an employee to disciplinary action. All employees are required to follow Village policies, practices, and procedures, use sound judgment and common sense, and to ask their supervisor if they need assistance to guide their actions. Some types of conduct for which an employee may be disciplined include, but are not limited to:

1. Reporting to work under the influence of intoxicants or nonprescription/illegal drugs or using such substances while on Village property.
2. Failure to follow lawful orders or being insubordinate toward a supervisor or someone in authority.
3. Being absent from work without permission or failure to report to the supervisor or Department Director when one is absent for three (3) consecutive workdays will be considered job abandoned. The employee is deemed to have quit and will be terminated immediately.
4. Being habitually absent or tardy for any reason.
5. Employees whose PLT balance falls under 10hrs.
6. Failure to perform assigned work in an efficient or effective manner.
7. Being wasteful of material, property or working time.
8. Inability to get along with fellow employees, so that the work being done is hindered and not up to required levels or standards.

9. Failure to observe property security procedures.
10. Conduct on the job which violates the common decency or morality of the community.
11. Commission of any felony, or a misdemeanor involving violence, dishonesty, or moral turpitude related to employment.
12. Violating safety rules and regulations.
13. Speaking critically or making derogatory or false accusations so as to discredit other employees, supervisors or elected or appointed officials.
14. Removal, theft or conversion of any Village money, equipment, merchandise, or property, including property normally under the employee's care, custody and control.
15. Lying to supervisors in connection with your job.
16. Dishonesty, including intentionally giving false information, intentionally falsifying records or making false statements regarding employment.
17. Being on Village premises during nonworking hours without permission, and against a supervisor's direct order.
18. Divulging or misusing confidential information, including removal from Village premises, without proper authorization, any employee lists, records, designs, drawings, or confidential information of any kind, or any information which is exempt from inspection or copying pursuant to Section 119.07, Florida Statutes.
19. Accepting fees, gifts, or other valuable items in performance of the employee's official duties for the Village, in violation of these regulations or Chapter 112, Florida Statutes.
20. Inability or unwillingness to perform the assigned job.
21. Falsification of time records for payroll.
22. Abuse of personal leave time privileges by obtaining personal leave time pay falsely or under false pretenses.
23. The use of profanity or abusive language towards a fellow employee, supervisor, an elected or appointed official or member of the general public while performing official duties as a Village employee.
24. Violation of the drug free workplace policies.
25. Violation of the policy preventing harassment and discrimination in the workplace.
26. Violation of any of the employment regulations.

21.5 Discussion Form

The employee discussion form is used as a coaching method in the event an employee's performance, attitude, work habits or personal conduct at any time fall below a desirable level. Discussion forms are **not** a part of the disciplinary folder within an employee's personnel file.

21.6 Types of Discipline and Disciplinary Process

The following sets forth major categories of discipline that may be used by the Village in personnel issues. Supervisors and Department Directors are required to consult with the Human Resources Department at each step in the disciplinary process. While supervisors may issue Verbal Warnings with the Department Director's approval, only Department Directors may issue Written Reprimands. Please note that Suspensions, Demotions, and Terminations must be reviewed by the

Human Resources Department and approved in writing by the Village Manager prior to any action being taken.

All disciplinary actions should be discussed with the Human Resources Department prior to issuance.

Verbal Warning

Whenever employee performance, attitude, work habits or personal conduct at any time fall below a desirable level, supervisors and/or the Department Directors shall inform employees promptly and specifically by documented Verbal Warning. A Department Director or supervisor may determine that the first course of disciplinary action is a Verbal Warning. A Verbal Warning shall reference the actions for which the warning is issued. A record of such shall be documented by the individual who issued it, provided to the employee, and a copy shall be provided to Human Resources for the personnel file.

Written Warning

In situations where a documented Verbal Warning has not resulted in the expected improvement or is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee, a Written Warning may be issued defining the nature of the infraction. The Written Warning shall be provided to the employee, and a copy shall be provided to the Human Resources Department to be placed in the employee's personnel file. The employee's Department Director initiates and approves a Written Warning.

Suspension Without Pay

Suspension is the temporary separation of a Village employee from assigned duty for a definite period of time without pay. A Village employee may be suspended for disciplinary purposes when, in the judgment of the Department Director after consultation with the Human Resources Department and approval by the Village Manager, lower level of discipline has not had the desired corrective effect or is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee. The reason(s) for any suspension and the time period of any such suspension shall be given to the Human Resources Department in writing on the form provided, one copy of the form to be given, e-mailed, or mailed, to the employee before the suspension shall become effective; one copy to be retained by the Department Director. Suspensions are generally issued for one (1) day on the first suspension, for three (3) days on the second suspension, and five (5) days on the third suspension.

Demotion

An employee may be demoted or assigned to less responsible work for any reason, which may include a corresponding reduction in pay. A demotion occurs where the employee is moved to another position for which a lower maximum rate of pay is established. The Village Manager must approve all demotions may consult with the Human Resources Department prior to a determination being made. Documentation of the demotion shall be placed in the employee's personnel file. Demotion shall not be used as a substitute for discharge when discharge is warranted.

21.7 Involuntary Discharge/Termination

Discharge/termination is permanent separation of employment. Non-bargaining, probationary, seasonal, part-time, and temporary employees may be discharged/terminated at any time without cause or prior notice. A Village employee subject to a collective bargaining agreement may be discharged/terminated for disciplinary purposes or for good and sufficient cause when, in the judgment of the Village Manager or designee, prior written warning and/or suspension has not had the desired corrective effect or is insufficient to recognize the seriousness of the unsatisfactory conduct and/or action(s) of the employee. The reason(s) for any proposed discharge/termination shall be given to the Human Resources Department in writing on the form provided and shall require the prior approval of the Village Manager or designee; one copy of the form to be given, e-mailed, or mailed, to the employee before the discharge shall become effective; one copy to be retained by Human Resources in the personnel file. Non-bargaining, probationary, seasonal, part-time, and temporary employees, and those whose appointment is on other than a permanent basis, may be discharged/terminated at any time without cause or prior notice by the Village Manager or designee without the right of appeal or hearing in any manner.

21.8 Pre-Determination Meeting

Members of collective bargaining units shall be governed by their collective bargaining agreements for specific procedures concerning the disciplinary process where the process conflicts with this policy. Similarly, procedures relating to discipline of certain law enforcement officers shall comply with applicable state law.

21.9 Pre-Termination Meeting

Regular, full-time employees covered by collective bargaining agreements will be given an opportunity to attend a pre-termination meeting. The meeting must be held prior to the effective termination date to provide the employee with an opportunity to discuss the specific allegations promoting the proposed termination with the Department Director involved. The Village Manager or designee shall preside at such meeting. Upon full and fair consideration of all facts and information presented at the meeting, the Village Manager or designee shall notify the employee in writing with respect to the decision regarding the proposed termination.

21.10 Post-Termination Name-Clearing Process

In the event of an involuntary termination, a non-probationary bargaining unit employee will be provided reasons for termination and, in many cases non-probationary non-bargaining unit employees may also be provided with such reasons. When the document providing reasons for the termination has the effect of stigmatizing the employee's reputation, and where the employee claims that such reasons are untrue, the employee shall be provided notice of the opportunity to request a "Name Clearing Process."

The purpose of a “Name Clearing Process” is to allow the employee an opportunity to tell his or her side of the story and respond to the charges. *The “Name Clearing Process” is not an appeal of the termination or an opportunity to gain reinstatement.* At or prior to the meeting, the employee has an opportunity to provide his or her position in writing so that it may be included in the personnel file and made part of the record open to the public under Florida’s public records laws.

To request a “Name Clearing Process,” employees must deliver the request to the Village Manager in writing within ten (10) calendar days of the date of the termination. A meeting will generally be provided by the Village within ten (10) calendar days of receipt of the employee’s request for such a meeting. No such meeting will be held if a written request is not timely delivered by the employee. The employee may provide witness statements at or prior to the meeting. The meeting will be held before the Village Manager or designee, including but not limited to, the Human Resources Director.

Employees covered by Collective Bargaining Agreements may use this process or any grievance process provided for in the CBA, but not both.

21.11 Performance Improvement Plans

An employee who fails or refuses to satisfactorily perform any of the duties of the position may be placed on a Performance Improvement Plan in addition to any disciplinary action. However, the Village reserves the right to terminate employees for performance issues without having previously issued a Performance Improvement Plan. Please see **Chapter 3: Employment and Performance Reviews** for additional information regarding Performance Improvement Plans.

Chapter 2: Recruitment

2.5 Background Checks

Applicants offered employment will be subject to a background investigation which may include criminal, academic, employment, reference, and credit checks.

Background checks and screenings will be conducted in a manner consistent with federal and state law. Additionally, background checks may vary depending on the essential functions and nature of the position. In addition to initial background checks, certain employees who regularly or periodically operate Village vehicles, will be required, as a condition of employment, to provide authorization for the Village to perform periodic checks regarding driving history. Such checks regarding driving history will be conducted in accordance with federal and state law. Employees operating Village vehicles will be required to provide notification of any suspension, revocation, or restriction of their license to the Village within one (1) week of such suspension, revocation, or restrictions. In no event may an employee with a suspended, revoked, or restricted license operate a Village vehicle or a personal vehicle while on Village business. If an employee's position involves driving and the Driver's License is found to have been suspended, expired or revoked, the first offense will incur a suspension of up to three (3) days. If an employee fails to timely report the suspension, expiration or revocation, the first occasion will incur a suspension of up to three (3) days. Subsequent offenses are subject to termination. Employees may be required to have certain vehicle licenses (e.g., Commercial Driver's License) for certain positions.



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Planning, Zoning & Building

ITEM #13: (Second Reading) Ordinance No. 2025-06 - Village Code Amendment - Section 14-61 - Hours of Operation of Establishments where served and Section 34-891 - Hours of Operation and Hours of Construction Activity

SUMMARY: The Planning, Zoning, and Building staff are requesting a housekeeping amendment to the Village Code, specifically Chapter 14 - Businesses, Article III - Alcoholic Beverages, Section 14-61 - Hours of Operation for Establishments Serving Alcohol. They are also proposing amendments to Chapter 34 - Land Development, Article VI - Land Use, Division 7 - Supplemental District Regulations, Section 34-891 - Hours of Operation and Hours of Construction Activity. These amendments aim to clarify existing provisions regarding the dispensing and selling of alcoholic beverages in accordance with Florida Statutes. The goal is to ensure that the operating hours for establishments selling alcoholic beverages are clearly defined for both on-premise and off-premise consumption.

Additionally, the staff seeks to allow full-service or gas stations (with or without convenience stores) to operate at regular hours from 6:00 am to midnight. These establishments would also have the option to apply for an administrative variance, or request an extension of their operating hours from the Village Council.

It is important to note that the provisions in Section 34-891 concerning hours of operation for selling alcoholic beverages for off-premises consumption will be removed and relocated to Section 14-61, consolidating all regulations regarding alcoholic beverages into one section.

The hours of operation for establishments dispensing and selling alcoholic beverages are as follows:

All establishments wherein alcoholic beverages are dispensed for on-premises consumption	7:00 am – 2:00 am Sunday does not commence until noon.	If located within 250 feet of a residential district, 7:00 am – 11:00 pm
Restaurants	As late as 11:00 pm	
Package liquor stores for consumption off-premises	7:00 am – 2:00 am	
All establishments (except for package liquor stores) wherein alcoholic beverages are sold for off-premises consumption	7:00 am - 11:00 pm	Administrative variance can be approved to extend its hours from 11:00 pm to Midnight

A fuel station or gas station, with or without a convenience store, legally exists within the Village as of October 1, 2025.	6:00 am - Midnight	Administrative variance can be approved to extend the hours. However, such extended hours should not include selling alcoholic beverages.
All new fuel stations or gas stations, with or without a convenience store, do not legally exist within the Village as of October 1, 2025.	6:00 am - Midnight	Variance requires council approval

The proposed Ordinance was prepared by the Village Attorney and reviewed by the Planning, Zoning & Building Director and the Police Chief.

The proposed ordinance was approved by the Village Council on first reading during the August 21, 2025, meeting and is being presented for consideration for its second and final reading.

FISCAL IMPACT:

Amending the Land Development Regulations does not have a fiscal impact on the Village.

ATTACHMENTS:

1. Ordinance No. 2025-06 - Hours of Operation and Serving Alcoholic Beverages

ORDINANCE NO. 2025-06

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, PROVIDING FOR CODIFICATION, CONFLICTING ORDINANCES, AMENDING CHAPTER 14, "BUSINESSES", ARTICLE III, "ALCOHOLIC BEVERAGES", SECTION 14-61, "HOURS OF OPERATION OF ESTABLISHMENTS WHERE SERVED", TO CLARIFY EXISTING PROVISIONS FOR DISPENSING AND SELLING ALCOHOLIC BEVERAGES; AMENDING CHAPTER 34, ARTICLE VI, "LAND USE", DIVISION 7, "SUPPLEMENTAL DISTRICT REGULATIONS", SECTION 34-891, "HOURS OF OPERATION AND HOURS OF CONSTRUCTION ACTIVITY" TO ALLOW FOR EXTENDED HOURS OF OPERATION BY FUEL STATIONS AND GAS STATIONS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, pursuant to Article VIII, Section 2(b), Florida Constitution, and Sections 166.021 and 166.041, Florida Statutes, the Village Council has all powers of local self-government to perform municipal functions and to exercise its police power to protect the general health, safety, and welfare of the public in a manner not inconsistent with law, and such power may be exercised by the enactment of Village ordinances; and

WHEREAS, except where granted a variance by Village Council, all commercial establishments are limited to hours of operation from 7:00 a.m. to 11:00 p.m. including restaurants; and

WHEREAS, section 14-61 of the Village Code of Ordinances, sets forth the hours for dispensing alcoholic beverages for on premise consumption and the sale of alcoholic beverages by package liquor stores for off-premise consumption; and

WHEREAS, section 34-891 of the Village Code of Ordinances, authorizes establishments selling alcohol for off-premise consumption to sell until 12 midnight (by reference to section 562.14, Florida Statutes); and

WHEREAS, clarification is needed in section 14-61 to ensure that the hours of operation for establishments dispensing and selling alcoholic beverages is clear for both on premise and off-premise consumption in one code section; and

WHEREAS, to assist in clarifying section 14-61, provisions in section 34-891 regarding hours of operation for selling alcoholic beverages for off-premises consumption should be removed; and

WHEREAS, the Village also desires to allow for full-service fuel-stations or gas stations (with or without convenience stores) to have regular hours of operation from 6:00 a.m. to 12:00 a.m. (midnight) and to be able to apply for an administrative variance or to the Village Council to allow an extension of those regular hours of operation; and

WHEREAS, the Village Council has determined that making the clarifications and

amendments to sections 14-61 and 34-891 as stated herein will assist in better understanding of the Village's hours of operations and hours for serving alcohol within the Village of Palm Springs; and

WHEREAS, the Village Council has determined that extending the hours of operation and allowing for variances for certain hours of operations as stated herein will assist in creating a more efficient process for the stated establishments; and,

WHEREAS, the Village Council has determined that it is in the public interest to adopt this Ordinance which will serve a valid public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. Recitals. The foregoing recitals are incorporated herein as true and correct findings and statements of the Village Council of the Village of Palm Springs.

Section 2. Chapter 14, "Businesses", Article III, "Alcoholic Beverages", Section 14-61, "Hours of Operation of Establishments where Served", is amended as follows (words stricken are deletions; words underlined are additions):

14-61. Hours of operation for dispensing or selling alcoholic beverages of establishments where served.

- (a) Except as otherwise designated herein, all establishments within the village wherein alcoholic beverages are dispensed for on premise consumption shall be restricted in the hours in which such alcoholic beverages shall be served to between the hours of 7:00 a.m. and 2:00 a.m. each day, except on Sunday when such hours shall not commence until 12:00 noon.
- (b) Establishments within the village designated as restaurants which serve alcoholic beverages, with or without a lounge, may remain open for business as late as 11:00 p.m. after which all restaurants serving alcoholic beverages within the village must close.
- (c) Package liquor stores, where at least 51 percent of the gross revenue is derived from the sale of alcoholic beverages sold only in sealed containers for consumption off-premises, shall be permitted to remain open for the sale of alcoholic beverages (off-premises consumption only) from 7:00 a.m. to 2:00 a.m.
- (d) Establishments wherein alcoholic beverages are dispensed for on premise consumption, which are located within 250 feet of a residential district, shall not continue business activities later than 11:00 p.m. daily. Measurement shall be taken by drawing a straight line from the closest point on the perimeter of the residential district to the closest point on the perimeter of the exterior wall, structure, or bay, housing the establishment.

- (e) Except for package liquor stores, all establishments within the village wherein alcoholic beverages are sold for off-premises consumption shall be restricted in the hours in which such alcoholic beverages are sold between the hours of 7:00 a.m. and 11:00 p.m. each day. However, any establishment wherein alcoholic beverages are sold for off-premises consumption may apply for administrative approval by the land development director to extend its hours of operation and for such off-premises consumption sales from 11:00 p.m. to midnight. Such administrative approval application shall be considered consistent with the requirements set forth in section 34-606.
- (f) Any establishment wherein alcoholic beverages are dispensed for on premise consumption or are sold for off-premise consumption desiring to dispense or sell alcoholic beverages ~~operate~~ later than these specified times herein may apply for variance and request alternative hours of operation and the reasons for deviations from the provisions of this section. The village council, in its discretion, may vary the hours from those set forth in this section.
- (g) All establishments existing upon September 11, 2014 with effective business tax receipts from the village and alcoholic beverage licenses from the State of Florida, may continue to operate pursuant to the former hours of operation; however, upon closure of the establishment, change or transfer in ownership, change in the business name, and/or any change in a business tax receipt, all establishments shall comply with the hours of operation established herein. All existing establishments effectively annexed into the village limits after September 11, 2014 shall comply with the hours of operation established herein.

Section 3. Chapter 34, "Land Development", Article VI, "Land Use", Division 7, "Supplemental District Regulations", section 34-891, "Hours of Operation and Hours of Construction Activity", is amended as follows (words ~~stricken~~ are deletions; words underlined are additions):

34-891. Hours of operation and hours of construction activity.

The following shall apply to hours of operation and hours of construction activity:

- (1) Except as provided herein and elsewhere in this code, nNo commercial use shall commence business activities prior to 7:00 a.m., nor continue such activities later than 11:00 p.m. Outside delivery to such commercial activities shall not commence prior to 8:00 a.m. or continue later than 9:00 p.m.
- (2) Any commercial business activity desiring to operate prior to 7:00 a.m. or later than 11:00 p.m. may apply in writing for a hearing before the village council, setting forth the desired hours of operation and the reasons for deviations from the provisions of subsection (1) of this section. The village council, in its discretion, may vary the hours from those set forth in subsection (1) of this section.
- (3) Hours for an establishment to dispense or sell alcoholic beverages for the Such restrictions shall not apply to lounges, bars, package stores, restaurants

~~or clubs in which alcoholic beverages are served. The hours of operation for such establishments shall be as set forth in section 14-61. Hours of package retail sales of alcoholic beverages for off-premises consumption shall be governed by F.S. ch. 562, unless specifically approved for an hours of operation variance by the village council that includes sales of alcoholic beverages.~~

- (4) Full-service fuel station or gas station with or without a convenience store legally existing within the village as of October 1, 2025 may operate from 6:00 a.m. to 12:00 midnight each day. Such full-service fuel station or gas station with or without convenience store may apply to have these hours of operation extended by seeking an administrative approval from the land development director to extend the hours of operation; however, such extended hours shall not include selling alcoholic beverages unless such sales are extended consistent with section 14-61. Such administrative approval application shall be considered consistent with the requirements set forth in section 34-606.
- (5) All new full-service fuel station or gas station with or without convenience store not legally existing within the village as of October 1, 2025 may operate from 6:00 a.m. to 12:00 midnight each day. All new full-service fuel station or gas station with or without convenience store not legally existing within the village as of October 1, 2025 may apply for a variance and request alternative hours of operation and the reasons for deviations from the provisions of this section. The village council, in its discretion, may vary the hours from those set forth in this section.
- (6) No construction activity shall commence prior to 7:00 a.m., nor continue later than 6:00 p.m. Monday through Friday. Saturdays no construction activity shall commence prior to 9:00 a.m., nor continue later than 5:00 p.m. No construction activity shall occur on Sundays. The land development director, at his or her discretion, may vary these hours upon written request which sets forth the desired hours of construction activity and the reasons for the requested deviation.

Section 4. Codification. This Ordinance shall be codified in the Village Code of Ordinances with the repealed sections in this Ordinance deleted from the Code and the added sections/language in this Ordinance included in the Code, which may all be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section”, “division”, or any other appropriate word.

Section 5. Repeal of Conflicting Ordinances. All ordinances, resolutions, or parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 6. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 7. Effective Date. This Ordinance shall become effective upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
KIMBERLY SCHMITZ, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
JOHNNIE TIECHE, COUNCIL MEMBER	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐

Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, on this _____ day of _____ 2025.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
CHRISTY GODDEAU, VILLAGE ATTORNEY



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Finance

ITEM #14: (Second Reading) Approve Ordinance No. 2025-01 - Revise the Purchasing Policy and Ordinance

SUMMARY: First Reading of Ordinance 2025-01 to Revise Ordinance 2022-01 Village Code Amendment (Chapter 58) and rescind Resolution 2022-25 (Purchasing Policy) as Administrative.

Upon approval of the Ordinance, changes will come to the Council and the administrative function of the changes within the Purchasing Policy will be managed under the Village Manager's Authority.

Ordinance Key Changes

- **Section 58-1 (Purpose and application)**
 - Recognize Procurement Manager as appointed by the Village Manager
- **Section 58-4 (Purchasing Thresholds)**
 - Purchases up to \$7,500: Department Head approval.
 - \$7,501 to \$25,000: Approvals required from Department Head, Procurement, and Finance.
 - \$25,001 to \$50,000: Approvals required from Department Head, Procurement, Finance, and Village Manager.
 - Defined "Small Purchases" as under \$50,000
- **Section 58-5 (Purchasing protests)**
 - Change procurement official to procurement manager
- **Section 58-2 (Exempt Purchases)**
- **Section 58-6 (Competitive Selection purchase requirements)**
- **Section 58-7 (Alternative purchasing methods)**
- **Section 58-8 (Cooperative purchasing)**
- **Section 58-9 (Accessing contracts of other government agencies)**
- **Section 58-10 (Village Standard)**
- **Section 58-12 (Emergency purchases)**
- **Section 58-16 (Finance Department Responsibilities)**
- **Section 58-17 (Unauthorized Purchases)**
- **Section 58-18 (Contracting authority in general)**
- **Section 58-19 (Authorization to dispose of surplus goods)**
- **Section 58-20 (Enforcement of purchasing code)**
 - Moved to Procurement Policy
- **Section 58-11 (Best Interest Acquisition)**
 - Moved to Procurement Policy

- Changed 4/5 vote requirement to majority consent
- **Section 58-16 (Land Purchases) (New 16)**
 - New section to address purchase of Village property

Purchasing Policy Key Updates:

1. Approval Threshold Adjustments:

- Purchases up to \$7,500: Department Head approval.
- \$7,501 to \$25,000: Approvals required from Department Head, Procurement, and Finance.
- \$25,001 to \$50,000: Approvals required from Department Head, Procurement, Finance, and Village Manager.

2. Revised Purchasing Thresholds and Documentation Requirements:

- Under \$7,500: Price quotes recommended but not mandatory.
- \$7,501 to \$25,000: At least one written price quote required.
- \$25,001 to \$50,000: Minimum of three written price quotes required.
- Over \$50,000: Formal solicitation process mandated.

3. Emergency Procurement Procedures:

- Updated to align with (F-ROC) recommendations.

4. Procurement Process Enhancements:

- Streamlined solicitation procedures to improve efficiency.
- Emphasis on utilizing purchase orders as the preferred procurement method over procurement cards (P-cards).

The Village Council approved Ordinance No. 2025-01 on First Reading at their August 21, 2025, meeting. Ordinance No. 2025-01 is presented for second and final reading.

FISCAL IMPACT:

The Purchasing Code Section 58 is set up to provide guidance to Village Staff and standardize current policies. There is no direct fiscal impact, but overall should improve efficiency of purchasing for Village operations.

ATTACHMENTS:

1. Proposed Ordinance No. 2025-01- Purchasing Code July 16, 2025
2. Village of Palm Springs Procurement Policy July 22, 2025
3. Procurement Memo - Recommendation to Adjust Thresholds

ORDINANCE NO. 2025-01

AN ORDINANCE OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING THE VILLAGE OF PALM SPRINGS CODE OF ORDINANCES AT CHAPTER 58, "PURCHASING CODE", BY INCREASING THE VILLAGE MANAGER'S PURCHASING AUTHORITY; BY UPDATING, CLARIFYING, AND DELETING CERTAIN PURCHASING PROVISIONS; BY ADDING PROVISIONS FOR THE ACQUISITION OF REAL PROPERTY AND SETTLEMENT AUTHORITY OF CLAIMS; BY ALLOWING FOR THE ADOPTION OF A NEW PROCUREMENT POLICY WITH VILLAGE MANAGER APPROVED AMENDMENTS THERETO; AND PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE

WHEREAS, the Village of Palm Springs, Florida ("Village") is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, in February 2022, the Village updated the Village's Purchasing Code, Chapter 58 of the Village Code of Ordinances, along with the Village's Purchasing Manual; and

WHEREAS, due to the recent fluctuations in prices for goods and services, the Village desires to amend its Purchasing Code through this proposed Ordinance by increasing the Village Manager's purchasing authority from \$35,000.00 to \$50,000.00 to allow for greater flexibility and efficiency in the Village's purchasing operations; and

WHEREAS, due to changes in Florida law and related purchasing processes, this proposed Ordinance also seeks to update, clarify, and delete certain provisions within the Village's Purchase Code and to add provisions to the Purchasing Code with regards to acquiring real property and settlement authority for claims; and

WHEREAS, based on the aforementioned proposed changes in this Ordinance, the Village must update its Purchasing Manual with a new Procurement Policy, which under the proposed Ordinance may be adopted by the Village Council and then amended by the Village Manager after adoption; and,

WHEREAS, the Village Council finds that proposed changes to the Village Purchasing Code are necessary and desirable for the Village's purchasing needs and that the approval of this Ordinance is in the best interests of the Village of Palm Springs and serves a valid public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. Findings of Fact: The WHEREAS clauses set forth above are adopted herein as true legislative findings of fact of the Village Council.

Section 2. Chapter 58, "Purchasing Code", of the Village Code of Ordinances is hereby amended as follows (words stricken are deletions; words underlined are additions):

Chapter 58 - PURCHASING CODE

Sec. 58-1. Purpose and application.

The purpose of this purchasing code is to provide a uniform means of acquiring land, goods, and services (including construction materials and labor) in a manner that protects the interests of

taxpayers, encourages competition, ensures that qualified vendors have access to the municipal market on a fair and equitable basis and provides purchasing guidance to all village personnel.

This purchasing code applies to all purchases utilizing village funds regardless of the source of those funds. No village employee appointed official or elected official may purchase or commit to purchase land, goods, and/or services unless specifically authorized to do so by the village's Code of Ordinances including the required authorizations, funding and purchasing/finance documents. Payment for any unauthorized purchase may be the responsibility of the person placing the order.

For the purposes of this purchasing code, the term "goods" and/or "services" shall include, but not be limited to, construction materials and/or construction labor unless specifically stated otherwise.

The village manager shall appoint a procurement manager official. The procurement manager official, regardless of title, shall carry out the responsibilities assigned by this code and administrative ~~policy~~ the purchasing administrative policies ("Procurement Policy"). Upon approval of the Procurement Policy by the village council, the Procurement Policy shall be constrained by this purchasing code and be enforceable to the same force and effect. In coordination with the finance department and the village attorney, the procurement manager may recommend amendments to the Procurement Policy, which shall only be effective upon approval in writing by the village manager.

Sec. 58-2. Exempt purchases.

The Procurement Policy identifies certain following goods and/or services are approved as exempt purchases when they are included in the adopted annual budget. Exempt purchases are exempt from the competitive selection purchase requirements set forth in this purchasing code and may be procured by the village manager who is authorized to select vendors and/or execute contracts (as applicable) for said exempt purchases. Except as identified in the Procurement Policy, if the total value of an exempt purchase is anticipated to exceed \$50,000.00, the village council must approve said exempt procurement.

- ~~(1) — Regulated services: Water, sewer, electricity, telephone, natural gas, solid waste disposal, or similar services where rates or prices are fixed by legislation or by federal, state, county, or municipal regulations.~~
- ~~(2) — Postage and postage meter permits.~~
- ~~(3) — Recording fees.~~
- ~~(4) — Pension benefits payments.~~
- ~~(5) — Debt service payments.~~
- ~~(6) — Unemployment compensation.~~
- ~~(7) — Tax withholding payments (FICA, Medicare, federal tax withholding).~~
- ~~(8) — Payroll deduction liability payments, including, but not limited to, voluntary insurance policies, credit union deductions, Section 457 (deferred compensation) contributions, Roth IRA contributions, union dues, flex medical and flex dependent contributions, and garnishments (IRS, child support, court orders).~~
- ~~(9) — Pension plan contributions.~~
- ~~(10) — Memberships, dues, subscriptions, publications.~~
- ~~(11) — Advertisements for legal, promotional, or informative matters.~~
- ~~(12) — Abstracts of titles or appraisals for real property.~~
- ~~(13) — Legal services and all services directly related to the provision of same, i.e., court reporters and expert witnesses.~~
- ~~(14) — (Reserved).~~

- ~~(15) — Bank analysis fees.~~
- ~~(16) — Merchant fees (credit card processing charges).~~
- ~~(17) — Job related seminars, training and related travel, accommodations, and per diem expenses.~~
- ~~(18) — Tuition reimbursements in accordance with village employment regulations.~~
- ~~(19) — Safety shoe reimbursements.~~
- ~~(20) — Vehicle tag, title, and registration fees.~~
- ~~(21) — Proprietary software applications and/or the related maintenance or service agreements.~~
- ~~(22) — Entertainment and entertainment-related services for city-sponsored events (i.e., special events, holiday celebrations, etc.).~~
- ~~(23) — Authorized payment of donations or scholarships.~~
- ~~(24) — Decorating contest awards.~~
- ~~(25) — Payments to recreational contractual services such as umpires, referees, assignor fees, and recreational programs provided by independent contractors.~~
- ~~(26) — Payments to service providers needed to maintain village operations such as plumbers, electricians, temporary employment services, computer consultants or air conditioning repair services (this does not include the replacement of capital equipment).~~
- ~~(27) — Goods or services provided by governmental agencies, other public entities, universities and colleges or political subdivisions.~~
- ~~(28) — Services required by proprietary ownership such as FPL, FEC and CSX and original equipment manufacturers (OEMs).~~
- ~~(29) — Payments for casualty and property insurance after approval of contract by village council.~~
- ~~(30) — Payments for life, health, and dental insurance after approval of contract by village council.~~
- ~~(31) — Petty cash reimbursements.~~
- ~~(32) — Lobbying services not exceeding \$35,000.00 (must obtain village council approval if exceeds \$35,000).~~
- ~~(33) — Professional services as described below.~~
- ~~(34) — Educational or academic programs.~~
- ~~(35) — Artistic services (i.e., summer camp, etc.).~~

Sec. 58-3. Professional services.

- (a) *Architectural, engineering, landscape architectural, surveying, mapping services and design-build projects.* The purchase of these types of services shall comply with the requirements of F.S. § 287.055, also known as the Consultants Competitive Negotiations Act (CCNA), as amended.
- (b) *Auditor services.* The purchasing of independent auditing services for the village's annual external audit shall comply with all the requirements of F.S. § 218.391, as amended.
- (c) *Legal services.* The village may select an attorney or legal firm to provide legal services to the village as needed without competitive selection provided the contract with the attorney or law firm is approved by the council.
- (d) *Consulting services.* The village manager may select a consultant with a distinctive field of expertise without competitive selection for services which are not anticipated to exceed \$15,000.00~~50,000~~. The village council may select a consultant with a distinctive field of expertise without competitive selection for services which are anticipated to exceed \$150,000.00.

(e) *Construction management or program management services.* The purchase of construction management or program management services shall may comply with all the requirements of F.S. § 255.103 as amended or such other process as set forth in this purchasing code or as may be required by statute.

Sec. 58-4. Purchasing thresholds.

Purchasing thresholds. The purchasing thresholds set forth below refer to the estimated or anticipated total contract value of a single purchase over which an identified selection process is to be utilized. As used herein, the "anticipated value" is the amount the village estimates or anticipates will be expended for a single purchase inclusive of the initial term and any renewal options of the resulting contract. Unless specifically identified to the contrary by the Procurement Policy, the procurement thresholds set forth below do not apply to multiple-department purchases from a single vendor.

(a) *Small purchases.* The term "small purchase" means a single purchase with an anticipated value not to exceed fifty thousand dollars (\$50,000.00). Small purchases shall be made according to the small purchase procedures established by the Procurement Policy.

(b) *Competitive selection purchases.* The term "competitive selection purchase" means a single purchase with an anticipated value which exceeds fifty thousand dollars (\$50,000.00). Except for exempt purchases and purchases made by alternative purchasing methods, competitive selection purchases shall be made according to the competitive selection procedures set forth in this purchasing code and the Procurement Policy.

~~(a) — *Capital asset expenditures.* Capital assets are items costing \$5,000.00 or more with an expected life of one year or more. Notwithstanding any other requirements, exceptions, exemptions or limitations on purchases, each item purchased within the capital outlay expenditure category, including, but not limited to, land, buildings, improvements other than buildings, machinery and equipment, and software, shall require a purchase order and must be budgeted or have a budget transfer completed before a purchase order shall be issued.~~

~~(b) — *Purchases less than \$7,500.00.* A department director has the authority to purchase goods and/or services which are less than \$7,500.00 for a single purchase, subject to a valid, current appropriation for the item(s) to be purchased. Payment for the goods and/or services shall be made using a village purchasing card or by other methods approved by the village manager. Whenever possible the department director making the purchase request should have obtained three written price quotations for purchases expected to exceed \$5,000.00, before proceeding with the approval process. These quotes or the attempt to obtain three quotes will be documented and attached to the approval authorization.~~

~~(c) — *Purchases of \$7,500.00 up to \$35,000.00.* A department director has the authority to purchase goods and/or services which are \$7,500.00 up to \$35,000.00 for a single purchase subject to a valid, current appropriation, provided that the department director also has the written authorization of the village manager. Whenever possible the department director making the purchase request should have obtained three written price quotations before proceeding with the approval process. These quotes or the attempt to obtain three quotes will be documented and attached to the approval authorization.~~

~~(d) — *Purchases of more than \$35,000.00.* Purchases of more than \$35,000.00 (except for exempt purchases as detailed in this purchasing code) will follow the competitive selection purchase requirements detailed below.~~

Sec. 58-5. Competitive selection purchase requirements.

(a) Requirements. Subject to the requirements of general law, for purchases requiring competitive selection, the village may use a solicitation format determined to be in the village's best interests, including, but not limited to invitations for bids, requests for proposals, requests for qualifications, invitations to negotiate, and any other applicable format or combination of applicable formats. Requirements for each format is set forth in the Procurement Policy. The following requirements shall be followed for purchases when a competitive selection is required:

~~(1) — Invitation to bid.~~

- a. ~~Conditions for use.~~ An invitation to bid document may be used when:
 - 1. ~~The proposed purchasing is anticipated to exceed \$35,000.00;~~
 - 2. ~~Precise specifications of the needed good or scope of service are known and can be described in the invitation to bid;~~
 - 3. ~~An adequate number of vendors appear to exist; and,~~
 - 4. ~~The village manager and procurement official determine that the invitation to bid process is in the village's best interest.~~
- b. ~~Content of invitation to bid document; selection procedure; and award.~~ The user department will work together with the procurement official to establish the contents of the invitation to bid. Vendors are asked to submit qualifying licenses, references and manufacturer's certifications which are used to determine whether the bidder is responsible. Responsive, responsible bidders are compared solely based on price. The council shall award the bid consistent with the terms of the invitation to bid document.

~~(2) — Requests for proposals (RFP), request for qualifications (RFQ), and invitations to negotiate (ITN).~~

- a. ~~Conditions for use.~~ Requests for proposals (RFP), request for qualifications (RFQ), and invitations to negotiate (ITN) may be used when:
 - 1. ~~The proposed purchasing is anticipated to exceed \$35,000.00;~~
 - 2. ~~The specifications or scope of work may not be clearly defined. Therefore, the use of an invitation to bid is not applicable or practicable as determined by the village manager and procurement official; and,~~
 - 3. ~~Experience and knowledge are the key concerns of award.~~
- b. ~~The user department in conjunction with the procurement official shall establish the contents of the RFP, RFQ, or ITN, including clear evaluation criteria. Such criteria may include technical capability and the approach for meeting the specifications, competitiveness of pricing or best value, and managerial and staffing capability, including experience and past performance. The selection procedure may include creation of an evaluation committee to review and rank the responses. The council shall award the RFP, RFQ, or ITN consistent with the terms of the RFP, RFQ, or ITN (as applicable).~~

~~(3) — (Reserved).~~

(4) (b) Reservation of village's rights. In all competitive selection purchases, the village reserves the following rights:

- 1. Rejection of bids, proposals, or other responses. If the village manager or designee determines that it is in the best interests of the village to do so, the village manager

or designee may reject any or all bids, proposals or other responses requested in whole or in part. Bids, proposals, or other responses requested that are submitted after the due date and time will be disqualified from further consideration.

2. Waiver of irregularities. The village manager or designee shall have the authority to waive all nonmaterial irregularities on any and all bids, proposals or other responses requested. Nonmaterial irregularities are those irregularities which do not substantially affect price and/or competition.
3. Cancellation of solicitation. An invitation to bid, RFP, ITN or other competitive selection procedure utilized by the village may be canceled by the village manager or designee, in whole or in part, when it is in the best interests of the village.
4. Costs and fees. All costs and fees, including reasonable attorney's fees, incurred by any party in preparing and responding to an invitation to bid, RFP, ITN or other competitive selection procedure used by the village are the sole responsibility of the responding party including any and all costs and fees, including reasonable attorney's fees, related to a protest.

~~(5) (c) Cone of silence. The village complies with the Palm Beach County Lobbyist Registration Ordinance, Section 2-355, Cone of Silence, which prohibits any communication, except for written correspondence, regarding a particular competitive selection solicitation (e.g., invitation to bid, request for proposals, request for qualifications, etc.) between any person or person's representative seeking an award and any member of the village council or employee authorized to act on behalf of the village council to award such competitive selection solicitation. However, for the village, the cone of silence is in effect for all competitive selection solicitations as of the date the village first advertises, publishes, or issues (whichever is earlier) the competitive selection solicitation and shall terminate at the time the village council or employee authorized to act on behalf of the village council either rejects a response from that person or that person's representative, or the response is withdrawn by that person or that person's representative, or other official action is taken by the village to end the competitive selection solicitation (e.g., reject all responses, awards the solicitation, etc.). As further set forth in the Procurement Policy, the cone of silence does not apply to oral communications at any public proceeding, the selection committee presentation, or a negotiation meeting(s).~~

~~"Cone of silence" means a prohibition on any communication, except for written correspondence, regarding a particular invitation to bid, RFP, ITN or any other competitive selection procedure utilized by the village between:-~~

- ~~a.1. Any entity or person or entity's or person's representative seeking an award from any competitive selection procedure; and~~
- ~~b.2. Any council member; any member of the selection committee; the village manager; or any village employee authorized to act on behalf of the village to award or recommend award of a particular purchase.~~
- ~~2b. For the purposes of this section, an entity's or person's representative shall include, but not be limited to, the entity's or person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the entity or person.~~
- ~~3c. The cone of silence shall be in effect as of the deadline to submit the proposal, bid, or other requested response to a competitive selection procedure. The cone of silence applies to any entity or person or any entity's or person's representative who~~

~~responds to a particular invitation to bid, RFP, ITN or any other competitive selection procedure utilized by the village and shall remain in effect until such response is either rejected by the village as applicable or withdrawn by the entity or person or entity's or person's representative. The invitations to bid, RFPs, ITNs or any other competitive selection procedure shall include the notice of the cone of silence and refer to this sub-section.~~

- ~~4d. The provisions of this subsection shall not apply to oral communications at any public proceeding, including pre-bid conferences, presentations before selection committees, authorized contract negotiations, presentations made to the village council, and purchasing protests. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee; any dispute resolution process following the filing of a protest between the entity or person filing the protest and any employee; or any written correspondence at any time with any employee, council member, the village manager or selection committee member unless specifically prohibited by the applicable competitive selection procedure.~~
- ~~5e. The cone of silence shall not apply to any purchasing anticipated to have a total value of \$35,000.00 or less.~~
- ~~6f. The cone of silence shall terminate at the time the council, finance department, or village manager as applicable, awards or approves a contract, rejects all bids, proposals, or other requested responses, or otherwise takes action which ends the purchasing procedure.~~
- ~~7g. Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.~~

Sec. 58-6. Purchasing protests.

(a) *Right to protest.* After posting of the recommended awardee, any bidder or proposer who is aggrieved in connection with the recommended award may protest in writing to the village clerk. The right to protest is limited to those procurements of goods or services solicited through an invitation for bid, request for proposals or other competitive solicitation procedures. Recommended awards less than the mandatory bid or proposal amount cannot be protested. Notwithstanding the above, the village manager may, in his or her sole discretion, include the right to protest in any solicitation process if in the best interests of the village.

(b) *Notice of protest.* The protest shall be submitted within three business days after posting of the award recommendation. The protest shall be in writing (which includes emails) and shall identify the protestor and the solicitation and shall include a factual summary of the basis of the protest. Such protest is considered filed when it is received by the village clerk. Received means that the protest documents must be delivered to the village clerk's office by the cut off time period. Neither the procurement manager~~official~~, nor the special magistrate shall consider any issue not submitted in writing within the time frame specified for the notice of protest.

(c) *Authority to resolve.* Protests filed in accordance with paragraph (b) hereinabove shall be resolved under the provisions of this section.

(1) The procurement manager~~official~~ shall have the authority to:

- a. Uphold the protest. The protest may be upheld based upon a violation of the provisions of this purchasing code or of any other village ordinance, resolution, policy, or procedure, or upon discovery of an irregularity or procedural flaw that is so severe as to render the process invalid. If the upholding of the protest will result in a change of the recommended awardee, a new recommended award shall be posted

in village hall. If the upholding of the protest will result in a cancellation of the protested solicitation, the procurement manager~~official~~ may then cancel the solicitation.

b. Deny the protest. If the protest is denied, the protestor has the right to request that the protest be referred to a special magistrate as described herein below.

c. Refer the protest directly to special magistrate with no determination made by the procurement manager~~official~~, in accordance with paragraph (c)(3) herein below.

(2) The procurement manager~~official~~ shall issue a written statement of the determination within a reasonable period of time. The written statement shall provide the general rationale for said determination and shall be provided to the protestor and to any other party to the protest.

(3) Upon receipt of a denial of the protest, the protestor may request a hearing before the special magistrate. The request for a hearing shall be in writing to the village clerk and shall be made within three business days of issuance of the procurement manager~~official~~'s determination. The request for a hearing shall be accompanied by a protest bond of \$1,500.00 which shall be remitted only in the form of a money order, a certified check, a cashier's check, or a bank check payable to the village.

(4) At no time shall a protestor, party, or any other person, contact the special magistrate regarding any issue pertaining to or involving the protest. Contact between the village and the special magistrate shall be limited to scheduling and other administrative issues, including the provision, and copying of public records pertinent to the protest.

(d) *Authority of special magistrate.* The special magistrate, appointed to hear the village's code enforcement cases, shall also hear bid protests, and shall have the jurisdiction and authority to hear and decide protests.

(1) The special magistrate shall make a recommendation as to whether the protest should be upheld or denied.

(2) If the special magistrate upholds the protest, the special magistrate shall either make a recommendation to cancel the solicitation, or to cancel the award recommendation and post a new award recommendation after re-evaluation based on the special magistrate's determination of the facts in the case. In these instances, the village shall return the protestor's bond to the protester after deducting any out-of-pocket costs incurred by the village related to the appeal.

(3) If the special magistrate denies the protest, the special magistrate shall recommend that the village manager proceed with the posted award recommendation. In these instances, the protestor's bond shall be forfeited.

(4) The village manager may accept the special magistrate's recommendation or, if they determine the special magistrate's recommendation is not in the village's best interest, the original award recommendation may be referred to the council for approval. At that time, the council may accept or reject the recommendation of the special magistrate.

(e) *Stay of procurement during protests.* Notwithstanding anything contained herein to the contrary, in the event of a timely protest, the village manager shall stay the award of the contract unless they, with the advice of the village attorney, and after consultation with the applicable department head, makes a determination that the award of the contract without delay is necessary to protect substantial interests of the village.

Sec. 58-7. Single source Alternative purchasing methods.

The following alternative purchasing methods may be utilized for any purchase in lieu of obtaining competing price quotations or quotes or issuing a competitive purchase solicitation if the criteria set forth in the Procurement Policy for each alternative purchasing method is satisfied:

(a) Single source. Upon receipt of justification from the user department and/or the proposed single source, the procurement official may select a single source without competition if, after conducting a search for available sources, the procurement official together with the user department determine that only a single source is practicable or for other reasons single source is in the best interest of the village. Upon determination of a single source, contract negotiations shall commence with the single source. If contract terms are agreed upon and the single source purchasing is anticipated to have a total value of \$35,000.00 or less, a contract between the village and the single source may be approved and executed by the village manager. If contract terms are agreed upon and the single source purchase is anticipated to have a total value of more than \$350,000.00, the council must approve the contract between the village and the single source.

Sec. 58-8. Cooperative purchasing.

(b) Cooperative purchasing. The village may participate in, sponsor, conduct, or administer a cooperative purchasing agreement for purchasing. Such cooperative purchasing may include, but is not limited to, joint or multi-party contracts between government entities. Purchases through a cooperative purchasing agreement are exempt from the competitive selection purchase requirements set forth in this purchasing code. The council must approve all village purchases from a cooperative purchasing agreement which are anticipated to have a total value of more than \$35,000.00.

Sec. 58-9. Accessing contracts of other government agencies.

(c) Accessing contracts of other government agencies. The village may award a contract by piggybacking or accessing the goods and/or services from any state contract; contracts of any Florida political subdivision; or from any other governmental entity; provided that the same or substantially similar goods and/or services were competitively solicited.

Before any purchase controlled by this section can be made, vendors shall comply with all village requirements (see section on vendor qualifications/selection). A copy of the contract and/or award documents shall be obtained from the applicable government agency. If these documents are not available, copies of specific pages with information on the contract (or bid) number and its expiration date, terms and conditions, the goods and/or services description and unit pricing, warranty period, and other pertinent information shall be obtained. When accessing another governmental agency's contract, the user department must be careful to review the terms and condition of that contract, noting that vendors can provide goods and/or services only in those categories in which they were awarded on the competitively solicited proposal or bid.

The village manager must approve all village purchases from government agency contracts which are anticipated to have a total value of up to \$35,000.00. The council must approve all village purchases from government agency contracts which are anticipated to have a total value of more than \$35,000.00.

Sec. 58-10. Village standard.

(d) Village standard. Where the village has determined that a particular style, brand, make, or model is the only type that meets the village's requirements for performance, consistency, compatibility or other salient characteristics, and such determination has resulted in there being only one source available to the village, the village may acquire or contract for such goods without utilizing the competitive selection purchase requirements. Excluding exempt purchases listed in section 58-2, village standard acquisitions where the expenditure by the village (including

expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be greater than \$35,000.00, shall be subject to approval by the village council.

Sec. 58-11. Best interest acquisitions.

(e) Best interest acquisition. The village may acquire or contract for non-real property, goods, or services without utilizing the competitive selection purchase requirements where the village council declares by at least a four-fifths affirmative vote that the competitive selection process is not in the best interest of the village. The village council shall make specific factual findings that support its determination, and such contracts shall be placed on the regular village council agenda. This provision may not be used to contract for goods or services which such contract would exceed the limits set forth in F.S. § 287.055 or 255.20, as amended.

Sec. 58-12. Emergency purchases.

(f) Emergency purchases. Emergency purchases or repairs include, but are not limited to, broken water or sewer lines, water treatment plant equipment and hurricane or other disaster preparation or recovery. Emergency purchases may be made without following the required competitive selection purchase requirements set forth in this purchasing code; provided that prior to any department director authorizing an emergency purchase, the director has obtained oral or written approval from the village manager and provided a written explanation of the emergency to the village manager as early as possible, but not later than 24 hours after the purchase with a copy provided to the finance department. Council approval or ratification shall be required at the next available regular or special meeting when the amount of the emergency purchase exceeds either \$35,000.00 or the emergency purchasing authority of the village manager as set forth below.

Upon a declaration of a state of emergency by the village council or governor of the state, the village manager shall have authority to contract up to a total of \$75,000.00 for goods and services without village council approval and up to a total of \$100,000.00 if a quorum of the village council is not available for a meeting within a 24-hour period of the emergency. All bidding requirements may be suspended, upon approval by the village manager, who shall still attempt to obtain quotes and proposals either verbally or in writing for comparative pricing.

Sec. 58-138. Vendor qualifications/selection.

(a) — Opportunity to participate. The policy of the village is to afford all businesses an opportunity for participation in the village's purchasing processes and to prohibit discrimination by the village or its vendors. The village will take all necessary, reasonable, and legal action to prevent discrimination in its purchasing process, to afford all businesses, including local and small businesses, the maximum opportunity to participate in the village purchasing processes.

(b) — Vendor list, form W-9 required. All village vendors must complete and submit a W-9 to the village to be qualified for purchases by the village and added to the village's vendor list. Vendors will be added to the village's vendor list after selection by the village as a provider of goods and/or services.

(c) — Convicted vendor list. In accordance with F.S. § 287.133, the village may not accept any bid or proposal from or transact any business with any person or affiliate on the "Convicted vendor list" maintained by the Florida Department of Management Services.

(d) — Scrutinized companies. In accordance with F.S. § 287.135, the village is prohibited from contracting with certain companies on the State of Florida "Scrutinized companies" list, and subject to restrictions on contracting with certain other "Scrutinized companies".

(e) — Human trafficking. In accordance with F.S. § 787.06, the Village is prohibited from contracting with any entity or person who utilizes coercion for labor or services.

Sec. 58-148. Local preference.

The purpose of this section is to serve the public interest by spurring economic development through encouraging businesses to locate and remain in the county, especially the village. Local preference will be given to local businesses (entity or person) with a physical address within the village limits; second preference is within the county; and third preference is within the state. Proof of the person's or entity's residency shall be a valid business tax receipt issued by the local government where the business is located. Application of the local preference policy shall be established by the procurement ~~manager~~ official and/or in competitive selection documents.

Village staff are strongly encouraged to utilize local businesses for purchases that are anticipated to have a total value of less than \$350,000.00 and for purchases made on the village's purchasing card.

However, in accordance with F.S. § 255.0991, as amended from time to time, for a competitive solicitation for construction services in which 50 percent or more of the cost will be paid from state-appropriated funds which have been appropriated at the time of the competitive solicitation, the village council may not apply this local bidder preference.

Sec. 58-159. Procurements using federal funds.

Whenever goods or services are purchased using federal funds, regardless of whether the village is a direct recipient or a subrecipient of such funds, the same policies and procedures shall be followed as for procurements with non-federal funds. ~~In addition, h~~However, if the procurements with federal funds ~~requires otherwise, said procurement shall also comply with all applicable the federal requirements of CFR 200.318 through 200.327. In the event of any conflict between village policies and procedures and the requirements of CFR 200.318 through 200.327, the CFR requirements shall prevail.~~

Sec. 58-116. Finance department responsibilities.

~~The finance department serves as the purchasing gateway to provide assistance and technical expertise in purchasing procedures and to ascertain that village personnel understand and comply with established budgetary, purchasing and accounting procedures.~~

~~The finance department shall be responsible for the procurement of goods and/or services in accordance with this purchasing code. All village personnel have the responsibility to know this purchasing code and ensure compliance with all regulations of this purchasing code and finance department procedures.~~

~~The finance department shall establish procedures, authorizations and forms as may be necessary to implement this purchasing code and comply with applicable law, as amended from time to time.~~

~~The finance department shall have the authority to suspend or debar a person from participation in purchasing for the village and shall establish a policy for such suspension or debarment. All suspensions or debarments shall be afforded with appeal rights to the village manager.~~

Sec. 58-107. Unauthorized purchases.

An unauthorized purchase occurs when a village employee or official orders, purchases or attempts to purchase any goods and/or services without abiding by the regulations contained within the Procurement Policy. ~~in this purchasing code and finance department purchasing procedures.~~

This includes, but is not limited to:-

- ~~(1) — Separating purchases to avoid the need for council and/or village manager approval, or to avoid the competitive selection process.~~
- ~~(2) — Committing the village to a purchase before receiving the authorized purchasing documentation (executed purchase order and/or contract) and if necessary, council approval.~~

~~Payment for any unauthorized purchase may be the responsibility of the person placing the order.~~

Sec. 58-118. Contracting authority in general.

(a) The village may execute a purchasing contract and/or purchase order with any person or entity selected in accordance with this purchasing code.

(b) No village contract, or contract amendment, addendum, modification, change order, or contract price or term adjustment ("change order"), or any contract change order, may be enforced against the village unless the contract or change order is in writing, and duly executed by the village manager or, the mayor (or vice mayor if mayor is unavailable) after approval by village council, in accordance with this purchasing code. Except as specifically provided herein, the village manager has authority to approve contracts which will not exceed \$50,000; all contracts above \$50,000 require village council approval. The village manager may delegate his or her contract authority; however, such delegation must be in writing or contained within a written administrative policy to bind the village to a purchase.

~~(c) — Contract change orders. Every contract amendment, addendum, modification, change order, or contract price or term adjustment ("change order") shall be subject to prior approval by the village manager or council as follows:~~

~~(1) — The village manager may approve a change order if the cumulative change order amount does not exceed \$350,000.00 and there is no change in the scope of work or time for completion; provided that, the change order amount is available to the user department. Once the cumulative change order amount exceeds the village manager approval threshold as stated herein, all future change order(s) must be approved by the council.~~

~~(2) — Council approval of a change order is required if the cumulative amount of the change order (including any prior change order(s) approved by the village manager) is more than \$350,000.00 over the approved contract award value.~~

~~(c3) Any change order that will require a formal budget amendment or budget transfer may not be approved until the budget amendment/transfer has been approved by the council.~~

(d) Total purchase price. For purposes of determining the appropriate contracting authority to sign a contract, the total anticipated cost of the contract will be considered including the total amount of each fiscal year to be initially awarded (although only budgeted for in the current fiscal year).

(e) Per vendor purchase. For purposes of determining the appropriate contract authority to sign a contract, the total purchase price is based on a per purchase basis and not the amount of goods and/or services purchased from a particular vendor for that fiscal year.

(f) A purchase order may be utilized in lieu of a formal contract where the standard terms and conditions of a village purchase order will suffice. The terms and conditions in a village issued purchase order will supersede and take precedence over any conflicting provisions provided by a vendor.

(g) Regardless of the contract authority that approved a contract or purchase order, at the recommendation of the procurement manager, the village manager or designee may place any vendor in default and/or terminate an existing contract or purchase order consistent with the terms and conditions of the contract or purchase order.

Sec. 58-149. Authorization to dispose of surplus goods.

~~(a) — No user department shall transfer, sell, trade-in, or otherwise dispose of goods owned by the village without written authorization of the finance department. Disposal of capital assets require the approval of the village manager.~~

~~(b) — User departments shall notify the finance department of all excess goods in writing on such forms and at such times as the finance department may prescribe.~~

~~(c) — Insofar as is feasible and practical, the finance department shall transfer excess goods to other village departments.~~

~~(d) — Surplus goods shall be offered to the public or other persons or entities through public auction, established markets, posted prices or other appropriate methods as approved by the finance department in the best interests of the village. Surplus goods may be offered by donation to other governmental entities or to private nonprofit agencies. It is recognized, however, that some types and classes of goods may be sold or disposed of more readily and advantageously by other procedures, including barter. In such cases, the finance department may employ such other means, including appraisal, provided the finance department makes a written determination that such procedure is advantageous to the village.~~

Sec. 58-1520. Enforcement of purchasing code.

~~(a) — *Non-criminal violations.* A non-criminal violation is one in which there is no apparent intent to avoid or fail to comply with this purchasing code. All village employees are subject to discipline as provided in the village's employment regulations for non-criminal violations of this purchasing code.~~

~~(b) — *Criminal violations.* A criminal violation is one in which there appears to be an intentional violation of this purchasing code resulting in, attempting to result in, or conspiring to result in significant loss to the village, having a monetary value of more than \$100.00, or the commission of any other federal or state crime relating to purchases or acquisitions by employees, department directors, village manager or village elected officials. Such person may be charged with an appropriate misdemeanor or felony, and in addition may be disciplined as provided in the village's employment regulations. If a violation requires further investigation to determine if it is criminal in nature or to determine probable cause, the Palm Beach County Office of Inspector General may be requested by the village manager (if not involved) to investigate the violation and make a report to the village manager and/or council stating whether the violation is being referred to the appropriate law enforcement or prosecutorial agency for filing as a criminal matter.~~

Sec. 58-12. Land Purchases.

(a) F.S. § 166.045 shall apply to all purchases of real property by the village if the village seeks to utilize the public records exemption set forth in F.S. § 166.045.

(b) If the village does not seek to utilize the public records exemption in F.S. § 166.045, the village shall purchase real property as follows:

(1) For all purchases of real property anticipated to cost in excess of \$50,000, the village shall obtain an appraisal by a certified or licensed appraiser. Additional appraisals may be obtained if determined to be in the best interests of the village.

(2) The village manager or designee may negotiate with the seller or the seller's agent of the real property and enter an option contract with the seller. As used herein, "option contract" means a binding agreement signed by the village manager and the seller which agreement is subject to approval of the village council at a regular or special meeting.

(3) The village council will consider all option contracts to purchase real property at a duly noticed public meeting. If the option contract is approved by the village council, the village manager, mayor, or vice-mayor may execute all documents necessary to close on the real property.

Sec. 58-13. Settlement Authority.

The village manager, upon the advice and recommendation of the village attorney, shall have authority to settle any claim (including pending litigation) by or against the village without the prior approval of the village council, as follows.

(a) In a claim against the village, the claim may be settled for an amount not to exceed \$50,000 including costs and attorney's fees, if any. The village manager may delegate to the human resources director or risk manager, the authority to settle a claim against the village for an amount not to exceed \$5,000 including costs and attorney's fees, if any.

(b) In a claim by the village against any party, the claim may be settled for an amount not to exceed \$50,000 which, in the judgment of the village manager and village attorney, is fair and equitable after taking into consideration the expenses of litigation and the risk of recovering less if the claim is tried or appealed.

All other claim settlements (including pending litigation) shall require village council approval.

Section 3. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 4. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 5. Codification. This Ordinance shall be codified in the Village's Code of Ordinances. Non-substantive changes to amend or identify the applicable sections, article, or division of the code may be made to this Ordinance at the time of codification.

Section 6. Effective Date. This Ordinance shall become effective immediately upon adoption by the Village Council of the Village of Palm Springs, Florida.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
KIMBERLY SCHMITZ, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
_____, COUNCIL MEMBER	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, this _____ day of _____, 2025.

BY: _____
BEVERLY SMITH, MAYOR

First Reading _____

Second Reading _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY

BY: _____
CHRISTY GODDEAU, VILLAGE ATTORNEY

PROCUREMENT POLICY

Effective (Enter Date)

(with adoption of Ordinance No. 2025-##)



VILLAGE OF PALM SPRINGS
FLORIDA

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Section 1 Introduction

1.1 Purpose

The purpose of this Village of Palm Springs (Village) Procurement Policy is to establish the necessary procedures, authorizations and documentation required to implement the Purchasing Code and to ensure compliance with all applicable laws and regulations, as amended from time to time. The intent of this Policy is to facilitate best-value procurement practices and to provide comprehensive guidance to all internal and external stakeholders engaged in procurement activities. The adoption of uniform procurement procedures serves to promote fairness, encourages broad competition particularly in relations to high-value procurement, achieve cost efficiencies, and reinforce integrity and public confidence in the procurement process.

1.2 Scope

The Purchasing Code and this Procurement Policy shall apply to all Village Departments involved with any procurement of goods and services for the Village of Palm Springs, regardless of the funding source, and include, but are not limited to, the disposal of surplus tangible and intangible property and the purchase of real property. The Village's disposal of surplus real property is not governed by the Purchasing Code or this Procurement Policy.

The Village generally exercises its Home Rule authority under the Florida Constitution and Chapter 166, Florida Statutes, to determine the manner and method of its procurements. Nonetheless, certain procurements and their associated contracts are subject to specific statutory requirements. In the event of any conflict between this Procurement Policy, the Village's Purchasing Code, and applicable statutory requirements (whether local, state or federal), the statutory requirements shall take precedence.

1.3 Definitions

Acceptance – The assumption of a legal obligation by a party to a contract and the terms and conditions of that contract.

Accounts Payable – refers to the short-term obligations incurred by a company during its operations that remain due and must be paid.

Addendum - An addition or supplement to a document, for example, items or information added to a procurement document. Used to issue additional or correct information during the bid process.

Advertising – A form of public notice of an intended purchase. See "Public Notice".

Agreement – See Contract.

Amendment – The method of changing the terms, conditions, or requirements of a contract or agreement beyond what is specifically provided for in that contract or agreement. All amendments shall be approved with equal dignity and formality as the original contract signed by the individuals holding the positions of the original signatories; provided however, that any amendment which causes a contract expenditure to exceed original signatory's amount, shall be approved by the appropriate signatory.



Appropriation - A legislative authorization to expend public funds for a specific purpose. Money set apart for specific use.

As Is – Term indicating that goods offered for sale are without warranty or guarantee and that the purchaser takes the goods at his own risk without recourse against the seller for the condition or performance of the goods.

Assignment – The legal transfer of a claim, right, interest, or property.

Assignee – The grantee, or recipient, of an assignment.

Assignor – A person who makes an assignment.

Award – Council's approval of a bid or a proposal.

Best and Final Offer (BAFO) – A process requested from one proposer or short-listed proposers for their best price(s) for a specific solicitation prior to determining of contract award. Sometimes referred to as BAFO.

Best Interest of the Village – The rationale granting a purchasing official discretion in taking action most advantageous to the Village when it is impossible to interpret adequately a specific response by law or regulation.

Best Value – The process used in competitive, negotiated contracting to select the most advantageous offer by evaluating and comparing factors in addition to cost or price.

Bid – A competitive price offer made by an intended seller, normally by written notice, offered as a result of a formal invitation to prospective vendors.

Bid Acceptance – The unconditional receipt of the bid at the designated bid location within the time frame and conditions set in the bid document. Any alterations to the bidder's offer after the closing of the bid or any deviations from the conditions set in the bid document may result in the rejection and removal of the bid.

Bid Bond – An insurance agreement in which a third party agrees to be liable to pay a certain amount of money in the event that a selected bidder fails to accept the contract as bid.

Bid Deposit – Certified check, cashier's check, bank money order, bank draft of any national or state bank, surety bond or cash deposited with and as instructed by the prospective purchaser to guarantee the bidder will, if selected, accept the contract in accordance with the bid. If the bidder does not accept the contract, he forfeits the amount of deposit.

Bid Evaluation – The approach for selection of the bid award, which shall be based on the requirements set forth in the bid documents. The evaluation may include criteria to determine acceptability such as inspections, testing, quality, workmanship, delivery and suitability for a particular purpose and to existing systems and equipment or design. It may also be based on total and life cycle costs as well as freight, set-up, or installation charges.



Bid Opening – The process of opening and reading bids conducted at the time and place specified in the Invitation For Bid, and/or advertisement, and in the presence of all who wish to attend.

Bid Sample – A sample required of a bidder for examination, comparison, testing, and evaluation by the perspective purchaser.

Bidder – Any person submitting a competitive bid in response to a solicitation.

Bidders List – A vendors list maintained by a data management provider setting out the names and addresses of suppliers from whom bids, proposals and quotations can be solicited.

Blanket Order – A type of purchase order under which a purchaser contracts with a vendor to provide the purchaser's requirements for an item(s) or service on an as-required and over-the-counter basis. Properly prepared, such an arrangement sets a limit on the period of time it is valid and the maximum amount of money that can be spent at one time or within a specified period of time.

Boilerplate – Colloquial designation for standard terms and conditions, usually preprinted, incorporated in all Invitation for Bids, Request for Proposals or a contract or purchase order.

Brand Name – A product name that serves to identify a product of a particular manufacturer, a trade name.

Brand Name Specification – A specification that cites the brand name, model number or some other designation that identifies a specific product to be offered exclusive of others.

Brand Name or Equal Specification – A specification that cites brand names, model numbers, or other identifications as representing quality and performance called for, and inviting bids on comparable items or products of any manufacturer.

Breach of Contract – A failure without legal excuse, to perform any promise that forms a whole or part of a contract.

Breach of Warranty – An infraction of an expressed or implied agreement as to the title, quality, content, or condition of a product sold.

Bulk Purchasing – Purchasing in large quantities to seek a lower price per unit i.e. volume purchasing.

Buyer – A purchaser who buys goods or services from a vendor in a transaction.

Calendar Day – Every day shown on the calendar, Saturdays, Sundays, and holidays included.

Capital Improvement Project – Any public improvement which the Village undertakes including the construction or reconstruction in whole or in part of any building, road, highway, street improvements, plant structure, or facility necessary in carrying out the functions of the Village government.

Cash Discount – A discount from a bill if payment is made within a designated period.



Certificate of Non-collusion – A statement signed by a bidder and submitted with his bid affirming that his bid is made freely, independently and without consultation with any other bidder.

Change Order – A written order amending a purchase order to correct errors, omissions, or discrepancies in it, to cover acceptable cost over-runs and freight costs, to incorporate requirements to expand or reduce the scope of goods or services ordered, or to direct other changes in the contract execution to meet unforeseen field, emergency, climatic, regulatory, or market conditions.

Code of Ethics – The rules or standards governing the conduct of the members of a profession.

Collusion – A secret agreement or cooperation between two or more persons to accomplish a fraudulent, deceitful or unlawful purpose.

Collusive Bidding – The response to bid invitations by two or more vendors who have secretly agreed to circumvent laws and rules regarding independent and competitive bidding.

Commodity – An article of trade, a movable article of value, something that is bought or sold; any movable or tangible thing that is produced or used as the subject of barter or sale.

Commodity Code – A system of words and numbers designed to identify and list commodities or services by classes and sub-classes.

Compensation - means the amount paid by the agency for goods or services regardless of whether stated as compensation or stated as hourly rates, overhead rates, or other figures or formulas from which compensation can be calculated.

Competition – The process by which two or more vendors vie to secure the business of a purchaser by offering the most favorable terms as to price, quality, delivery and /or service.

Competitive Bidding – The submission of prices by individuals or firms competing for a contract, privilege, or right to supply merchandise or services.

Competitive Sealed Bids or Competitive Sealed Quotes - means the process of receiving two or more sealed bids, proposals, or replies submitted by responsive vendors and includes bids, proposals, or replies transmitted by electronic means in lieu of or in addition to written bids, proposals, or replies.

Competitive Sealed Proposal – A method for acquiring goods, services, and construction for public use in which discussions or negotiations may be conducted with responsible bidders who submit proposals and prices in the competition that meet the required criteria.

Competitive Solicitation or solicitation - means an invitation to bid, a request for proposals, or an invitation to negotiate.

Conflict of Interest – A situation where the personal interests of a contractor, public official or classified employee are, or appear to be, at odds with the best interests of the jurisdiction.



Consideration – Acts, promises, or things of value exchanged by two parties that validates a contract between them.

Construction services - means all labor, services, and materials provided in connection with the construction, alteration, repair, demolition, reconstruction, or any other improvements to real property.

Consultant's Competitive Negotiation Act (CCNA) – A procedure established by Florida Statutes setting the requirements for acquisition of professional architectural, engineering, landscaping architectural or land-surveying services.

Consultants continuing contract - is a contract for professional services entered into in accordance with all the procedures of the CCNA whereby the firm provides professional services for projects in which construction costs do not exceed \$2 million, for study activity when the fee for such professional service does not exceed \$200,000.00, or for work of a specified nature as outlined in the contract, with no time limitation except that the contract must provide a termination clause. Firms providing professional services under continuing contracts shall not be required to bid against one another.

Continuing contract - is a contract for services or materials entered in accordance with all the Village's bid procedures whereby the firm provides goods & services for projects or work of a specified nature as outlined in the bid and contract. The contract must provide a termination clause.

Contract - A written agreement between two or more competent parties to perform or not perform a specific act or acts. Any type of agreement regardless of what it is called for the procurement or disposal of supplies, services or construction. In addition to bilateral instruments, contracts include (but are not limited to) work orders or task orders issued under basic ordering agreements; letter contracts; Purchase Orders, under which the contract becomes effective by written acceptance or performance; leases, interlocal agreements, grants, sales agreements, service agreements, joint participation agreements, maintenance agreements, attachments, change orders, addendum, bonds, fee schedules, and any other related documents for incorporation into the contractual agreement. The words "Contract" and "Agreement" may be used interchangeably.

Contract Administration – The management of all actions that must be taken to assure compliance with the terms of the contract after the award of the contract.

Contract Execution – The act of overseeing the signing of a legally binding document that shall include signatures of the Contractor, Village Manager or Mayor, Village Attorney and Village Clerk with appropriate notaries and seals. The Village Clerk's office shall be responsible for the proper execution of formal contracts to include distribution of signed contracts and maintenance of the official record.

Contract Sign-Off Sheet – A review sheet, which must be signed by the originating Department Head, Finance Director, Risk Management and the Village Attorney. The amount of the contract,



the contract number, contractor's name, and contract period shall be listed. All contracts shall be processed through the Procurement Manager (PM OR DESIGNER).

Contractor – Refers to a person who contracts to sell commodities or contractual services to the Village.

Contractual Services - means the rendering by a contractor of its time and effort rather than the furnishing of specific commodities. The term applies only to those services rendered by individuals and firms who are independent contractors, and such services may include, but are not limited to, evaluations; consultations; maintenance; accounting; security; management systems; management consulting; educational training programs; research and development or design studies or reports on the findings of consultants engaged thereunder; and professional, technical, and social services. "Contractual service" does not include any contract for the furnishing of labor or materials for the construction, renovation, repair, modification, or demolition of any facility, building, portion of building, utility, park, parking lot, or structure or other improvement to real property entered pursuant to Chapter 255 of the Florida Statutes and rules adopted thereunder.

Contractual Services Contract – Basic services provided to the Village under contract or Purchase Order in which charges, effective periods, and extent of work are defined. Examples of contractual services are janitorial services, maintenance services, mechanical services and construction services.

Davis-Bacon Act (1931) – A Federal law requiring all contractors performing Federally funded Public Works construction projects to pay their workers, at a minimum, the prevailing wage rate paid in the area for similar work, as set by the Secretary of Labor.

Debarment – The exclusion of a person or company from participating in a procurement activity for an extended period of time, as specified by law, because of previous illegal or irresponsible action.

Decentralized Purchasing – A system of purchasing in which there is a (varying) degree of delegation of authority, responsibility, and control of purchasing activities to the using agencies.

Delivery Schedule – A required or agreed upon time, or rate, for delivery of goods or services.

Design-Build - The requirement for which a single contract with a Design-Build firm is entered into for the design and construction of a "Capital Improvement construction project." Further, providing one single administrative entity (a firm as defined herein) responsible for design and construction under one contract where architectural and engineering services are performed by a registered architect or professional engineer and where construction services are performed by a certified or registered contractor.

Design-Build Firm - A partnership, joint venture, corporation or other legal entity which: Is certified under Florida State Statute 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as a qualifying agent,



or is certified under Florida State Statute 471.023 to practice or to offer to practice engineering, or is certified under Florida State Statute 481.219 to practice or offer to practice architecture; or certified under Florida State Statute 481.319 to practice or offer to practice landscape architecture; or has among the principal parties to the legal entity a principal party which is certified under Florida State Statute 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as a qualifying agent; or among the parties to the legal entity a principal party which is certified under Florida State Statute 471.023 to practice or to offer to practice engineering, or is certified under Florida State Statute 481.219 to practice or to offer to practice architecture; or certified under Florida State Statute 481.319 to practice or offer to practice landscape architecture.

Design-Build contract - means a single contract with a design-build firm for the design and construction of a public construction project.

Design criteria package - means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid or a response to the Village's request for proposal, or to permit the Village to enter a negotiated design-build contract. The design criteria package must specify performance-based criteria for the construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development or design requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project.

Design criteria professional - means a firm who holds a current certificate of registration under chapter 481 to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under chapter 471 to practice engineering and who is employed by or under contract to the agency for the providing of professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

Discount – Vendor's deduction from the selling price, usually contingent upon some cost reducing condition such as prompt payment.

Disposal – The act of surrendering ownership of excess or surplus property.

Dispute – Disagreement between parties to a contract over performance or other contract term requiring administrative action to resolve.

Electronic posting or electronically post - means the posting of solicitations, Village decisions or intended decisions, or other matters relating to procurement on a centralized Internet website designated by the Village for this purpose.



Electronic record - means a record created, generated, sent, communicated, received, or stored by electronic means. (a) An electronic record or electronic signature is attributable to a person if the record or signature was the act of the person.

Electronic signature - an electronic sound, symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. Digital signatures are often used to implement electronic signatures, a broader term that refers to any electronic data that carries the intent of a signature.

Emergency Purchase – A purchase made without following the normal purchasing procedures in order to obtain goods or services quickly to meet an urgent and unexpected requirement where health and public safety or the conservation of public resources is at risk.

Equal, Or Equivalent – A phrase used to indicate the acceptability of a product of similar or superior function, purpose, design, and/or performance. (See Brand Name)

Evaluation Criteria – Factors, usually weighted, relating to management capability, technical capability, manner of meeting performance requirements, price and other important considerations used to evaluate which proposer in a competitive negotiation has made the most advantageous offer.

Expedite – Effort to assure delivery of goods purchased in accordance with a time schedule, or to accelerate delivery.

Extension - means an increase in the time allowed for the contract period due to circumstances which, without fault of either party, make performance impracticable or impossible, or which prevent a new contract from being executed, with or without a proportional increase in the total dollar amount, with any increase to be based on the method and rate previously established in the contract.

Fiscal Year – A period of twelve consecutive months selected as a basis for annual financial reporting, planning or budgeting. The fiscal year for the Village of Palm Springs is October 1st through September 30th.

Fixed Asset – An asset of a long-term character having a useful life of more than one year and a value of at least \$5,000.00, stands alone and functions by itself.

Fixed Price Contract – A contract that provides for a firm price, subject to any contractual conditions allowing price adjustment, under which the contractor bears the full responsibility for profit or loss.

Formal Advertising – The placement of a notice in a newspaper of general circulation according to legal requirements to inform the public that the Village is requesting bids on a specific purchase it intends to make.

Free on Board (F.O.B.) – Determines the point at which title for the shipment passes from vendor to purchaser.



F.O.B. Destination – The title changes from vendor to purchaser when the shipment reaches its destination.

Functional Specifications – A type or manner of writing a purchase description characterized by what results are required rather than a generic description of the product or service.

Guarantee – An assurance for the fulfillment of a condition, quality of, or the length of use to be expected from a product offered for sale.

GMP (Guaranteed Maximum Price) – The maximum to be paid for services and materials regardless of cost to contractor.

GSA (General Service Administration) - Pursuant to Section 211 of the e-Gov Act of 2002, Cooperative Purchasing provides authorized State and local government entities access to information technology items offered through GSA's Schedule 70 (IT) and the Consolidated Products and Services Schedule contracts for associated special item numbers 1120 program (Law enforcement & drug).

Hold Harmless Clause – Contractual clause requiring the contractor to assume sole liability in any actions brought against the contract and absolving the jurisdiction from any responsibility.

Identical Bid – A bid that is the same in all salient respects with another bid. Identical Tie Bids, in accordance with Section 287.087, Florida Statutes, preference shall be given to businesses with drug-free workplace programs. Whenever two or more bids which are equal with respect to price, quality, and service, are received by the Village for the procurement of commodities or contractual services, the bid received from a business that certifies that it has implemented a drug-free workplace program, shall be given preference in the award process.

Informal Bid – A competitive bid or price quotation for supplies or services that is conveyed by letter, telephone, or other means and does not require a sealed bid, public opening, or public reading of bids.

Inventory – Goods in stock or an itemized list of the goods on hand at a particular time showing quantity, volume and values.

Indemnify – To protect against hurt or loss, to exempt from incurred penalties or liabilities. To compensate or pay for damage.

Invitation for Bid (IFB) - means a written solicitation for competitive sealed bids with the title, date, and hour of the public bid opening designated and specifically defining the commodity, group of commodities, or services for which bids are sought. It includes instructions prescribing all conditions for bidding. The invitation to bid is used when the agency is capable of specifically defining the scope of work for which a contractual service is required or when the agency can establish precise specifications defining the actual commodity or group of commodities required.

Invitation to Negotiate - means a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Village determines that



negotiations may be necessary to receive the best value. A written solicitation includes a solicitation that is electronically posted.

Invoice - shall mean a formal billing submitted by a vendor showing the amount due and terms of payment for materials and/or services rendered. Invoices must be itemized in sufficient detail to permit proper audit by the auditing body or department.

Late Bid or Offer – A bid or offer received at the place specified in the solicitation after the time designated for all bids or proposals to be received.

Lead Time – The period of time from date of ordering to date of delivery. This includes the time required for the vendor to manufacture or prepare the goods for shipment and may include the time needed by the procurement function to process the purchase request, issue a solicitation, evaluate bids and award a contract.

Lease – A contract conveying from one person to another real estate or property for a term in return for a specified rent or other compensation.

Lease-Purchase Agreement – A lease contract containing a purchase option in which the lessee's periodic payments or parts thereof may be applied to serve both as the rental obligation and as installments for acquiring ownership of the property upon lessee exercising the purchase option, a conditional sales contract.

Legal Notice – Notice of a proposed purchase as required by law.

Life Cycle Costing – A procurement evaluation technique that considers operating, maintenance, money costs, other costs of ownership and usage and resale or residual value in addition to acquisition price in determining the award of contracts on the basis of lowest total cost over the period the item will be used.

Line Item – A procurement item specified in an Invitation for Bid for which the bidder is asked to tender an individual price and which, under the terms of the invitation, is usually susceptible to a separate contract award.

Liquidated Damages – An amount of money, designated in the solicitation and as part of a contract, to be calculated on a per diem or other basis and paid upon default of a contract.

Lump Sum – The total price of a group of items that are put together and priced as a whole, aggregate. A price not based on unit cost or quantities.

Material Safety Data Sheets (MSDS) – Documentation concerning a hazardous chemical. They identify the chemical, the common names of the ingredients, the physical and chemical characteristics, and the hazards of the chemical. They also include emergency and first aid procedures to be considered when working with that chemical.

May - denotes the permissive. However, the words "no person may..." means that no person is required, authorized, or permitted to do the act described.

Multi-Step Solicitation - A method of source selection involving at least two competitive steps.



Negotiate - or any form of that word means to conduct legitimate, arm's length discussions and conferences to reach an agreement on a term or price. Negotiation provides contracting through the use of proposals and discussions to obtain best and final offers that result in the best value to the Village.

Net Price – Price after all discounts, rebates, etc., have been allowed.

No Bid – A response to an Invitation for Bid stating that the respondent does not wish to submit a bid.

Non-responsive Bid – A bid that does not conform to the mandatory or essential requirements of the Invitation for Bid.

Notice of Award – A written notification from the jurisdiction to the successful bidder, stating that there is an award of a contract in accordance with a bid or proposal previously submitted. Electronic notice by fax or internet is considered written notification.

Option to Renew – A contract clause that allows a party to reinstate the contract for an additional term, in accordance with contract terms.

Order (Purchase) – A request or command issued to a supplier for goods or services at a specified price or agreed basis for payment.

Partial Payments – The payment authorized in a contract upon delivery of one or more complete units called for under the contract, or upon completion of one or more distinct items of service called for thereunder.

Payment Bond – A bond which assures payments, as required by law, to all persons supplying labor or material for the completion of work under the contract. Also called labor and materials bond.

Payment request - means a request for payment for goods or services which conforms with all contracts and bid requirements specified by the Village.

Performance Bond – A contract of guaranty executed subsequent to award by a successful bidder to protect the Village from loss due to contractor's inability to complete the contract as agreed.

Performance Record – A record to indicate a supplier's ability to keep delivery promises and reliability, together with consistency of quality of the products.

Performance Specification – A specification describing the performance characteristics sought in a product or service, a purchase description accenting performance over design, a functional rather than a generic or physical specification.

Pre-Bid Conference – A meeting that is scheduled in a solicitation for the purpose of providing clarification as needed. Substantive questions raised at a pre-bid conference are answered in writing and may modify the solicitation.



Pre-Qualification of Bidders - The screening of potential vendors in which such factors as experience, financial capability, reputation, and management are considered in order to develop a list of qualified vendors who may then be allowed to submit bids/proposals. Pre-qualification is not a conclusive determination of responsibility, and a pre-qualified vendor may be rejected as non-responsible at a subsequent stage in the procurement process.

Pre-Solicitation Conference – An informal meeting inviting comments and suggestions from selected vendors on the draft of a proposed solicitation. Used for technical and complex service transactions.

Price – The amount of money that will purchase a definite quantity, weight, or other measure of a commodity or service.

Price Adjustment Clause – A condition in a solicitation and resultant contract that allows the price under the contract to decrease or increase under defined conditions; the condition should provide for the purchaser to cancel any individual item affected, or the contract, if a request for increase is not acceptable.

Privatization – The divestiture of a government program including control and management as well as real and personal property to private entrepreneurs.

Procurement – The procedures for obtaining goods or services, including all activities from the planning steps and preparation and processing of a requisition, through receipt and acceptance of delivery and processing of a final invoice for payment. The acts of preparing specifications, evaluating bids or proposals, making awards and administering contracts are involved; in some contexts, property management is implied.

Professional Services – services rendered by members of a recognized profession or possessing a special skill. Such services are generally acquired to obtain information, advice, training, or direct assistance.

Professional Services as per CCNA – Services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor and mapper in connection with his or her professional employment or practice.

Progress Payments – Payments arranged in connection with purchase transactions requiring periodic payments for certain stated amounts or for specified percentages of the total purchase price.

Proper invoice - means an invoice which conforms with all contracts and bid requirements that have been specified by the Village.

Proposal - shall mean a written notice by a vendor setting forth the terms under which he will furnish supplies or services.



Protest – A written objection to a solicitation by a prospective bidder, a bidder, a contractor or other interested party with the intention of achieving a remedial result.

Public Emergency - shall mean the need for the procurement of goods or services arising out of an accident or other unforeseen occurrence or condition whereby circumstances affecting public buildings, public property or the life, health, safety or property of inhabitants of a political subdivision are involved.

Public Notice – Means the distribution or dissemination of information to interested parties using methods that are reasonably available. Such methods include publication in newspapers of general circulation, electronic or paper mailing lists, and web site (s) designated and maintained for that purpose.

Purchase Description – The words used in a solicitation to describe the supplies, services or construction to be purchased, including any performance, physical or technical requirements. Unless the context requires otherwise, the terms “purchase description,” “purchase specification,” and “specification” may be used interchangeably.

Purchase Order - A purchaser’s written document to a supplier formally stating all terms and conditions of a proposed transaction. A P.O. commits the Village financially, by encumbering funds.

Purchasing - Buying materials and services of the right quality, in the right quantity, at the right price, from the right source, and for delivery at the right time.

Purchasing Cycle – The full sequence of activities carried out by a purchasing department in the acquisition of goods and services. (See Procurement)

Purchasing Manual – A document that describes the rules and procedures to be followed by the using agencies.

Purchasing Policy – A course of action adopted in purchasing affairs.

Purchasing Procedure – A mode of conducting purchasing activities.

Qualified Bidder - shall mean vendor meets all qualifications set forth in the solicitation document.

Quotation – A statement of price, terms of sale, and description of goods or services offered by a prospective seller to a prospective purchaser, usually for purchases below the amount requiring formal bidding. May be non-binding if solicited to obtain market information for planning purposes.

Remedy – Any remedial right to which an aggrieved party is entitled with or without resort to a tribunal. U.C.C. Code, Section 1/201(34).

Renewal - means contracting with the same contractor for an additional contract period after the initial contract period, only if pursuant to contract terms specifically providing for such renewal.



Request for Information (RFI) - means a written request made by the Village to vendors for information concerning commodities or contractual services. Responses to these requests are not offers and may not be accepted by the Village to form a binding contract.

Request for Proposal (RFP) - (1) The solicitation document used when price is not the determining criteria. (2) The solicitation document used in the competitive negotiated process. The procedure allows changes to be made after proposals are opened and contemplates that the nature of the proposals and/or prices offered will be negotiated prior to the award. (3) A written solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Village to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Village is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is electronically posted.

Request for Quotation (RFQu) – The document generally used for seeking competition on small purchases or on any purchase lower than the amount that requires competitive sealed bidding. May be used for obtaining price and delivery information for sole-source and emergencies. The Village requires the use of the electronic quote system to ensure competition on an equal playing field.

Requesting Department - shall mean the department originating the purchase.

Requirements Contract – An indefinite quantity and delivery contract in which purchase requirements are filled by the selected vendor, with deliveries to be scheduled by placing orders with the vendor.

Requisition - shall mean a written or electronic request to the Finance Department for one or more items or services necessary to perform or improve a particular function.

Respondent - A person or entity who submits an offer in response to a solicitation. May also be referred to as proposer, offeror or bidder.

Response - Any response of a respondent to a solicitation, which may include, as context requires, bids, offers, proposals, quotations, or other responses.

Responsible Bidder - A person who has the capability in all respects to perform in full the contract requirements, along with integrity and reliability that will ensure good faith performance.

Responsive Bidder - (1) A person who has submitted a bid which conforms in all material respects to the Invitation for Bids. (2) One whose bid conforms in all material respects to the terms, conditions, specifications and other requirements of the Invitation for Bids.

Salvage – Property that has some value in addition to its value as scrap, but which is no longer useful as a unit in its present condition and whose restoration to usefulness as a unit is economically not feasible.



Service Contract – A contract that calls for a contractor’s time and effort rather than for a product.

Shall – denotes the imperative.

Single Source - Shall mean that a commodity or service can be purchased from multiple sources, but in order to meet certain functional or performance requirements (e.g. parts matching existing equipment or materials) there is only one economically feasible source for the purchase.

Site Inspection – The requirement in a solicitation that the potential bidders or offerors visit the physical location where the contract is to be performed to become familiar with site conditions.

Sole Source - Shall mean the commodity or service can be legally purchased from only one source. This is usually due to the source owning patents and/or copyrights. A requirement for a particular proprietary item does not justify a sole source purchase if there is more than one potential supplier for that item. Use of Brand Names and Model numbers does not constitute a sole source.

Solicitation – A request for bids to provide supplies, services or construction.

Specification - shall mean a written description of the supplies needed, equipment or services setting forth in a clear and concise manner the characteristics of the items and/or services to be purchased and the circumstances under which the purchase will be made.

Standard – A characteristic or set of characteristics for an item that, for reasons of performance level, compatibility or interchangeability with other products, etc., is generally accepted by producers and by users of the item as a required characteristic of all items for the designed purpose.

Subcontractor – A party contracting with a prime contractor to perform all or any part of the latter’s contract.

Surplus Property – Inventory not needed by the owning agency or by other agencies at the present time or in the foreseeable future.

Tabulation of Bids – A recording of bidders and abstract of their bids listing items offered, prices, deliveries, etc., in response to a specific solicitation, made for purposes of comparison and record-keeping.

Task Order - shall mean an order for services placed against an established contract.

Terms and Conditions – A general reference applied to the provisions under which bids must be submitted and which are applicable to most purchase contracts.

Terms of Payment – A purchase transactions required payment for the goods or services received, and with exception of an unusual exchange or barter agreement there are three basic payment terms: cash, open account, and secured account.



Vendor - Any individual, firm, corporation, etc., offering for sale, trade, exchange or otherwise supply items, goods, or services to the Village in exchange for compensation.

Village – Village of Palm Springs

Waiver of Bid(s) – A process authorized by law or rule whereby a government purchasing office may procure items without competitive bidding procedures because of unique circumstances related to a particular need or procurement.

Waiver of Mistake or Informality – The act of disregarding errors or technical nonconformities in bids which do not change the substance of the bid and will not adversely affect the competition between bidders.

Warranty – A representation either expressed or implied that a certain fact regarding the subject matter of a contract is presently true or will be true.

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Section 2 - Duties and Responsibilities

There are several methods of obtaining prices and making purchases, depending upon the dollar value of the purchase. With respect to all methods of bidding procedures, sufficient time shall be allowed for issuance and response to such bids. Purchases shall not be artificially divided to constitute a small purchase and circumvent the dollar limitations and requirements of this policy. Each vendor shall be given the same information when obtaining bids or quotes. All documentation obtained in the performance of completing requisitions and fulfilling purchase orders will be retained as a public record in accordance with Florida's Public Record Law. The authorizations and responsibilities outlined in this policy apply to all expenditures, except those specifically excluded herein.

2.1 Finance Responsibilities

The Finance Department is responsible for establishing purchasing policies and coordinating purchasing procedures for the Village, in collaboration with other Village Departments. They initiate the reports necessary to permit analysis of purchasing performance, consolidating the purchase of like or common items, analyzing prices paid for materials, equipment and services, and generally defining how to obtain savings. They also provide training and supervision for Village departments as well as Contract Administration and will review in coordination with Village Departments the policy on an annual basis.

Policy, Objectives & Compliance

- i. Establish purchasing objectives, policies, programs, procedures, and standardized specifications for the acquisition of materials, equipment, supplies and services.
- ii. Ensure all acquisitions comply with Federal, State, and Village laws and policies.

Coordination & Collaboration

- i. Maintain regular communication and strong relationships with Village Departments to identify needs, clarify specifications, and coordinate purchasing activities.
- ii. Work jointly with technical or user departments when drafting specifications and before placing orders.
- iii. Engage with other public purchasing agencies to share best practices and resolve common issues.

Contract & Vendor Management

- i. Administer contracts and negotiate or resolve any contract disputes.
- ii. Assign task order numbers, maintain vendor relations, and inform departments about market trends and new products.

Monitoring, Reporting & Auditing

- i. Generate and analyze purchasing performance reports.
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- ii. Audit departmental procurement activities to ensure policy compliance.

Support & Training

- i. Prepare manuals, train and support staff and departments in the procurement processes.
- ii. Foster an understanding of sound purchasing principles across the organizations.

2.2 Village Departmental Responsibilities

Given that the Village operates under a decentralized procurement model, the Procurement Manager (PM OR DESIGNEE) is responsible for providing the oversight and guidance; however, each requesting department must be fully familiar with the Purchasing Code and this Procurement Policy. Each department is ultimately accountable for managing all phases of the procurement cycle, including planning, research, development and execution.

Policy, Objectives & Compliance

- i. Adhere to Village purchasing policies and codes.
- ii. Confirm vendors are active and approved before imitating any purchase.
- iii. Ensure all required contract documentation (insurance, bonds) is completed.
- iv. Route purchases $\geq$ \$50,000 through the PM or designee for review prior to submission for Council approval.
- v. Inform PM or designee of any compliance or contract issues.
- vi. Ensure all acquisitions comply with Federal, State, and Village laws and policies.

Requisition & Ordering

- i. Submit requisitions or P-Card details with enough lead time for authorized approvers to review and the vendor to deliver goods and services.
- ii. Reference task order numbers on all procurement documents.
- iii. Prepare necessary technical specifications when required.
- iv. Review departmental bid tabs/proposals in consultation with PM or designee.
- v. For Council level approvals draft agenda items and meet submission deadlines.
- vi. Ensure vendor executes and submits the finalized contract/agreement to the Village Clerk's Office by the deadline for agenda publication.

Post-Award Oversight

- i. After delivery or project completion, verify receipt and correct pricing per contract or quotes items.
 - ii. Respond promptly to PM or designee inquiries.
-



2.3 Attorney Responsibilities

Contracts and agreements shall be approved by the Village Attorney prior to execution as requested by the Procurement Manager or designee or Village Manager.

2.4 Village Manager Responsibilities

The Village Manager is hereby authorized to execute all Village contracts and agreements on behalf of the Village which will not exceed \$50,000.00; as provided by the purchasing code. In addition, the Village Manager may delegate his or her contract authority, such delegation must be made in writing. All contractual language contained within the contract proposed for signature must be pre-approved by the Village Attorney for legal form and sufficiency, and all other applicable Procurement and Contract Management requirements of the Village shall be met.

The Village Manager is authorized to reduce the amount of performance and payment bond to 50% of the contract price for each bond when a written determination is made that is in the Village's best interest.

Approves selection committee recommendation(s) and negotiation committee recommendation(s) from the PM or designee.

Approves items related to procurement and contract management for agenda input.

The Village Manager may exempt transaction(s) from the standard processes of this policy if the transaction presents an emergency or if otherwise exempt in accordance with this policy. In the event of any emergency, the Village Manager may provide for expedited competition if practicable. The Village Manager shall also have the discretion to suspend or terminate any solicitation or pending procurement when deemed in the best interest of the Village of Palm Springs.

The Village Manager or designee may extend an expiring contract, with prorated dollar value, to ensure the continuity of Village services while a new contract is being awarded, not to exceed one hundred twenty (120) days.

2.5 Information Technology Responsibilities

All stand-alone and enterprise-based solutions including hardware, software, tablets, software as a service, GIS services and support, network components, storage, low-voltage cabling, printer, copiers, technology service agreements, and licensing related requisitions must have the IT Director or designee review and approval before a purchase order is issued. All purchases must have been formally required and approved for the respective fiscal year. In addition, digital investments that are defined as project will require a formal project plan submitted prior to the PM or designee and IT engagement.



Section 3 - General Guidelines

This section is an introduction to the general guidelines and/or rules for the purchasing process, which establishes policy. Subsequent sections provide those procedures and methods to be utilized to carry out this policy.

NOTE: No item or service is to be ordered, received, or paid for without a Purchase Order, Blanket Purchase Order, Emergency Purchase Order or Purchasing Card.

Regardless of the value, all requisitions / purchase orders / VISA transactions must have supporting documentation. Documentation can include, but is not limited to the following:

- price lists
- catalog pricing
- telephone documentation
- vendor quote sheet

A price list or catalog price does not exclude the requirement for obtaining more than one (1) quote when required.

3.1 Small Purchases

Definition. A “small purchase” is defined as a single procurement with a total contract value that is anticipated not to exceed \$50,000 for goods and/or services.

Procedure. Small purchases shall follow the small purchase procedures set forth in this Procurement Policy, which include obtaining competitive quotes or informal proposals, where appropriate, to ensure the best value.

3.2 Large Purchases

Definition. A “large purchase” is defined as a single procurement with a total contract value that exceeds \$50,000 for goods and/or services.

Procedure. Unless exempt or sourced through an alternative process, large purchases shall follow the formal solicitation procedures set forth in this Procurement Policy, which may include Invitations for Bid (IFB), Request for Proposals (RFP), or other competitive methods as determined by the PM or designee.

3.3 Procurement Card Purchases

The Village recommends using the Procurement Card for purchases when a purchase order is not accepted by the vendor. All Procurement Card purchases must follow the rules and procedures as per the Purchasing Card and Procedure Manual.



It is suggested when ordering by telephone that the order be faxed to the vendor to be used as a verification the order was received. The Quote Form may be used for this purpose.

All capital items purchased must be put on the Capital Card designated for that purpose or department.

Travel expense may only be charged to the travel card; no travel will be permitted on the procurement card.

3.4 Purchase Orders

The purchase order is a legal document authorizing the purchase of and subsequent payment for materials, supplies, equipment, construction, repairs and services. The purchase order number is the control and reference number, and it is to be entered on all receiving documents, invoices, and inquiries pertaining to items on order.

3.5 Sales Tax

Purchases shall not be made from vendors within the State of Florida who cannot or will not honor the Village's sales tax exemption. The employee initiating the purchase must provide the vendor with a copy of the Village's sales tax exemption certificate and verify that no sales tax has been charged on the receipt or invoice. If a sales tax is charged in error, it is the responsibility of the requesting department to obtain a refund directly from the vendor. The Village will not reimburse employees for sales tax paid out-of-pocket (exceptions are made to reimbursements aligned with bargaining agreements).

3.6 Local Preference

The Village Purchasing Code provides for local preference to be given first to businesses physically located within the Village. The second preference is within the Village and third is within the state. Village staff are strongly encouraged to use local businesses for purchases that are expected to have a total cost of less than \$50,000. However, F.S. 255.0991 prohibits local preference on any construction project where 50% or more of the cost is being paid from state appropriated funds.

3.7 Ethical and Professional Conduct

Village employees shall be governed by the highest principles of honor and integrity in all public and personal relationships to merit respect and inspire the confidence of the organization and the public being served. Village Council members, officers and employees shall comply with the standards of conduct for public officers, employees and agents set forth in Florida Statutes, Sec.112.311-112.3261, and the Palm Beach County Code of Ethics (Sec. 2-441 et. seq.). To the extent that violations of these ethical standards of conduct constitute violations of the State



Criminal Code, they shall be punishable as provided therein. Such penalties shall be in addition to Village disciplinary action, up to and including termination of employment.

No Village employee shall engage in any act which conflicts with or creates an appearance of interference or conflict with performance of official duties. An employee shall be deemed to have a conflict of interest if:

A. Financial interest

The employee or any member of the employee's immediate family has a financial interest in any sale to the Village of any goods or services when such interest was received with prior knowledge that the Village intended to purchase the goods or services.

The employee participates in their employment capacity in the issuing of a purchase order or contract in which the Village employee or any member of the employee's immediate family has a private financial interest, direct or indirect, or regarding such contact performs some function requiring the exercise of discretion on behalf of the Village.

B. Gratuities

Except for courtesies allowed by law, no employee shall, directly or indirectly, give or receive or agree to receive any compensation, gift, reward, commission, or gratuity from any source except the Village for any matter directly connected with or related to the employee's official services with the Village.

C. Kickbacks

The employee solicits, accepts, or seeks a gift, gratuity, or favor from any person, firm or corporation involved in a contract or transaction which is part of a procurement process. It is unethical for any payment, gratuity, or offer of employment to be made as an inducement for the award of a contract or purchase order.

D. Use of confidential information

The employee discloses or uses without authorization confidential information concerning property or affairs of the Village to advance a private interest with respect to any contract or transaction which is or may be the subject of official action of the Village.

3.8 Public Records Law

All purchasing and acquisition activities take place in the open and are subject to Florida's Public Records Law, Chapter 119, Florida Statutes. As set forth in Florida Statute section 119.071(b)2 (as amended), "Sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals are exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution until such time as the agency provides notice of a decision or intended decision or within 30 days after opening the bids, proposals, or final replies, whichever is earlier." The Village shall maintain this Public Records exemption as applicable to each Village competitive solicitation.



3.9 Splitting Procurements and Unauthorized Procurements

No person shall cause or conspire to cause the splitting of any procurement for the purpose of evading the procedural requirements set forth in the Purchasing Code and this Procurement Policy. Splitting a procurement may result in disciplinary action. Further, no person may make any purchase utilizing Village funds unless specifically authorized to do so by the Village Code of Ordinances, resolution, or designation by the Village Council or Village Manager. Failure to obtain proper authorization for a procurement may result in disciplinary action. Payment for any unauthorized procurement may be the responsibility of the person placing the order.

3.10 Enforcement of the Procurement Policy

- A. Non-criminal violations. A non-criminal violation is one in which there is no apparent intent to avoid or fail to comply with this policy. All village employees are subject to discipline as provided in the village's employment regulations for non-criminal violations.
- B. Criminal violations. A criminal violation is one in which there appears to be an intentional violation of this policy resulting in, attempting to result in, or conspiring to result in significant loss to the village, having a monetary value of more than \$100.00, or the commission of any other federal or state crime relating to purchases or acquisitions by employees, department directors, village manager or village elected officials. Such person may be charged with an appropriate misdemeanor or felony, and in addition may be disciplined as provided in the village's employment regulations. If a violation requires further investigation to determine if it is criminal in nature or to determine probable cause, the Palm Beach County Office of Inspector General may be requested by the village manager (if not involved) to investigate the violation and make a report to the village manager and/or council stating whether the violation is being referred to the appropriate law enforcement or prosecutorial agency for filing as a criminal matter.

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Section 4 - Purchasing Methods to Be Utilized

4.1 Competitive Formal (Sealed) Bid

This method is the most preferred and is used when: specifications are clear, competition is prevalent, substitutions are allowable, and time is not a constraint.

Sealed bids allow a maximum degree of competition among several suppliers offering similar products. As a result, prices obtained are generally considerably lower than standard “list” pricing. Sealed bids require considerable effort in the preparation of their terms, conditions, and specifications. Consequently, formal bidding may be impossible to use if time is a constraint.

4.2 Competitive Formal (Sealed) Proposal

This method of procurement is used when competitive sealed bidding is not practical.

Formal proposals differ from formal bids in the nature of their intent. Bids will usually supply, in detail, the nature and specifications of the goods or services desired. The requesting department has generally provided this data. Proposals, however, will specify the nature of a requirement that needs to be met. Often, the means of satisfying this requirement is unknown to the requesting department. Therefore, the Procurement Manager will request that vendors submit their proposals for accomplishing a specific goal. These proposals will be diverse relative to approach, means, and cost.

Formal proposals are best used when the objective is vague or lacking in detail; or when the vendor’s knowledge of his or her field may provide innovative and economical solutions. Evaluation criteria must be included in the proposal.

The disadvantages of proposals include difficulty in judging among the submittals and lack of assurances that the vendor’s proposal will accomplish the desired goal.

A Formal proposal for services for a specific time period may be used to set up Master Contracts. As per example, a Request for electrical services would be an appropriate use of the Master Contract method. These Master contract proposals are intended to be awarded to multiple firms that have equal qualifications for the type of trade service requested. Selection of the firm by project is made by availability and price negotiation or solicitation by E-bid to all firms under the trade service needed.

4.3 Consultant’s Competitive Negotiation Act (CCNA)

This requires a Request for Qualifications (RFQ) for certain Professional Services. “Professional Services” within the CCNA means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping, as defined by the laws of the state. (FS 287.055)



A Request for Qualifications for professional services that state and name the projects for a specific time period may be used to set up CCNA Continuing Service Contracts. As per example, a Request for architecture services that includes the 5-year Capital Improvement Plan. These Continuing contracts are intended to be awarded to multiple firms that have equal qualifications for the professional service requested. Selection of the firm by project is made by availability and price negotiation consistent with Florida Statutes.

4.4 Cooperative Purchasing

The term “cooperative purchasing” is used when two or more governmental entities combine their requirements and enter a contract that meets the needs of everyone in the group. Cooperative contracts can reduce administrative costs for procurement, save time, and result in lower product costs due to economies of scale when placing large orders. The Village Manager or Council may authorize membership in governmental cooperative organizations when necessary to satisfy by-law or organizational requirements. Purchases through a cooperative purchasing agreement are exempt from the competitive selection purchase requirements set forth in this policy. The PM or designee shall review all cooperative purchasing requests to ensure that such purchases offer the best value to the Village. When applicable, a purchase order will be issued to take advantage of competitively sourced contracts. The council must approve all village purchases from a cooperative purchasing agreement which are anticipated to have a total value of more than \$50,000.00.

4.5 State Contract and Other Government Agency Contracts (Piggyback)

The term “piggyback” refers to the purchase of commodities and services from vendors under contract with any other governmental entity. State, Government Agency and Organizations contracts have already been competitively bid, therefore, the need to bid is satisfied for purchases of this nature. This method of purchase is particularly desirable if time is a constraint or if the chances of obtaining better prices from other sources is unlikely. This practice is commonly known as piggybacking. The PM or designee in coordination with the requesting department shall review all requests to utilize another governmental agency’s contract to ensure the contract provides the best value to the Village, was competitively sourced in accordance with the Purchasing Code; remains active and unexpired; provided that, the source contract may expire during the duration of the Village’s contract.

A separate written agreement between the Village and vendor may be required to utilize another agency’s contract; if not, a purchase order may be utilized. If a separate written agreement is needed, the village may include those provisions that are statutorily required and other clarifying terms and conditions in the village’s separate agreement so long as the material provisions of the other government agency contract are not altered. The requesting department must obtain informed consent from the originating governmental agency; however, the PM or designee may waive this requirement at their discretion. Piggybacking is not permitted where a specific



statutory procurement process is required (e.g., CCNA procurements; external auditor procurements, construction projects governed by Florida Statutes).

Piggyback procurements with a total contract value exceeding \$50,000 must receive prior approval from the Village Council. Service and construction contracts may be piggybacked only if the source contract includes sufficient unit pricing to meet the Village's needs.

4.6 Sole Source

Sole sourced items must meet the following criteria:

- A. It is the only item that will produce the desired results (or fulfill the specific need), and there are no alternates, and;
- B. The item is available from only one source of supply.
- C. Warranty requirements and compatibility to existing equipment shall be an acceptable justification for waiver of bidding requirements, provided the item is only available from one source of supply.
- D. Some valid sole sources preclude competition because of the existence of patents rights, copyrights, secret processes, control of basic raw material, or similar circumstances, however, the mere existence of such rights or circumstances does not in and of itself justify the use of this authority.

The Village Council must approve sole source purchases that exceed \$50,000.00 or more for products and services. Caution should be exercised when requesting "sole source" approval from Village Council for a purchase. In many cases, other sources do exist for a given item, and these must be investigated by the PM or designee before committing to "Sole Source". All sole source purchases must be bid out on the Village's Quote system for a period of at least 7 business days. Vendors should furnish a written justification supporting their sole source status to the requesting department.

4.7 Single Source

Single sourced items must meet the following criteria:

- i. It is the only item that will produce the desired results (or fulfill the specific need), and there are no alternates, and;
 - ii. The item is available from only one source of supply,
 - iii. Warranty requirements and compatibility to existing equipment shall be an acceptable justification for waiver of bidding requirements, provided the item is only available from one source of supply.
 - iv. Some valid sole sources preclude competition because of the existence of patents rights, copyrights, secret processes, control of basic raw material, or similar circumstances, however, the mere existence of such rights or circumstances does not in and of itself justify the use of this authority.
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Single sources shall include maintenance and service agreements, software upgrades and service agreements, software upgrades and leases. This would also apply when territorial agreements are in place among multiple dealers or distributors of a manufacturer's item. Under such circumstances, it is not necessary to require these dealers to compete against each other; therefore, the purchase may be made from the closest dealer to the Village.

The Village Council must approve single source purchases that exceed \$50,000.00 or more for products and services. Vendors should furnish a written justification supporting their sole source status to the requesting department.

4.8 Best Interest Acquisition (Waiver)

The Village Manager or Designee may approve a best interest acquisition and waive the competitive selection procedures in the Purchasing Code and as outlined in this Procurement Policy when deemed in the best interest of the Village. All waiver requests shall be reviewed by the Procurement Manager (PM or designee) to ensure compliance with the Purchasing Code and applicable laws. The Village Council must approve best interest acquisition purchases that exceed \$50,000.00 or more for products and services.

4.9 Village Standard

Where the Village has determined that a particular style, brand, make, or model is the only type that meets the Village's requirements for performance, consistency, compatibility or other salient characteristics, and such determination has resulted in there being only one source available to the Village, the Village may acquire or contract for such goods without utilizing the competitive selection purchase requirements. Excluding exempt purchases listed in section 4.10, Village standard acquisitions where the expenditure by the Village (including expenditures during renewal periods, but not expenditures relating to change orders) is estimated to be greater than \$50,000.00, shall be subject to approval by the Village Council.

4.10 Exempt Procurements

The goods and services listed below are deemed exempt from the competitive selection and solicitation requirements set forth in this Procurement Policy, provided they are included in the adopted annual budget. These procurements may be executed directly by the Village Manager or designee, who is authorized to select vendors and/or execute contracts as applicable.

The exempt procurements identified below as number (21), (22), (23), (24), (25), (27), (29), (30), (32), which have an anticipated value exceeding \$50,000 must receive prior approval from the Village Council.

Exempt procurements include:



- (1) Regulated services: Water, sewer, electricity, telephone, natural gas, solid waste disposal, or similar services where rates or prices are fixed by legislation or by federal, state, Village, or municipal regulations.
 - (2) Postage and postage meter permits.
 - (3) Recording fees.
 - (4) Pension benefits payments, Pension plan contributions.
 - (5) Debt service payments.
 - (6) Unemployment compensation.
 - (7) Tax withholding payments (FICA, Medicare, federal tax withholding).
 - (8) Payroll deduction liability payments, including, but not limited to, voluntary insurance policies, credit union deductions, Section 457 (deferred compensation) contributions, Roth IRA contributions, union dues, flex medical and flex dependent contributions, and garnishments (IRS, child support, court orders).
 - (09) Memberships, dues, subscriptions, publications.
 - (10) Advertisements for legal, promotional, or informative matters.
 - (11) Abstracts of titles or appraisals for real property.
 - (12) Legal services (as described below) and all services directly related to the provision of same, i.e., court reporters and expert witnesses.
 - (13) Patent, copyright, or other proprietary service fees (e.g., music licensing).
 - (14) Bank analysis fees.
 - (15) Merchant fees (credit card processing charges).
 - (16) Job related seminars, training and related travel, accommodations, and per diem expenses.
 - (17) Tuition reimbursements in accordance with village employment regulations.
 - (18) Safety shoe reimbursements.
 - (19) Vehicle tag, title, and registration fees.
 - (20) Proprietary software applications and/or the related maintenance or service agreements.
 - (21) Entertainment and entertainment-related services for village-sponsored events (i.e., special events, holiday celebrations, etc.).
 - (22) Authorized payment of donations or scholarships.
 - (23) Decorating contest awards.
 - (24) Payments to recreational contractual services such as umpires, referees, assignor fees, and recreational programs provided by independent contractors.
 - (25) Goods or services provided by governmental agencies, other public entities, universities and colleges or political subdivisions.
 - (26) Services required by proprietary ownership such as FPL, FEC and CSX and original equipment manufacturers (OEMs).
 - (27) Payments for casualty and property insurance after a competitive selection by the village's broker of record and approval of contract by village council.
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- (28) Payments for life, health, and dental insurance after a competitive selection by the village's broker of record and approval of contract by village council.
- (29) Petty cash reimbursements.
- (30) Professional services as described in section 4.10.
- (31) Educational or academic programs.
- (32) Artistic services (e.g., muralist, sculptor, musician, DJs, etc.).

4.10 Professional Services

The professional services listed below shall be provided in accordance with this Procurement Policy. If the total value of the professional services is anticipated to exceed \$50,000, prior approval by the Village Council is required.

A. Design-Build Projects

All design-build projects shall comply with the applicable provisions of this Procurement Policy and Section 287.055, Florida Statutes, as amended. The PM or designee may, at his or her discretion, establish separate policies governing selection criteria and award procedures specific to design-build projects.

B. Auditor Services

The procurement of professional auditor services for annual financial audits shall comply with section 218.391, Florida Statutes, as amended. Auditors engaged for other purposes may be procured as professional services in accordance with the general procedures outlined in this Policy.

C. Legal Services

- i. The Village Attorney may select legal counsel based on expertise and skill to provide special legal services to the Village, including services such as paralegal assistance, trial preparation, and mediator services, without the requirement of solicitation or competitive selection.
- ii. The Village Council may retain legal counsel to provide special legal services directly to the Village Council without solicitation or competitive selection, provided the need for such legal services is determined at a public meeting.

D. Lobbying Services

The Village Manager, Village Council, or Village Attorney may select a person or firm to provide lobbying services to the Village without solicitation or competitive selection.

E. Consulting Services

The Village Manager may retain a consultant with distinctive expertise without solicitation or competitive selection for services not exceeding \$50,000.



4.11 Federal Funded Procurement

Unless specifically authorized in the applicable federal funding regulations, purchases utilizing federal funding shall comply with the requirements of the 2 Code of Federal Regulations (CFR) sections 200.318 - 200.327 and/or other applicable federal regulations.

4.12 Emergency Procurement

A public emergency (threats to health, life or safety) or exigency (threats requiring an immediate response) exists that will not permit a delay resulting from competitive solicitation. An exigency or emergency period will last often for a short time – generally until roads are cleared and power is back on; this exception can only be used until the emergency or exigency period ends, at which time, the contract must be re-solicited under full and open competition. Competitive bidding is not required when an emergency exists; however, in making emergency purchases, an effort will be made to include the level of competition that is practical under the circumstances.

An “emergency” is defined as a situation brought about by a sudden unexpected turn of events:

- I. Act of God, riots, fires, floods, accidents, or any circumstance or cause beyond the control of the Village in the normal conduct of its business; or
- II. When immediate action is necessary to protect public health, safety, or welfare, or to prevent significant disruption to Village operations.

A. Declaration of Emergency by Village Council

1. If an emergency exists, and time permits, a resolution will be sought from Council that will: (a) contain a written finding of the existence of the emergency, (b) declare an emergency situation exists; (c) waive competitive requirements; and (d) authorize the award, on behalf of the Village, of all contracts necessary to address the emergency situation, including but not limited to, public works contracts and architectural and engineering services.
2. Unless otherwise provided by the emergency resolution adopted by Village Council, the Village staff will provide to Village Council with written reports of contracts awarded and purchases made under the emergency resolution.

B. Declaration of Emergency by Village Manager or Designee

1. If an emergency exists and time does not permit seeking a Village Council resolution, the Village Manager may declare an emergency to exist, waive competitive requirements, and award contracts on behalf of the Village to address the emergency. The Manager or designee shall have the authority to contract up to a total of \$100,000 for goods and services without Village Council approval and up to a total of \$150,000 if a quorum of the Village Council is not available for a meeting with a 24-hour period of emergency.
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Employees are encouraged to use the Emergency Justification Form to request the Village Manager's declaration.

2. If a contract is awarded by the Village Manager without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the Village Manager, and that finding must be posted on the Village's website and reported to Village Council at the next available Council meeting following the award of the contract.

C. Declaration of Emergency by Department Director or Designee

1. If an emergency exists and time does not permit seeking a Village Council resolution or a Manager Declaration, the Department Director or designee may declare an emergency to exist, waive competitive requirements, and award contracts on behalf of the Village to address the emergency.
2. As soon as possible after the declaration of emergency, the department director will obtain oral or written approval from the Village Manager or designee and documentation within 24 hours. Written documentation reciting the facts that constituted the emergency, enumerating the purchases and their costs, and requesting that the waiver of competitive bid requirements be ratified.
3. If a contract is awarded under this section without competitive bidding due to an emergency, a written finding of the existence of an emergency must be made by the department director, and that finding must be posted on the Village's website and reported to Village Council at the next available Council meeting following the award of the contract.

An "emergency purchase" must fit the circumstances noted above. Poor planning and inadequate management are not "emergencies" and cannot be treated as such. Purchases of this nature may be expedited but still do not justify "emergency" status.

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Section 5 – Purchase Thresholds

The procurement thresholds outlined below refer to the estimated or anticipated total contract value of a single procurement and determine which selection process is to be followed. For purposes of this Policy, the total contract value includes the projected expenditures for the initial term of the contract as well as any renewal or extension options that may be exercised.

Unless otherwise directed by the PM or designee, these thresholds do not apply to purchases made by multiple departments from the same vendor unless such purchases are awarded under a unified contract (e.g., Village Wide janitorial services).

5.1 Small Purchases Procedures

Small purchases are governed by the procedures below, based on the estimated total cost of the procurement. The total cost includes the full value of goods or services to be acquired and any related charges.

A. Small Purchases Estimated to Cost under \$7,500

The procurement of a small purchase estimated to have a total cost of \$7,500 or less requires approval by the requesting department director or their designee. The requesting department must issue a purchase requisition through the Village's purchase order system. Once completed and approved, the purchase requisition shall constitute the Village's authorization for the vendor to perform the work or deliver the goods. It is **recommended** that at least one (1) written price list and/or quote (via in person delivery, fax or email) is attached to the purchase requisition.

B. Small Purchases Estimated to Cost \$7,501 but not to exceed \$25,000

For small purchases with a total estimated cost between \$7,501 and \$25,000, the requesting department **must** obtain at least one (1) written price list and/or quote (via in person delivery, fax or email). While only one quote is required, it is strongly recommended that multiple quotations be solicited to ensure competitive pricing. A completed purchase requisition shall be submitted through the Village's purchase order system and approved by:

- a. The requesting department director or their designee;
- b. The Procurement Manager (PM or designee); and
- c. The Finance Director or their designee.

If the procurement involves construction work, a formal contract shall be required unless waived by the PM OR DESIGNEE or Village Attorney.

C. Small Purchases Estimated to Cost more than \$25,001 but not to exceed \$50,000

Small purchases with an estimated total cost exceeding \$25,001 but not to exceed \$50,000 require approval by the requesting department director or their designee, the Procurement Manager (PM or designee), the Finance Director or their designee, and the Village Manager or



their designee. A completed purchase requisition must be submitted through the Village's purchase order system for processing.

The requesting department **must** obtain at least three (3) written quotations, including pricing, based on a clearly defined written purchase description (e.g. request for quotes), or through the issuance of a more formal solicitation. If a solicitation (such as an Invitation for Bids (IFB), Request for Proposals (RFP), or Request for Qualifications (RFQ) is issued, the process does not need to strictly follow the procedures established for Competitive Selection Purchases. The award recommendation shall be made by the requesting department director and the PM or designee to the most responsive and responsible vendor offering the best overall value to the Village. Quotes must be solicited from vendors that customarily provide the desired goods and services. All vendors must receive identical specifications and be allowed at least two (2) business days to submit a quote where feasible.

Acceptable methods of obtaining quotes include:

- i. Direct contact with vendors;
- ii. Use of web-based quote platforms (supplemented, if needed, with additional vendors not on the platform).

All procurement records must be retained in the procurement/requisition file and must include, at a minimum:

- i. Vendor name and contact information;
- ii. the purchase description or solicitation issued for the procurement or Quote Request document (if used);
- iii. the date and amount of each quotation and specific information including:
 1. Delivery Time;
 2. Destination vs. Origin of Delivery (Destination preferred); and,
 3. Any applicable deadlines (e.g., time for quote acceptance; current supply will run out; services will end);

Note: If fewer than three (3) quotes are received by the designated deadline, the PM or designee may choose to:

- a. Proceed with the award based on received quotations or solicitation responses;
 - b. Repeat the quote request or solicitation process;
 - c. Contact additional vendors directly; and/or
 - d. Conduct further market research to ascertain that the quotation(s) received and sought to be awarded is in the best interest of the Village.
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5.2 Large Purchases Procedures

As more fully set forth in this Procurement Policy, Large purchases procedures shall follow Section 8 - Solicitations.



Section 6 – Purchase Requisitions/Orders

6.1 Purchase Requisitions

A. Purpose

Collectively the Finance Department and the Procurement Manager or designee are to assist with requests for materials, goods, services, construction and equipment by providing the right products or services in the right quantity, at the right price, at the right time, and at the right place. To accomplish this, it is necessary for the various departments to inform Finance and the PM or designee of their requirements by the preparation of a requisition submitted through the purchasing software system.

The purchase requisition serves to inform the needs of a specific user department and to correctly define the material or service requested. The requisition is not an order; it is merely the request to procure the item(s) or service(s) in accordance with established policies and procedures.

The procedures that are set forth in this manual have been established as a tool for the processing of all requisitions. The requisition will begin with the requesting department.

B. When to be Prepared

A review of the departmental workload will assist in the planning of work schedules to permit the orderly procurement and receipt of any materials required to complete the job.

Rush or emergency orders are costly. The departments should anticipate requirements and submit requisitions allowing ample time for complete action to secure the items needed at the time required.

C. Who Prepares

Requisitions shall originate in the using department at the level where the purchase is to be used and proceed with the approval of the Department Director or designee, PM or designee, Finance Director or designee, and as applicable Village Manager or designee.

Department heads may, at their discretion, designate certain other employees to approve purchase requisitions. People who are so authorized should complete a signature authorization sheet in the Finance department. The department must update these sheets whenever personnel changes occur.

D. Data Entry of Requisitions

See Requisition SOP for complete detailed instructions. A properly prepared requisition must contain the following information:



- a. **Department** – Fill in your departments code or if it is for another department then enter their code. Selecting the ellipsis on the right of the cell will display a list of all department codes.
- b. **Need by Date** – It is mandatory to indicate the date the items are to be delivered or service is to be completed within a specified period of time. Date should be reasonable and correct; dates that are out of line will be questioned.
- c. **Vendor** – Enter the correct vendor number from the current vendor list or a new number obtained from the Finance Department.
- d. **Ship To (Code #)** – This code indicates the department where the item is to be shipped. Selecting the ellipsis to the right of the cell will display a list of all codes and their assigned departments.
- e. **Quantity and Unit** – Indicate each item and the quantity desired by unit of measure such as: each, dozen, gross, carton, case, gallon, pound, etc. If you are ordering by carton or case, please indicate the carton or case count on the requisition. In some cases, each manufacturer has a different case count for their goods.
- f. **Unit Price/Extended Price** – Include the unit price or extended price, which may be a “quote” price received.
- g. **Description** – Give a careful and precise description of the specifications of the item or service desired i.e. size, dimensions, type, weight, construction of item and/or equipment, and other pertinent information. If applicable, provide a manufacturer’s brand name and model for the purpose of establishing a standard of quality. If the purchase is of a technical nature, specifications should accompany the requisition. If the item cannot be described, except with a great amount of detail, a brief description should be given, followed by the trade name or model number of an acceptable item or “equal”. Indicate if the item is known to be on GSA, State or other contracts and note the contract number, or include the Quote number if \$7,500.00 or more. Procurement will review all items to determine availability under contract.
- h. **Account Number** – Indicate the expenditure code of your department. Particular attention should be given to coding expenditures to the appropriate account.
- i. **Release** – Once the requisition has been completed it must be released. This allows the requisition to follow the workflow path for approval.

E. Approval and Workflows

After completion of data entry, and release, the computer will forward the requisition for review and approval by the designated approver for that department. Following that approval, the requisition is then available to the remaining approvers for review.



- a. **PM or designee Responsibilities** - Review the requisition to determine if it is properly prepared, has the required quotes, approvals, and adequate description. If the information is incomplete the requisition will be rejected.
- b. **Finance Responsibilities** - Review the requisition to determine if it is properly reflecting account codes and available budget. If the information is incomplete the requisition will be rejected.
- c. **Village Manager Responsibilities** - Review the requisition to determine all prior authorizations have been met.

Once reviewed and authorizations are complete the requisition will encumber the funds. The purchase order is then distributed electronically to the proper users.

F. Rejections

The requisition is rejected and returned to the issuing department; examples of rejections are as follows:

- i. Date needed is not reasonable
- ii. Incorrect account numbers have been used
- iii. Improper vendor
- iv. Insufficient account balance available
- v. Insufficient budget approval for capital items
- vi. No quote number noted in the vendor sourcing notes.
- vii. Contract number not shown
- viii. Contract start, and end date not given
- ix. Insurance, if required, not requested prior to commencement of work

6.2 Purchase Orders

A. Purpose

The purchase order is a legal document authorizing the purchase of and subsequent payment for materials, supplies, equipment, construction, repairs and services. The purchase order number is the control and reference number, and it is to be entered on all receiving documents, invoices, and inquiries pertaining to items on order.

B. When Issued

The Purchase orders shall be issued by the Finance Department only against Purchase Requisitions approved by a department head or designee. The Finance Department will maintain an updated listing of all authorized/designated signatures.

Department heads are responsible for advising the Finance Department about additions and/or deletions when personnel changes occur.

C. Who Issues

Only the Finance Department may issue Purchase Orders.



D. How to Prepare

The purchase order is prepared by the requisition and shall be written so that it is concise and clear. This will prevent unnecessary misunderstandings and correspondence with vendors.

E. Routing of Purchase Orders

The ERP System automatically emails the Purchase Order to the requesting department. All Village employees with access the ERP System may view the Purchase Order.

F. Change Orders

Whenever a change of any kind occurs after the original order is requested, refer to Section 7 within this policy.

G. Cancellation

If the requesting department wants to cancel an order, they must notify the vendor, in writing as soon as possible. They also must send a Change Order Request Form marked Cancel, with the reason for that cancellation properly noted, to the PM OR DESIGNEE. PM OR DESIGNEE will forward the request to the Finance Department to process the cancellation in the ERP system.

6.3 Receiving, Inspecting, Testing

A. Receiving and Inspecting

Check order for Purchase Order Number, if none are found do not accept merchandise. Have merchandise returned.

The order itself indicates to which location or department the materials and supplies are to be delivered. It is the responsibility of the user department to:

- a. Receive product by checking the shipment upon delivery for possible shipping damage, matching quantity and description to the Purchase Order.
- b. After determining that there is no damage and they have received the correct product and quantity, they must sign the delivery slip or Bill of Lading. Any discrepancies should be noted, and the vendor should be contacted immediately to receive proper credit before payment is made.
- c. The packing slip or delivery receipt must be attached to the invoice and turned in by following their department's purchasing process.
- d. When partial deliveries are made at the convenience of the vendor, payment will not be made until the complete delivery is made, unless partial shipment has been authorized when the purchase order was issued.

The following are steps to take when receiving material:

- a. Verify the count. If there is a discrepancy, note shortage on both shipper's and deliverer's copies of the receipt.
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- b. Check for visible damage. Note on all receipts.
- c. Check for concealed damage – make note of broken or crushed containers.
- d. In signing a delivery receipt add “except for concealed damage, if any.”
- e. Notify carrier in writing of any damage found and request an inspection.
- f. If you do not have time to verify delivery immediately upon receipt, please sign delivery ticket and include “delivery not checked for accuracy or damage”.

B. Testing

Testing of certain materials and supplies is occasionally required. The requesting department and PM or designee is responsible for all details in connection with any necessary testing. Testing requirements should be included in the written specifications on the Purchase Order.

6.4 Invoices

An invoice is the vendor’s statement of charges against the Village for materials or services rendered. These invoices are based upon the Purchase Order and should contain the same basic information. The processing of invoices may favorably or unfavorably affect the relationship between the Village and its suppliers.

What invoices should contain for PO Purchases:

- a. Vendor name and address.
- b. Invoice number and date of purchase.
- c. Purchase Order number.
- d. Taxes (if applicable), delivery charges or package listed separately from materials or services. **The Village is exempt from state sales tax; our tax-exempt number is on the purchase order form.**
- e. Discount terms if available.
- f. Invoices involving the purchase of goods must include item description, quantity, unit price, total price, and invoice total.
- g. Invoices involving the purchase of services must include a detailed description of the services performed, when and where as well as the method of billing for those services (hourly rate, percentage of completion, cost plus fees, etc.).
- h. Any other information required by written agreement or contract with the Village of Palm Springs.
- i. Contract number, if applicable.
- j. Quote number, if applicable.

A. Processing Invoices for Payment

Upon completion of delivery and acceptance of material or service, the department will immediately attach shipping documents or invoices, if received, electronically in the ERP system



receiving modular of the purchase order and forward to Accounts Payable in Finance. Vendors are directed to mail invoices directly to the requesting department.

An invoice which conforms with all the above requirements listed in section 6.4(a)- 5.4(j) is considered a Proper invoice. If an invoice is received lacking the outlined support, it shall be deemed improper. Return the invoice with an explanation of what is improper to the vendor within 10 days of date stamp of receipt.

The following steps shall be taken to acknowledge receipt of an invoice:

- a. Date stamp all invoices
- b. Verify invoice is a proper invoice
- c. Complete receiving copy of the purchase order for payment if a proper invoice
- d. Obtain proper signatures and dates on invoice if a proper invoice
- e. Submit invoice with receiving copy of purchase order to Accounts Payable in Finance

B. Payment of Proper Invoices

The time at which payment is due for a purchase by the Village shall be calculated from:

1. The date on which a proper invoice is received by the Village;
2. Or on what the Village and vendor agree in a contract that provides dates relative to payment periods once a proper invoice is received; whichever date is latest.

C. Partial Payments

Partial payments will not be made except when partial deliveries are made for the convenience of the Village or when a discount is available.

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Section 7 – Change Orders

Whenever a change of any kind occurs after the original order is requested, a Change Order Request Form must be initiated. This form should be filled out completely by the originating department and sent to the PM or designee for review. Depending on the type of change, additional approvals may be needed before processing. After the change has been completed, the purchase order is reprinted with a notation of the change and the date completed under the description heading. The reprint has the same number of copies as the original and carries the same routing.

When a vendor notifies the Village that there is an error on a purchase order that has been issued to them, or a vendor's invoice does not match the Village's corresponding purchase order, then a change order may be required if agreeable to the Village. Change orders modify the original terms of the purchase order contract to coincide with the actual details of the delivered order, or to be consistent with the vendor's position.

Change orders must be initiated by use of the electronic Change Order Request Form which details the purchase order to be changed, and all changed items such as price, model number, freight allowances, etc.

7.1 Review of Purchase Order Change Orders

Before processing a change order, it is the responsibility of the Department Director, Project Manager or PM or designee to determine whether the change order is proper.

A change order is improper and should not be processed if any of the following conditions apply:

- a. Authorized signature is invalid or missing.
 - b. Change order does not specify items to be changed.
 - c. Purchase order has been invoiced and check has been issued in payment (P.O. "closed").
 - d. Change requested is contrary to terms of original quotation or bid.
 - e. Change Order requests a decrease in cost of item. If the cost of a specific item is less than the cost on the purchase order Accounts Payable will pay the lesser cost. If the difference is grossly in error (\$10,000.00) a change order is required.
 - f. Change Order will increase the total order to \$50,001.00 or over (these change orders must first be approved by Village Council.)
 - g. Change Order requests an increase in the cost of an item for less than 10%. This difference may be paid by indication of the amount to be overpaid by Accounts Payable.
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7.2 Processing Change Orders

An Electronic Change Order Request Form covering specific changes are received by the Project Manager, Department Director, and PM or designee, they are checked for accuracy and improprieties, then approved by the Village Manager or designee.

After review and approval, change orders are entered into the ERP system by the Finance staff. Specific notes are added about the change order to print on the Purchase Order when it is reprinted.

7.3 Change Orders Requiring Council Approval

A change order that brings the total value of the purchase order over \$50,001.00 must receive Council approval before further processing. Change Orders must be submitted with documentation explaining the need for the increase.

NOTE: Change Orders that decrease the orders total, even though the original was approved by Council, do not require additional Council approval but do require Village Manager approval.

7.4 Procedure for Construction Change Orders

Department Directors may authorize all construction change orders. The purpose of this measure is to prevent construction delays caused by small changes. Change orders must be submitted by the Village. Explanatory memos or contractor's change order document must accompany the change order request, which will be reviewed by PM or designee to be validated as being accurate and as per contract.

It is the responsibility of the requesting department or project supervisor to monitor construction change orders and initiate a request for approval when the 10% or \$50,000.00 threshold is reached. Once the threshold is passed all subsequent change orders for that project must be approved by Council.

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Section 8 – Solicitations

Formal (sealed) bids and proposals are the most effective procedures for soliciting competitive prices from vendors in the public (governmental) purchasing sector. In this section, the procedures for preparing and processing bids and proposals are addressed.

8.1 Requirements

For all procurements exceeding \$50,000.00, unless otherwise approved as exempt or waived from the competitive selection process, the solicitation shall include at minimum:

- a. The time and date for receipt of responses; the PM or designee address for responses to be delivered; the date and time for pre-bid meeting if provided; and, estimated time for acceptance by the Village;
- b. The purchase description and all evaluation criteria to be utilized for award; and,
- c. Any necessary business or contractual terms and conditions applicable to the procurement.

The PM or designee shall maintain standard templates for all solicitations and the requesting department shall complete the solicitation form and provide such details as may be necessary for the PM or designee to issue the solicitation.

8.2 Public Notice of Solicitations

Except as may otherwise be required by law, all procurement solicitations with a total contract value estimated to exceed \$50,000 shall be posted or made available electronically and advertised in such a manner as to obtain the greatest, feasible number of responses. An advertisement for bids shall be posted on the Village's website or as required by law. All respondents should be given a minimum of ten (10) days from the date of the initial posting and advertising to respond to the solicitation. However, this minimum timeframe may be modified by the PM or designee.

The Public notice shall at minimum include:

- i. where the solicitation may be obtained;
- ii. provide time and date for pre-bid conference if one is provided;
- iii. indicate the time and place for bids/proposal submittal and opening;
- iv. briefly describe the supply and/or service solicited; and, that approval is subject to the Village Council or any other board/committee if applicable.

8.3 Pre-Bid and Pre-Proposal Conferences

A pre-bid conference may be scheduled by the PM or designee when it is deemed advisable to allow potential respondents to consult with the requesting department(s) to ensure clarity of the required supplies, services and construction, terms and conditions, and, if applicable, to view the



site where the work is to be performed. This conference shall be scheduled roughly in the middle of the solicitation period to allow enough time for vendors to prepare for the conference, and to consider the information provided during the conference.

Attendance at Pre-bid and Pre-proposal conferences by potential respondents is generally optional. However, attendance at such conferences may be made mandatory in exceptional circumstances depending upon the specific requirements of the procurement and only upon approval of the PM or designee.

8.4 Addenda to Solicitation Documents

There may be occasions when it will be necessary to change or clarify the specifications, statement/scope of works, terms, or conditions of a given solicitation prior to the deadline to respond. Such changes may be required in response to potential respondents' written requests, requesting department's requests/clarifications or as the result of a pre-bid/pre-proposal conference. Such changes and clarifications must be documented by the issuance of an addendum and made available to all potential respondents.

8.5 Solicitation Response Deadline

The Village shall not accept any late responses to any solicitations. All late responses will be disqualified and not considered for the award.

8.6 Receiving of Electronic Bids

The Village only conducts electronic bidding. These bid opportunities are advertised as E-bids. Each bidder submits bid using the Villages' bid data management vendor. The bid will be done through a secure locked box. Bidders can only view/submit their own Bid and will not have access to any other bidder's submittals. The Bidder's submittal may be changed at the Bidder's discretion until the due date and time have been reached at which time the Bidder will no longer change or have access to the electronic bid submittal. The Procurement Manager will then open all the bids received. Bidders who are quoting electronically for the first time are strongly encouraged to visit the procurement webpage for details on how to register with the electronic bid platform.

8.7 Solicitation Response Opening

Except as required by section 255.0518, Florida Statutes (which sets forth the requirements for publicly opening seal bids or proposals with prices for construction or repairs on a public building or public work), all sealed bids/proposals or other solicitation responses shall be opened by the PM OR DESIGNEE or designee with at least one (1) other staff member present to witness the opening. The names of each respondent and the amount of their bids (if applicable) shall be documented. A record of the solicitation opening shall be kept in the procurement file and made available to all respondents after the bid opening (subject to Florida's Public Records Act, Chapter



119, Florida Statutes, and specifically, section 119.071(1)(b), Florida Statutes (regarding competitive solicitations).

8.8 Initial Assessment of Solicitation Responses

The PM or designee shall conduct an initial assessment of all responses received to a solicitation. This includes ensuring all required documentation has been submitted, completed and signed by someone authorized to bind the responding person/entity. The PM or designee may also commence reference checks and other due diligence on the responses at this time and/or delegate such responsibilities to the requesting department.

8.9 Evaluation of Solicitation Responses Generally

The following is the recommended process that should be utilized in the initial assessment of all received responses to a solicitation:

- A. For IFBs and other solicitations where the evaluation criteria provides for award to the most responsive and responsible respondent who provides the best price/pricing/cost, the PM or designee, requesting department and/or their designee, may recommend the award with or without an evaluation committee.
 - B. For RFP, ITN, RFQ and other solicitations where the evaluation criteria governs the award and is not limited to the most responsive and responsible respondent who provides the best price/pricing, the PM or designee may request from the Village Manager to designate an evaluation committee of three (3) or more individuals responsible for the evaluation of the responses. The evaluation committee shall normally be comprised of Village employees from the requesting department, subject matter experts, an independent department representative, etc. Each member of the evaluation committee shall evaluate the responses based solely on the evaluation criteria set forth in the solicitation. Each member may consider the information in the response and any other relevant, information to complete his/her evaluation including, but not limited to, reference checks. Scoresheets shall be developed by the PM or designee in conjunction with the requesting department. The highest scoring respondent(s) shall be recommended for award.
 - C. All evaluation committee meetings are subject to Florida's Sunshine Law, section 286.011, Florida Statutes, unless a specific exemption applies. This means the meetings must be publicly noticed, open to the public and minutes of each meeting taken and retained. Public comment may be authorized at such meetings by the PM or designee and/or Chair. Section 286.0113, Florida Statutes, provides some exemptions for closing evaluation committee meetings and negotiations from the public. The exemptions must be strictly followed and authorized by the PM or designee or Village Attorney.
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- D. In any solicitation, the PM or designee and/or evaluation committee may request presentations from the respondents. The presentations may be before the PM or designee and/or evaluation committee or Village Council.
- E. Once the highest ranked respondent is identified, the PM or designee, at the request of the requesting department may commence negotiations to finalize a draft contract. Negotiations may also be used to clarify and assure full understanding of the requirements of the solicitation and to revise the response received if consistent with the stated provisions of the solicitation. If negotiations fail with the highest ranked respondent, the PM or designee shall engage in negotiations with the next highest respondent until an agreeable draft contract can be reached.
- F. The PM or designee shall issue an Intent to Award by written notice to all respondents unless the PM or designee recommends that it is in the best interest of the Village to reject any and all responses and/or cancel the solicitation. The recommendation will be made to the Village Manager who will make the final decision to reject any and all responses and/or cancel the solicitation.
- G. The PM or designee issues an Intent to Award, which shall form the recommendation for award by the appropriate approving authority (i.e., Village Manager or designee or the Village Council). If the approving authority does not agree with the PM or designee Intent to Award, the approving authority may re-rank the responses to the solicitation consistent with the evaluation criteria set forth in the solicitation.

8.10 Tied Solicitation Responses

If two (2) or more responses are for the same total amount or unit price, quality and service being equal, the Intent to Award and resulting contract/purchase order shall be awarded based on the following criteria to be considered in the following order of priority:

- 1. Drug-Free Workplace policy: a response that certifies that it has implemented a drug free workplace program under section 287.087, Florida Statutes, shall be given preference in the award process.
- 2. Unless prohibited by applicable law, a local bidder with a primary business location within the Village.
- 3. Unless prohibited by applicable law, a local bidder with a primary business location within Palm Beach County.
- 4. Unless prohibited by applicable law, a bidder with a primary business location within the State of Florida.

If the above does not resolve the tie, the Village may split the award of a contract when it is the in the best interest of the Village. Alternatively, the tie bid may be resolved by lottery. Such lottery shall be conducted by the Village Manager or designee and shall be open to the public.



8.11 No Responses to Solicitation

If no responses are received to an issued solicitation, the PM or designee shall have the authority to approach the market and negotiate terms and pricing which provide the goods and/or services sought and utilize the best interest acquisition process as defined in the Purchasing Code.

8.12 Solicitation Award

Except as otherwise provided in Purchasing Code or this Procurement Policy, all contracts or purchase orders resulting from a solicitation process shall be awarded consistent with the solicitation and approved as follows:

- A. The Village Manager or designee shall have the authority to approve the award of contracts and purchase orders for single procurements with a total contract value of \$50,000 or less.
- B. The Village Council shall have the authority to approve the award of contracts and purchase orders for single procurements with a total contract value exceeding \$50,000.

8.13 Resulting Contracts

The Village has a contracts management policy. Requesting departments should review the contracts management policy to be familiar with the process for planning purposes. The requesting departments are responsible for all contract approvals, executions and monitoring their contracts (e.g., knowing the expiration/termination date) and evaluating their vendors' performance. The PM or designee will assist with these responsibilities and vendor performance issues.

8.14 Cone of Silence

The Village's cone of silence is set forth in the Village's Purchasing Code and the Palm Beach County Lobbyist Registration Ordinance, Section 2-355. Requesting department personnel should be familiar with the requirements and exceptions to the cone of silence. Calls from potential vendors (even if a solicitation has not been issued) should be responded to with caution and, if there is a concern about the cone of silence, potential vendors should be referred to the PM or designee.

For the Village, the cone of silence is in effect for all competitive selection solicitations as of the date the village first advertises, publishes, or issues (whichever is earlier) the competitive selection solicitation and shall terminate at the time the village council or employee authorized to act on behalf of the village council either rejects a response from that person or that person's representative, or the response is withdrawn by that person or that person's representative, or



other official action is taken by the village to end the competitive selection solicitation (e.g., reject all responses, awards the solicitation, etc.).

"Cone of silence" means a prohibition on any communication, except for written correspondence, regarding a particular invitation to bid, RFP, ITN or any other competitive selection procedure utilized by the village between:

1. Any entity or person or entity's or person's representative seeking an award from any competitive selection procedure; and
2. Any council member; any member of the selection committee; the village manager; or any village employee authorized to act on behalf of the village to award or recommend award of a particular purchase.

For the purposes of this section, an entity's or person's representative shall include, but not be limited to, the entity's or person's employee, partner, officer, director, consultant, lobbyist, or any actual or potential subcontractor or consultant of the entity or person.

The cone of silence shall be in effect as of the date the village advertises, publishes, or issues (whichever is earlier) the deadline to submit the proposal, bid, or other requested response to a competitive selection solicitation procedure. The cone of silence applies to any entity or person or any entity's or person's representative who responds to a particular invitation to bid, RFP, ITN or any other competitive selection procedure utilized by the village and shall remain in effect until such response is either rejected by the village as applicable or withdrawn by the entity or person or entity's or person's representative. The invitations to bid, RFPs, ITNs or any other competitive selection procedure shall include the notice of the cone of silence and refer to this sub-section.

The cone of silence shall not apply to oral communications at any public proceeding, including pre-bid conferences, presentations before selection committees, authorized contract negotiations, presentations made to the village council, and purchasing protests. Further, the cone of silence shall not apply to contract negotiations between any employee and the intended awardee; any dispute resolution process following the filing of a protest between the entity or person filing the protest and any employee; or any written correspondence at any time with any employee, council member, the village manager or selection committee member unless specifically prohibited by the applicable competitive selection procedure.

The cone of silence shall not apply to any purchasing anticipated to have a total value of \$50,000.00 or less (unless otherwise stated in the solicitation).



The cone of silence shall terminate at the time the council, finance department, or village manager as applicable, awards or approves a contract, rejects all bids, proposals, or other requested responses, or otherwise takes action which ends the purchasing procedure.

Any contract entered into in violation of the cone of silence provisions in this section shall render the transaction voidable.

8.15 Protests

The protest process is defined in the Village's Purchasing Code. The PM or designee shall ensure all protests received adhere to the requirements set forth in the Purchasing Code.

8.16 Public Record Requests

If anyone makes a request to inspect or obtain copies of the Village's solicitation and responses, the request should be treated as a public records request under Florida's Public Records Act, Chapter 119, Florida Statutes. Under section 119.071(1)(b), Florida Statutes, the responses to a solicitation are generally exempt from public inspection and copying until the earlier of the following: 30 days after the Village's opening of the responses; or, the date of the PM or designee notice of award.

However, if the PM or designee is considering to make the recommendation to the Village Manager rejecting all response and intends to re-issue the solicitation, the timeframe for the exemption may be extended. Further, if the solicitation requested financial statements for a road or public work project, the financial statements may be exempt under section 119.071(1)(c), Florida Statutes. Finally, if the Village receives responses that are marked as "confidential", "proprietary" or other marking to suggest the information may be a "trade secret" of a respondent, coordination with the Village Attorney should occur prior to releasing any such response.

8.17 Procurement File

The PM OR DESIGNEE shall maintain a procurement file on each competitive selection purchase or small purchase in which a formal solicitation was issued. The file shall contain a copy of the solicitation (including any exhibits or addendum issued) and all responses. The file shall be maintained in accordance with Florida's General Records Schedules maintained by the Florida Department of State, Division of Library and Information Services (as may be amended from time to time).

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Section 9 – Solicitation Types

The following types of formal solicitations are generally used for large procurements.

9.1 Formal Bids – Invitation for Bid (IFB)

A. Purpose of Bid

Before proceeding with any bid, PM or designee must determine the purpose that is to be served. Will the bid result in procuring goods, services, or a combination of both? Is there a necessity for special protection for the Village through bonds and insurance? Will the contract provide a one-time purchase or an annual blanket agreement? All these questions and more must be answered before preparing the bid for issuance.

B. Conditions for Use

Invitation for Bid (IFB) may be used when the following conditions are met:

- a. The procurement has a total contract value estimated to exceed \$50,000;
- b. Precise specifications of the goods needed and/or service are known and can be described in an IFB;
- c. Adequate number of vendors are available.

C. Vendor Availability

A vendor list sufficient to generate at least three responses is required for all purchases over \$50,000.00

Potential suppliers may be located by using the following resources:

- a. Data Management Vendor/Bidder's List (Currently Demand Star)
- b. State Purchasing Contracts
- c. Product Catalogs
- d. Telephone Directories
- e. Purchasing Records
- f. Thomas Register
- g. McRae's Blue Book
- h. Department Head Recommendation
- i. Trade Journals
- j. Salesperson

D. Bid Formatting

To avoid duplication of effort in bid preparation, the PM or designee has created a bid format, which provides the "boilerplate" or general terms and conditions of the bid.

Care is taken that appropriate protection is afforded the Village through requirements for bid bonds, insurance, and/or performance and payment bonds. Deletion of these items may result



in loss of any meaningful protection for the Village in the event of a vendor default or non-compliance.

E. Bid Conditions

In addition to the general conditions or “boilerplate”, most bids require special conditions, which pertain specifically to the bid in question. Conditions differ from specifications in that conditions refer to requirements, which must be met by the bidder before specifications of the bid item are even considered. For example, a supplier of furniture who cannot meet the required condition of a 30-day delivery will be eliminated, even though his furniture may meet all physical specifications.

Conditions allow the Village a high level of protection by the inclusion of various clauses related to renewal of contract, cancellation, settlement of disputes, payment terms, delivery schedules, etc. Procurement staff should remember that, by referencing the bid in their purchase order, they effectively bind the vendor to the terms, conditions, and specifications of that document. Therefore, should disputes arise, the written contract (bid and purchase order) will prevail.

F. Bid Specifications

Except for technical Village-wide requirements (such as fuel), specifications for all other departmental bids should be provided by the requesting department. These technical specifications need to be provided to PM or designee in an electronic format, preferably Word.

The reasons for this policy are as follows:

- a. As prime user, the department is best aware of any special characteristics or problems.
- b. Because they probably utilize the item daily to be bid on, the department is best aware of any new development in that product field.
- c. Scientific, engineering, or other technical descriptions must be provided by departmental staff who are qualified to do so.

Procurement staff should not be placed in the position of deciding upon and specifying bid items for individual department usage. Procurement may assist in writing technical specifications; however, they must be reviewed and approved by the using department.

Specifications are the basis for a vendor’s bid. Realizing that his bid will be compared primarily based on price, a vendor will seek to offer an item that only meets the specifications. Consequently, it is vital that specifications make no assumptions but rather detail every important facet of the item in question. To do so invites delivery of items which meet specifications but fail to meet the department’s expectations.

A specification is defined as “a concise statement of a set of requirements to be satisfied by a product, material, or a process indicating whenever appropriate, the procedure by means of which it may be determined whether the requirements given are satisfied.”



The object of the PM or designee is to arrive at “performance specifications” which satisfy the need while allowing the greatest number of competing firms to bid. Therefore, it is more desirable to describe an item by the job it is intended to do and the physical characteristics it must exhibit than merely to specify a given brand and model with no substitutions.

Specifications may be by performance description, or brand name; or a combination of the above. In some cases, description by noting the brand name of an acceptable unit may be the preferred method. However, to assure competition when using brand names, the phrase “or equal” should always follow the brand description. This allows vendors of similar products to bid thus promoting maximum competition and the best value for the Village. Should proof of equivalency arise, the burden is on the substituting vendor to provide it. Final judgment of equivalency shall reside with the PM or designee or his/her designee.

G. Bid Form

Aside from any attachments such as plans or drawings, a separate document titled “Bid Form” shall be provided. This page provides blank spaces labeled for the vendor’s company name, address, phone number, signature, title, date, their bid price by unit and/or total, delivery data, freight charges, warranty data, and any other special information required by a specific bid.

Vendors will be advised in the bid document to use only the provided “Bid Form” for their response. Another clause on the “Bid Reply Sheet” will state that the vendor, by submitting his bid, acknowledges that he will meet all bid terms, conditions, and specifications. The purpose of these clauses is to control the bid submittal documents so that vendors do not submit bids which include verbiage negating or modifying the terms of the bid. Any vendor that attempts to do so, to the disadvantage of the Village, will be rejected.

H. Electronic Bid Reply

To submit an electronic bid:

Log onto electronic bid platform, Read the Bid Specifications and Download the Bid Reply Document and fill in:

1. The Contractor’s name and address
 2. List any addenda that were issued
 3. List the Total Project Lump Sum Amount
 4. List the number of days to complete the project
 5. Electronically sign and date the document
 6. Save the document to your computer Word files
 7. Upload the completed Documents as listed in the Bid Reply on the electronic bid platform
 8. List on the e-bid electronic reply the total amount of the quote.
 9. Click on the “Submit Response” button.
 10. Check to verify that your response was submitted.
-



I. Insurance

Insurance is required to safeguard the Village from any claims resulting from damage to property and/or injury to persons caused by the vendor or his actions. The vendor, at his or her own cost, must secure insurance policies that name the Village of Palm Springs as an “additional insured” party.

Bidders are required to submit proof of insurance to the Village with their Bid Form including the types and dollar amounts of coverage they currently maintain. Requirements include (which may vary and should be reviewed prior to issuance of the solicitation):

Workers Compensation – The Selected Bidder shall agree to maintain Worker’s Compensation Insurance & Employers Liability in accordance with Florida Statute Chapter 440.

Business Auto Policy – The Selected Bidder shall agree to maintain Business Automobile Liability at a limit of liability not less than \$500,000 each occurrence for all owned, non-owned and hired automobiles. In the event the Bidder does not own any automobiles, the Business Auto Liability requirement shall be amended allowing the Bidder to agree to maintain only Hired & Non-Owned Auto Liability. This amended requirement may be satisfied by way of endorsement to the Commercial General Liability, or separate Business Auto Coverage form.

Commercial General Liability – Commercial General Liability for public liability during the lifetime of a contract shall have minimum limits of \$1,000,000 per claim, \$2,000,000 per occurrence for Personal Injury, Bodily Injury, and Property Damage Liability. Coverage shall include Premises and/or Operations, Independent Contractors, Products and/or Complete Operations, Contractual Liability and Broad Form Property Damage Endorsements. Coverage shall not contain an exclusion or limitation endorsement for Contractual Liability or Cross Liability. Coverage for the hazards of explosion, collapse and underground property damage (XCU) must also be included when applicable to the work to be performed. All insurance policies shall be issued from a company or companies duly licensed by the State of Florida. All policies shall be on an occurrence-made basis; the Village shall not accept claims-made policies. Specific endorsements will be requested depending upon the type and scope of work to be performed.

Professional Liability – The Selected Bidder shall agree to maintain Professional Liability, or equivalent Errors & Omissions Liability at a limit of liability not less than \$1,000,000 Per Occurrence. When a self-insured retention (SIR) or deductible exceeds \$10,000, the Village reserves the right, but not the obligation, to review and request a copy of Bidders most recent annual report or audited financial statement. For policies written on a “Claims-Made” basis, bidder warrants the retroactive date equals or precedes the effective date of this contract. In the event the policy is canceled, non-renewed, switched to an Occurrence Form, retroactive date advanced; or any other event triggering the right to purchase a Supplemental Extended Reporting



Period (SERP) during the life of a Contract, bidder shall agree to purchase a SERP with a minimum reporting period not less than three (3) years. Use with consultants or engineers only.

Additional Insured Requirements – Except as to Workers’ Compensation, Professional Liability, and Employers’ Liability, said Certificate(s) shall clearly state that coverage required by the contract has been endorsed to include the Village of Palm Springs, a political subdivision of the State of Florida, its officers, agents and employees as Additional Insured with a CG 2026-Designated Person or Organization endorsement, or similar endorsement, to its’ Commercial General Liability. The name for the Additional Insured endorsement issued by the insured shall read “Village of Palm Springs, political subdivision of the State of Florida, its officers, employees and agents along with the Contract and Bid number. The Certificate of Insurance shall unequivocally provide thirty (30) days written notice to the Village prior to any adverse changes, cancellation, or non-renewal of coverage thereunder. Said liability insurance must be acceptable by and approved by the Village as to form and types of coverage. In the event that the statutory liability of the Village is amended during the term of this agreement to exceed the above limits, the Selected Bidder shall be required, upon thirty (30) days written notice by the Village, to provide coverage at least equal to the amended statutory limit of liability of the Village.

Subcontractors – It shall be the responsibility of the Selected Bidder to ensure that all subcontractors comply with the same insurance requirements referenced above.

Deductible Amounts – All deductible amounts shall be paid for and be the responsibility of the Selected Bidder for any and all claims under this contract.

Umbrella or Excess Liability – Selected Bidder may satisfy the minimum limits required above for either Commercial General Liability, Business Auto Liability, and Employer’s Liability coverage under Umbrella or Excess Liability. The Umbrella or Excess Liability shall have an Aggregate limit not less than the highest “Each Occurrence” limit for either Commercial General Liability, Business Auto Liability, or Employer’s Liability. When required by the insurer, or when Umbrella or Excess Liability is written on “Non-Follow Form”, the Village shall be endorsed as an “Additional Insured”.

Coverage limits will be set at the advice of the Risk Management Department and should not be changed without their approval. The Village, by and through its Risk Management Department reserves the right, but not the obligation, to review and reject any insurer providing coverage. The above referenced Insurance Requirements are for use when a contract is utilized, or any work will be done on Village property.



J. Bonds

Bonds offer tangible protection in the form of monetary assurances that the bidder will meet his obligations. Bonds must be secured by the bidder at his own cost, and generally may be classified as follows:

Bid Bond: This is a document, usually in an amount of 5% of the bid, which guarantees that the bidder will enter a contract with the Village if he wins the award. Bid bonds protect the Village from erroneous or deliberate low bids which the vendor has no intention of honoring. Should he fail to enter a contract, the bid bond is forfeited. Bid bonds must be submitted with the bid.

Performance Bond: This bond is a surety instrument guaranteeing that the vendor will perform according to the terms of the contract and is generally in an amount of 100% of the bid. This bond affords protection from non-performance and non-completion of major contracts, the efforts of which would result in considerable injury to the Village. Should the vendor default, the bond is cashed, and the Village may then utilize the funds to complete the contract with another vendor. Performance bonds are submitted upon award of the contract. Public Construction Bonds (which is both a Payment and Performance Bond) is required for all construction contracts more than \$200,000.00, as per section 255.05, Florida Statutes.

Cash Bond: In the amount of the bid or contract award.

Letter of Credit: Preferred in the case of certain construction projects or multi-year contracts. Must be irrevocable.

Payment Bond: This bond guarantees payment of sub-contractors and suppliers providing goods and services to the general contractor, who is under contract to the Village. The payment bond relieves the Village of financial liens against a project should the general contractor fail to pay his suppliers and sub-contractors. These creditors will look to the bond for payment. Payment bonds are submitted upon award of the contract. (Note: Safekeeping procedures for custody of bonds and bid deposits will be determined by the Finance and Procurement staff.) Payment bonds required for all projects more than \$200,000.00 per FS255.05.

Labor & Material Bond: Same requirements as the Payment Bond.

All bond guaranty may, at the discretion of the Village be in the form of a cashier's check, bank money order, bank draft of any national or state bank, certified check, or surety bond, payable to the department. The surety on any bid bond shall be a company recognized to execute bid bonds for contracts as per Florida Statutes.

K. Alternate Bids, Approved Equivalents

The bidder may offer any brand for which they are an authorized representative that meets or exceeds the specifications as written. If the bid is based on an "approved equivalent or equal" item, supportive information in the form of the manufacturer's printed literature or brochures, sketches, diagrams, and/or complete specifications must accompany the bid. The bidder must



explain in detail the reasons why the proposed equivalent or equal will meet specifications and not be considered an exception thereto. The Village of Palm Springs reserves the right to determine acceptance of proposed equivalent or equal items.

If an Invitation for Bid does not expressly permit the submission of alternate bids, a bid which qualifies the specifications should be rejected as unresponsive. However, if a bidder submits a bid conforming to the specification and offers an alternate, the alternate may be accepted if the bidder is the best value on both bids. Therefore, no prejudice results to the other bidders.

L. Only One Bid Received

When only one bid is received, the following steps are necessary:

1. Accept or reject the bid based on information received and taking into consideration the Village's position favoring competition.
2. Accept the bid if time is crucial and cost is reasonable, as the opportunity for competition was afforded by initial competition.
3. Reject the bid if time permits for re-solicitation.
4. Review specifications and bid list, revise if necessary and rebid per regular procedures.
5. PM or designee may negotiate with the one bidder if the price is over the approved budget or PM or designee feels it would be advantageous to the Village.

M. Waiver of Informalities

Bids may be defective in that they fail to give certain information requested by the invitation. For example, a bid may fail to furnish required catalogs or descriptive data. These "minor" informalities may be corrected by allowing the bidder to furnish the information prior to award, or by waiving them if time does not permit their correction.

The difference between a minor informality and a failure to conform to the essential requirements of the invitation may be difficult to determine without legal advice. Nevertheless, the decision to allow the defect to be corrected will be judged according to the fundamental principle – Is it in the best interest of the Village to do so and will it be prejudicial to the interests of the other bidders.

The Village reserves the right to waive any bid informalities when deemed in their best interest.

N. Tabulation of Bids

The requirement for recording bids involves the preparation of a Bid Tabulation Report. The information which normally is transcribed on the bid tabulation includes the invitation number, opening time and date, item number, description of items and services, quantity, unit, unit price, bidder's name and location, deliveries, remarks or any other information which will be



helpful in making the evaluation. The bid tabulation is available on the Village's website or through the Village's Data Management Vendor once an intent to award has been issued.

O. Bid Review

PM OR DESIGNEE should thoroughly review each bid for compliance with specifications. After review, copies of the tabulation sheet, Bid Forms, and all pertinent documents such as warranties, brochures etc. should be forwarded to the requesting department of those bids that are in compliance with the bid. The originals will be sent with the council agenda.

The requesting department should thoroughly review each bid for compliance with technical specifications. Bid items not meeting minimum specifications should be rejected. In general, the lowest bid meeting specifications should be awarded the contract, if it provides the best value to the Village.

P. General Criteria for Award

Recommendations for award of bids are made to the Village Council based on the best value to the Village meeting all conditions and requirements of the specifications.

The following criteria will be used to select the bid that will provide the best value to the Village:

1. In General:
 - a. It has sufficient financial resources to complete the order.
 - b. Can meet quoted delivery considering all other business commitments.
 - c. It has a satisfactory record of performance.
 - d. Has adequate staffing to fulfill requirements.
 - e. It has the necessary production, technical equipment and facilities (or ability to readily obtain them).
 - f. It has necessary organizational experience, operational controls, and technical skills (or ability to readily obtain them).
 - g. Is a manufacturer, supplier, authorized distributor or vendor for the requirement.
 - h. Is otherwise qualified and eligible to receive an award under applicable laws and regulations.
 - i. Has bid within a competitive price range in relation to the needed goods, services or construction.
 - j. The skill and experience demonstrated by the bidder in performing contracts of a similar nature.
 - k. The bidder's past performance.
 - l. Has met all requirements of the solicitation (delivery, quality and price).
 - m. Has met bounds of commonality. Absolute conformity is not



- required, just substantial or material compliance.
- n. Has met bid security requirements. Lack of security, where required, is a material nonconformity.
2. Price: Evaluate the pricing offered by the bidder; consider lifecycle costing, depreciation, and service contracts.
 3. Value Added: The amount or dollar value of a service that the bidder may be able to provide the Village.
 - a. Value added may be an actual amount given to the Village as a signing bonus.
 - b. Value added may be equipment or services given to the Village. In this case the value will be determined by the Village for the goods or services not the bidder.

Should there be reason not to award to the lowest bidder, the decision must be fully explained in a memo from the requesting department for formal evaluation by Procurement staff.

Q. Negotiation of Bids

The Village reserves the right to negotiate prices with the bidder that provides the best value to the Village provided that the scope of work of the solicitation remains the same. The Village may terminate the negotiation if unsuccessful and begin negotiations with the next bidder that provides the best value to the Village.

R. Best and Final Offer

The Village reserves the right to negotiate with all bidders for the purpose of obtaining best and final offers. Bidders shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Any such revisions may be permitted throughout negotiations after submissions and prior to award for obtaining best and final offers. Any revisions to scope or work will be offered to all bidders for the purpose of obtaining the best and final offer. The Village at any time during these negotiations may request a “best and final offer” from any or all of the responsive and responsible bidders that submitted proposals. At the date and time established by the Village the “best and final offer” will be provided in a sealed envelope at a public meeting and will follow the same procedure as a formal bid opening.

S. Rejection of Bids

PM OR DESIGNEE shall have the power to recommend rejection of all bids to the Village Manager or designee. The following reasons may be considered causes for rejection:

1. All prices too high or unbalanced.
 2. Sufficient funds not budgeted or available.
 3. An error in the specification sufficient to have caused confusion and
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- misunderstanding among bidders.
4. The item on which bids were requested is not needed.
 5. Lack of adequate competition.
 6. Noncompliance of specifications.
 7. Submission of more than one bid in response to a single invitation.
 8. Lack of adequate work history and/or work experience.

T. Recommendation of Awards

After their review, the requesting department must forward their recommendation to Procurement. Provided there is no disagreement, Procurement will then forward an Agenda Item Request to the department which shall be signed by the department head and returned to the PM or designee office. PM or designee will approve and forward to Village Manager for approval. Village Manager sends to the Village Clerk's office to be placed on the next available meeting's agenda.

The Village may not accept proposals from firms, that have had adversarial relationships with the Village or firms that have represented entities that have had adversarial relationships with the Village. This includes the firm, employees and financial or legal interests.

The Village will not enter a contract or conduct business with any firm or any personnel that is listed on the Federal, State, or other local government agencies' Excluded Parties, List, Suspended List or Debarment List

Formal bid awards are made only by the Village Council. PM OR DESIGNEE will post a Notice of Award on the electronic bid platform and Village Hall Lobby Display. Bidders are encouraged to attend the Council meeting the date the contract is being awarded. After Council approval of a purchase award, the Village Clerk will send a copy of the Council Action to the PM OR DESIGNEE, and Finance. PM OR DESIGNEE will then post the Award on the electronic bid platform and Village Hall Lobby Display.

The PM or designee or department will prepare a requisition for the award.

9.2 Formal Proposal- Request for Proposals (RFP)

A. Purpose of Proposals

As with bids, the primary action is to ascertain clearly the purpose to be served by the proposal. Proposals are by nature more general than bids; thus, it is vital to provide the correct parameters within which the vendors are to operate. Otherwise, confusion and misinterpretation may result in proposals which do not address the matter in question.

B. Proposal Format

As in the case of bids, a prepared standard format is maintained by the PM or designee for proposals.



C. Proposal Conditions and Specifications

Conditions and specifications for a formal proposal generally differ from the same items for a bid in the following ways:

- i. Due to the general nature of a Request for Proposal, conditions and specifications may be intermingled rather than separate.
- ii. Both conditions and specifications will tend to be broad, allowing the vendors a wide range of options from which to arrive at a proposal which accomplishes the desired goal.
- iii. Conditions and specifications serve more as guidelines than strict standards. The object is to allow the vendor's own expertise to design a proposal which will fulfill the Village's ultimate specified result.

Conditions and specifications need not be so broad as to promote uninhibited proposals. By establishing boundaries within which to operate and pointing the vendor toward the direction of the Village's goal, the Request for Proposal seeks to elicit the best talents in the marketplace to fulfill its needs.

D. Submission of a Formal Proposal

Proposals should be supplied directly by the vendor as directed in the solicitation using the format and forms available in the "Request for Proposal" document.

E. Insurance, Bonds, Letter of Credit

As in the case of bids, the Village may require letters of credit, insurance, and/or bonds to protect its interests. Since these are covered in the previous pages pertaining to "Formal Bids", it will not be duplicated here. Generally, proposals do not require bid bonds.

F. Formal Proposal Opening

The opening should be carried out in a professional, business-like manner as noted in the previous section on bids. Proposals arriving after the opening date and time will be treated in the same manner as late bids. Restrictions on non-Village personnel reviewing the proposals also are the same as with formal bids.

As proposals are opened, the PM or designee shall announce the name of each vendor, their address, and then confirm the number of proposals submitted. At this time, no attempt should be made to read or compare the proposals. The proposals will be reviewed and verified for compliance by the PM or designee. Only copies of the proposals that are in compliance will be distributed to all members of the Proposal Selection Committee; with one copy of each proposal maintained in the PM or designee file.



G. Proposal Review

Proposals may be reviewed by the requesting department or by a Selection Committee. The committee approach is often chosen when dealing with complex projects requiring input from various departments. The committee members will be selected by the Village Manager or their designee. If the committee approach is selected then the Chair of the Selection Committee will be available to the PM or designee to facilitate meetings, prepare recommendations for the top-ranked firms, negotiate and prepare final contract documents. All committee meetings will be advertised and open to the public. PM or designee will record and document all committee meetings.

When price is the primary consideration, the lowest bidder whose proposal meets the specifications and provides the best value to be Village should be chosen. However, when price is not the primary consideration and design, quality, or other factors are paramount the decision must be formally documented by the department or committee.

As in the case of bids, the Village reserves the right to negotiate prices and scope of work as covered in the previous pages pertaining to “Formal Bids”, it will not be duplicated here.

H. Recommendation of Award

After their review, the requesting department must forward their recommendation to PM or designee. Provided there is no disagreement, Procurement will then forward an Agenda Item Request to the department which shall be signed by the department head and returned to the PM or designee office. PM or designee will approve and forward to Village Manager for approval. Village Manager sends to the Village Clerk’s office to be placed on the next available meeting’s agenda.

Formal bid awards are made only by the Village Council. PM or designee will post a Notice of Award on the Village’s Data Management Vendor System and website. Bidders are encouraged to attend the Council meeting the date the contract is being awarded. After Council approval of a purchase award, the Village Clerk will send a copy of the Council Action to the PM or designee, and Finance. PM or designee will then post the Award on the Village’s Data Management Vendor System and website.

9.3 Other Competitive Selection Purchase Processes

In addition to IFB, RFP or ITN, the PM OR DESIGNEE may authorize the use of the following other solicitation methods for competitive selection purchases.

A. Request for Qualifications (RFQ)

Used to obtain statements of qualification from potential bidders or proposers when the scope of services cannot, or has not, been completely established by the Village. RFQ can be used as an independent document or as an integral part of IFB or RFP process. This process is used for the



purpose of the identification of specific qualifications to evaluate and prequalify responding bidders or proposers.

B. Request for Information (RFI)

Typically utilized as an informal solicitation for the purpose of seeking information, comments, or reactions from the industry, but can be used in conjunction with more formal methods of solicitation. An RFI may be used during the market research phase of an acquisition to assist the Village in identifying potential proposers, approaches, prices, or other relevant information. The RFI precedes the issuance of a RFP, IFB or RFQ. Contract awards will not be made on responses to an RFI unless it is determined that sole source purchase applies and is in the best interest of the Village.

C. Other Formal Solicitation Methods

For procurements with an estimated total contract value that will exceed \$50,000, the PM or designee may use other competitive selection procedures determined to be in the Village's best interest not listed in this policy.

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Section 10 – Specifications

10.1 Specifications Development

A good specification describes the commodity or service required in terms clearly understandable to both the seller and the buyer.

In considering and developing specifications, it must always be remembered that expenditures of the Village of Palm Springs is derived from public sources and cannot be expected to provide for unwarranted levels of quality. Therefore, the general policy of purchasing good, standard grades of merchandise, which represent an optimum of quality and price and provide a satisfactory level of service will be followed.

A. Purpose of Specifications

Bids and quotations will be based on concise but adequate specifications. A lengthy specification composed or designed solely for the purpose of eliminating competition other than those able to supply a particular brand name will not be used. Specifications shall be detailed only to the extent that they assist the purchaser in obtaining the best value, provide a basis for full and fair competitive bidding upon a common standard, and should be free from any restrictions which would have the effect of restricting competition.

B. Types of Specifications

Below are the basic types of specifications used to describe what is to be purchased.

1. Performance – Specifications which describe the characteristics and capabilities that are pertinent to the intended use of the item. This specification is less concerned as how a product is made, and more concerned as to how well it performs, and at what cost.
 2. Design – Specifications which employ dimensional and other physical requirements of the item being purchased. This type specification concentrates on how a product is to be fabricated or constructed and is used when a structure or product must be specially made to meet the purchaser's unique need.
 3. Approved Products List – Specifications based on manufacturer's names, brand names, and model or catalog numbers which have been tested or examined and approved, prior to seeking prices.
 4. Sample - Specifications requiring the suppliers to furnish representative samples of products offered for the purchaser's comparison and evaluation is determining the successful bidder.
 5. Name Brand "Or Equal"- Specification wherein the exact product of
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one or more suppliers or typical workmanship is designated as the level of quality desired, and the purchaser reserves the right to approve any other as equal or acceptable.

C. Recommended Practices

The following guidance is provided for the preparation of a specification.

1. State exactly what is wanted clearly, definitely and completely.
2. Provide the means or basis for testing deliveries for conformance with the specifications. Without this check, the specification loses much of its force as a purchasing tool.
3. Avoid non-essential quality restrictions that add to cost and difficulty in procurement without adding to utility and value.
4. Avoid definitions that unnecessarily restrict competition.
5. Conform, so far as possible, to establish commercial and industrial standards.
6. State what you want the good of service to do or provide.
7. State what the goods or service will be used for.
8. State any concerns for the item or project.

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Section 11 – Contracting for Professional Services

In order to comply fully with the requirements of Section 287.055, Florida Statutes (“Consultants Competitive Negotiation Act”), the following procedures shall be followed in selecting firms to provide professional services, and in negotiating contracts for professional services:

11.1 Definitions

- A. “PROFESSIONAL SERVICES” means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered surveying and mapping as defined by the laws of the state, or those performed by any architect, professional engineer, landscape architect, or registered surveyor in connection with his professional employment or practice.
- B. “VILLAGE” means Village of Palm Springs
- C. “FIRM” means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering or surveying in the state.
- D. “COMPENSATION” means the total amount paid by the agency for professional services.

11.2 Public Announcement and Qualification Procedures

- A. At such time when deemed necessary by the Village, the PM or designee shall cause a legal advertisement to be published in a newspaper of general circulation within Palm Beach County setting forth a general description of the project requiring professional services and defining procedures on how interested professional firms may apply for consideration by the Village. In addition, a notification of the project will be sent to each certified firm which has expressed an interest in being notified.
 - B. Statements of qualifications and performance data shall be submitted and supplemented by other information if specifically requested by the Village’s Request for Proposal document.
 - C. To enhance and expedite capital projects and upon written recommendation by the Village manager, the purchasing agent by competitive process may establish a select list of firms by discipline for professional services. Village council shall award to the bidders whose proposal provides the best quality of service for each discipline. The goal is to obtain 3 or 5 professional service firms that are equally qualified for each discipline. Contracts will be established for each firm for each discipline. These contracts will be titled and known as “Master Contracts”. The purchasing agent will select from these Master
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contracts firms for projects as needed. PM OR DESIGNEE will negotiate with the firm. PM OR DESIGNEE may terminate negotiations with the firm and begin negotiations with the second firm if proposal is over budget or not in the Village's best interest.

11.3 Competitive Selection - Guidelines

- A. All RFP's for Professional Services shall be processed through the PM or designee.
- B. Formal RFP's must be issued to secure professional services, when the fee for a planning or study activity is estimated to exceed \$50,000 or for a project the basic construction cost of which is estimated to exceed \$250,000.
- C. All contracts for professional services which exceed \$50,000.00 must be approved by Village Council unless the firm is established using the Master Contracts.
- D. Contracts for services must be accompanied by a purchase order. Payments shall be issued against said order with proper authorization.

11.4 Competitive Selection - Procedures

- A. A Selection Committee shall be formed to evaluate all proposals. PM or designee and the Village's Project Manager should propose the names of three to five Village employees to serve on the Selection Committee based on their expertise in relation to the scope and execution of the project to be awarded. At least one of the employees should be from the using department. The remaining members should consist of employees chosen from departments which would enhance the committee's makeup. A PM or designee representative shall be an actual or ex official member of all Selection Committees and shall monitor all Committee.
 - B. A "Conflict of Interest Form" should be filled out by each Committee member at the first meeting.
 - C. Minutes of each Committee meeting, Conflict of Interest Forms, and scoring sheets are to be completed by PM or designee. PM or designee will facilitate the meeting and make sure all legal requirements are met. PM or designee is responsible for preparing recommendations of the top-ranked firm and of the preparation of the final contract documents. All originals are to be sent to Village Clerk with Agenda Award.
 - D. The Selection Committee should develop general guidelines for interview procedures for the short-listed firms. Interviews and/or presentations shall be optional, as determined by the Selection Committee.
 - E. Each member of the Selection Committee will assign preliminary scores to
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each firm after review of proposals and interviews, as per the established criteria in the bid specifications.

- F. The Selection Committee shall discuss their general impressions of the firms and finalize their scores.
 - G. Recommended criteria for evaluation of proposals include:
 - a. Prior experience with projects of similar size and complexity
 - b. Number of similar projects
 - c. Complexity of similar projects
 - d. Three references (Contact name & telephone number)
 - H. Past record of performance for the Village
 - a. Project name, dates, cost
 - b. Village personnel assigned to the project
 - I. Qualifications of personnel including subconsultants
 - a. Number of technical staff
 - b. Qualifications of technical staff
 - c. Number of licensed staff
 - d. Education of staff
 - e. Experience of staff
 - J. Availability of personnel
 - a. Current work load/staff participation
 - b. Organization of the team
 - K. Proximity of the nearest office to the project location
 - a. Location
 - b. Number of staff at the nearest
 - c. office Financial Statements
 - L. Technical approach to perform the tasks described in the Scope of Services
 - a. Level of effort
 - b. Effectiveness of the technical approach to complete each phase of the project, maintain time schedules and cost control.
-



Whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985.

11.5 Competitive Negotiation

- A. After finalists' ranking, PM or designee and the Project Manager, and other designated Village staff (if required), shall negotiate a contract for professional services with the firm which has been determined to be most qualified by the Competitive Selection Committee, at compensation within a range which has been determined to be fair, competitive, reasonable, and within budget. For any lump-sum or cost-plus-a-fixed-fee contracts over \$150,000, the Village shall require the firm receiving the award to execute a truth-in negotiation certificate as required in Section 287.055 (5) (a), Florida Statutes.
- B. Should the PM or designee be unable to negotiate a satisfactory contract with the firm considered to be the most qualified, at a price the Village determines to be fair, competitive, and within budget, negotiations with that firm shall be formally terminated. After negotiations have been terminated with a firm, negotiations cannot be reopened at a later date. PM or designee shall then undertake negotiations with the second most qualified firm. Failing accord with the second most qualified firm, PM or designee shall cancel negotiations. PM or designee shall then undertake negotiations with higher ranked firms should they express flexibility in the negotiated price.
- C. Should PM or designee be unable to negotiate a satisfactory contract with any of the selected firms, additional firms shall be selected in accordance with procedures noted above. Negotiations shall continue in accordance with these procedures until agreement is reached.
- D. Unless otherwise required, a lump sum contract shall be designated as the preferred form of contract for professional services contracts.

11.6 Less Than Three (3) Firms

In the event less than three (3) firms express an interest in a project or less than three (3) firms are deemed qualified by the Competitive Selection Committee, then the Village Manager shall decide as to whether to proceed with the lesser number of firms. If the decision is to re-advertise, and after subsequent advertisement, three (3) firms still cannot be qualified, then the Village shall proceed hereunder with the firms qualified.

11.7 Prohibition Against Contingent Fees

Each contract for professional services shall contain the prohibition against contingent fees required by and set forth in Section 287.055 (6) (a), Florida Statutes.



11.8 Small Contracts

The foregoing procedures shall apply in all cases except those in which the fee for professional services is estimated to be \$50,000 or less for planning or study activity, or when the construction cost of the project is estimated to be \$250,000 or less (Section 287.055 (4) (c), Florida Statutes.) When this occurs, the procedure shall be:

- i. The Project Manager, in cooperation with the PM or designee, shall select a known responsible firm and request that they submit a proposal.
- ii. Should the proposal appear to be excessive, another firm shall be requested to submit a proposal. The procedure shall continue until a proposal is received that is acceptable.

11.9 Emergencies

In the event of bona fide public emergencies declared by the Village Council, compliance with some or all of the provisions of this procedure or Section 287.055, Florida Statutes, may be waived by the Village Manager.

11.10 Inconsistency with Section 287.055, Florida Statutes

To the extent of any inconsistency between these regulations and Section 287.055, Florida Statutes, the provisions of the Florida Statutes shall prevail.

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Section 12 – Construction Contracts

In general, contracts for construction of major Village projects are obtained through the Formal (Sealed) Bid process. All procedures as previously noted in Section 9 should be followed.

Construction projects between \$1,000.00 and \$50,000.00 in cost may be processed via the Village's Quote System. Sealed bids are required for all construction projects anticipated to exceed \$50,000.00 and must be approved by the Village Council.

Due to the complexity and cost involved, these projects warrant special treatment. Special areas of consideration are as follows:

12.1 Bid Preparation

The entire bid package (excluding the standard format) is assembled and provided to the PM or designee in electronic format by the requesting department or contracted engineer. A Sealed Bid Request completed and signed must accompany specifications and plans. It is the responsibility of that department or engineer to ensure that all terms, conditions, plans (including blueprints), and specifications are complete and accurate. It is also their responsibility to submit bid plans and specifications to the Planning, Zoning, Building and Utilities Departments for approval prior to releasing them to the PM or designee.

Procurement will review and add the Village standard language that is appropriate for the bid. Procurement will distribute draft bid specifications with a bid sign off sheet to the requesting department, Finance, Risk Management, Legal, Planning, Zoning, Building and Utilities Departments. After receipt of the bid review sign off sheets any corrections will be made to bid specifications. Procurement then will coordinate with requesting department all bid scheduling requirements.

12.2 Announcement of Bids

Due to the contractor's desire to share in large dollar projects, interest in construction projects is generally high. To assure the greatest degree of competition, all of the following must be used to announce the bids:

A. Newspaper Ads

Legal ads are a reliable method of attracting interested bidders, while also dispelling any criticism of bids only going to favored contractors. Such methods include publication in newspapers of general circulation, electronic or paper mailing lists, and web site(s) designated and maintained for that purpose. For this reason, they are required to be posted in a newspaper of general circulation in Palm Beach County (or the applicable Palm Beach County website for legal notices). Legal ads are placed by the PM or designee in a local newspaper when construction bids estimated cost is \$200,000.00 or more.



Legal ads will briefly state the name of the project, location, nature of work required, bid opening date and time, pre-bid date and time, and location where bid specifications may be obtained. They must be posted once prior to the bid opening date. The Village's ordinance provides that the first advertisement must be at least (21) days prior to the bid opening date. A copy of the advertisement is to be posted on the digital display located in the Village Hall lobby. If the cost is more than \$500,000, it must be advertised at least 30 days prior to the opening, and at least 5 days prior to a pre-bid conference. All Bid notifications are also posted on the Village's website www.vpsfl.com.

B. Mailings to Interested Contractors (Bidders List)

A notification of the bid proposal is distributed via Village's vendor data management company utilizing the designated commodity codes related to the project.

C. Pre-Bid Conference

For certain complicated construction projects, a Pre-Bid Conference is held. Should a Pre-Bid Conference or site visit be required for a project, all advertisements must clearly state the date, time and location.

D. Bonds

Any person entering a formal contract with the Village for the construction of a public building, for the prosecution and completion of a public work, or for repairs upon a public building or public work for \$200,000 or more, shall be required to provide a Bid Bond and obtain a Public Construction Bond. At the discretion of the Procurement Agent, any person entering such a contract which is for less than \$200,000 may be exempted from providing the Bid Bond and/or obtaining the Public Construction Bond. In the event such exemption is granted, the Procurement Manager shall not be personally liable to persons suffering loss because of granting such exemption.

In lieu of the bond required by this section, a contractor may file with the state, county, Village, or other political authority an alternative form of security in the form of cash, a money order, a certified check, a cashier check, an irrevocable letter of credit. Any such alternative form of security shall be for the same purpose and be subject to the same conditions as those applicable to the bond required by this section. The determination of the value of an alternative form of security shall be made by the appropriate state, county, Village, or other political subdivision.

E. Sale of Plans

Bid packages may be sold by the PM or designee for the charge as per FS 119.07 (1)(a).

F. Bid Opening

Due to the generally high dollar cost of construction projects, the bid opening must be handled very seriously and in a highly professional manner. No bids will be accepted after the opening date and time.

The Procurement Manager or designee oversees the bid opening, with a member of the



Procurement staff recording the results of each bid.

Procedures noted in the “Section XII Bids and Proposals” must be followed. Care should be taken to prevent non-Village personnel from tampering with or reviewing the bids at this time. Anyone requesting copies of bids should be requested to return at a later date.

G. Bid Review and Award

To allow a thorough bid review by the originating department, Procurement will make copies of all pertinent pages from each bid. Included would be the contractors Bid Form, bid bonds, and any pages referencing substitutions or changes to the bid document.

After the originals are secured in the bid file, and Procurement has made a thorough review for bid responsiveness, the requesting Village department will be forwarded the bid copies for their review.

In some cases, review of bids may be performed by a contracted Architectural/Engineering firm. Copies of all bids must then be provided to both the requesting department and the A/E Consultant.

The contract award should generally be made to the bidder meeting specifications that provides the best value to the Village.

The PM or designee will then review the award. If in agreement, the Agenda Item Request and all pertinent documents to the department are forwarded for the department head signature. The department returns the signed Agenda Item Request to Procurement. The PM or designee forwards to the Village Manager in sufficient time for the next available Council meeting.

H. Formal Construction Contract

Due to the complex nature and duration of construction projects, formal construction contracts are prepared and issued to all parties. The PM or designee is responsible for preparation and execution of the contract with assistance from the requesting department.

The formal construction contract is based on the bid document and plans. The contractor must provide all required licensing, insurance, and bond documentation to the PM or designee.

I. Construction Master Contracts

For market advantage and upon written recommendation by the Village manager, the PM or designee by competitive process may establish a select list of firms to purchase any good, supplies, equipment, materials, construction services or other services. Village council shall award to several bidders to establish “Master Contracts” for different and varying trades. The goal is to have 3 to 5 qualified firms for each trade. A Master Contract will be established for each firm for each trade advertised. PM or designee will purchase from these firms for projects cost under \$300,000.00 with Village Manager approval that have council approved budgets.



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Any project over \$300,000.00 will require additional Village council approval. PM or designee may require proposals from each firm for the good or service needed or may determine it is best for the Village to start negotiation with only one firm. PM or designee may negotiate with several firms at one time and request a “Best and final Offer” if deemed in the best interest of the Village.

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Section 13 – Disposal of Surplus Property

13.1 Definitions

- A. **Surplus Property** – Village owned property which has reached the end of its useful life or has become obsolete in Village service.
- B. **Confiscated Property (Forfeiture)** – Private property seized by the Police Department and subsequently titled over to the Village.
- C. **“Lost & Found” Property** – Private property located by or turned in to the Police Department for custodial safekeeping until the owner is located or until a time deadline expires.
- D. **Scrap** – Damaged, spent, or otherwise unusable equipment, parts, or materials whose only value lies in recycling of its component parts or materials.

13.2 Procedure for Surplus Property

- A. When a department wishes to surplus any Village-owned property, they must first complete the proper documentation. The proper form is the “Request to Relinquish Surplus”.
- B. Completed forms for surplus items must be forwarded to the Finance Department.
- C. Upon receipt of forms, the property listed will be assessed to determine where storage should take place. Generally, vehicles will be surrendered to the Village garage, while all other surplus will be picked up by Building Maintenance and delivered to a storage facility.
- D. The Finance Department will, on a regular basis, circulate a listing of surplus items to all Village departments. If in need of any item(s), the departments may request a transfer via memo to Procurement.
- E. Should surplus items remain unclaimed by the date of the next Village auction, all items will be sold to the highest bidder.

13.3 Method of Sale

- A. Generally, all surplus, confiscated, and “lost and found” property will be disposed of via public auction.
- B. Unless requested by Village authorities, items will be sold “as is” to the highest bidder. The Village will contract with a professional auctioneer, who will conduct auctions and collect all proceeds. Staff will supervise the activities of each auction.

Auctions shall be advertised twice prior to the actual sale date in a newspaper



of general circulation in the Palm Beach County area. In addition, advertising may take place via auctioneer's mailing list, other newspapers, National Auction Bulletin, or other means at the discretion of the Finance Department.

- C. Should attempts to sell surplus or scrap items fail, the Finance Department may (at their discretion), declare the items as worthless and authorize their discard.

Documentation of items for "discard" status must be prepared by staff and signed by the Finance Director and attached to the Request to Relinquish Surplus form for each item or lot of items.

- D. Upon authorization of the Finance Director, the Village may contribute items to non-profit organizations.

Documentation of contributed items must be noted on or attached to the "Request to Relinquish Surplus" form for each item or lot of items and signed by the Village Manager.

13.4 Auction Duties

- A. Finance

Finance Department shall have overall responsibility for coordinating the efforts of Village staff and the contract auctioneer during the preparation and conduct of the auction sale.

- Supply list of items to be auctioned to auctioneer.
- Transfer of vehicle titles to buyers, including notarizing

- B. Public Works

- 1. Provide labor to assist in placement of equipment and miscellaneous surplus items on day of sale. Staff will also assist buyers with loading purchases onto their vehicles. Public Works will be responsible for securing all vehicles and equipment in a manner which will prevent interference with the auction, and/or damage or theft.

- C. Police Department

- 1. Provide security and traffic control (if needed) on auction day. On day of sale, officers shall report to staff in charge of supervising the auction.
- 2. Officers shall support staff if it is necessary to spot-check buyers leaving the auction site, to assure that they have "paid" receipts for articles being removed.
- 3. Advise Vehicle and Equipment Coordinator when confiscated vehicles having clear titles are ready for auction.

- D. Vehicle and Equipment Coordinator or Designee



1. Complete, sign, and submit to Finance a Vehicle/Equipment control memo listing each vehicle (titled to the Village of Palm Springs) to be surplus for sale. (NOTE: Vehicles must be titled to be sold.)
2. A preliminary list of vehicles and equipment, having clear title and ready for sale at auction, is to be given to Finance at least six (6) weeks prior to the sale. The final list to be given to the Finance Director one (1) week prior to sale.
3. Submit clear title for each vehicle to Finance. Titles should be submitted at least one week prior to auction.
4. Provide uniformly tagged keys for all vehicles to Finance one day prior to auction. Keys shall be provided in a key lock type container for safekeeping.
5. On advice from the coordinator, clean vehicles approximately one week prior to sale.
6. Transport all vehicles to auction site and arrange vehicles according to auctioneer's layout. Transport shall include towing for all vehicles not able to move under their own power (ex. inoperable cars, trailers, boats, etc.)
7. Provide qualified personnel with jumper cables to assist with emergency starts on day of auction. The person chosen for this responsibility will lock up the Public Works compound at the completion of the auction.

E. AUCTIONEER

Auctioneer shall be responsible for conducting actual auction sale, including receipt of all payments and issuance of "paid" receipts for release of items sold. (Titles and keys for vehicles shall be released by Finance upon submittal of "paid" receipt).

1. Prepare, print, and mail Auction fliers to their "mailing list" of interested parties.
 2. Provide to Finance a draft of the "Sale Catalog" prior to preparing copies for buyers, so that staff can review for correctness and advise auctioneer of any necessary changes. One day prior to auction date, a minimum of two (2) copies of the finalized "Sale Catalog" should be given to Finance staff.
 3. At least two (2) days prior to auction date, provide to Finance a minimum of two (2) copies of auction site layout preference, detailing the arrangement of vehicles, equipment, and palletized items.
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Section 14 – Vendor Relations

The policy of the Village is to afford all businesses an opportunity for participation in the village's purchasing processes and to prohibit discrimination by the village or its vendors. The village will take all necessary, reasonable, and legal action to prevent discrimination in its purchasing process, to afford all businesses, including local and small businesses, the maximum opportunity to participate in the village purchasing processes. It is suggested that all vendors desiring to sell goods and services to the Village contact procurement via email at procurement@vpsfl.org.

Vendors may make an application by accessing the Village's web page at www.vpsfl.com.

14.1 Bidder List

- A. The Bidder's list is maintained by the Village's Vendor Data Management Company
 - 1. Name and address of vendor
 - 2. Name, Fax, email address and telephone number of contact person
 - 3. Class/Item number of commodities sold and/or services provided.
- B. The Vendor List maintained by the Finance Department is used for disbursement of funds and is not associated with the Bidder's List maintained by the Procurement Manager (PM) or designee.

14.2 Vendor List

All vendors must complete and submit a W-9 to the Village to be qualified for purchases and added to the Finance Department vendor list. Vendors will be added after selection by the village departments as a provider of goods and/or services.

14.3 Convicted Vendor List

In accordance with F.S. § 287.133, the village may not accept any bid or proposal from or transact any business with any person or affiliate on the "Convicted vendor list" maintained by the Florida Department of Management Services.

14.4 Scrutinized Companies

In accordance with F.S. § 287.135, the village is prohibited from contracting with certain companies on the State of Florida "Scrutinized companies" list, and subject to restrictions on contracting with certain other "Scrutinized companies".

14.5 Human Trafficking

In accordance with F.S. § 787.06, the Village is prohibited from contracting with any entity or person who utilizes coercion for labor or services.



14.6 Complaints Against Vendors

- A. All complaints concerning vendor performance shall be directed to the Department Director and the PM or designee. The Department Director will investigate any charges against a vendor and shall take whatever action is warranted to correct the problem. A Corrective Action Form should be utilized to document the complaint along with actions taken to rectify. An example of a performance complaint is failure to deliver goods and/or services as outlined in an Invitation to Bid. Appropriate action might be cancellation of bid award, liquidated damages, or some other punitive damages.

14.7 Vendor Relations

A. INTRODUCTION

The Village of Palm Springs strives to maintain strong enduring relationships with vendors of proven ability and desire to meet our needs. To accomplish this, our purchasing activities will be conducted so that vendors will value our business and make every effort to furnish our requirements based on quality, service and price. The relationship between the purchaser and seller is one of mutuality. No contract that proves unsatisfactory to the vendor can be regarded as satisfactory to the buyer.

The Village will buy only from suppliers who have adequate financial strength, high ethical standards, and a record of adhering to specifications, maintaining shipping promises and giving full measure of services. New sources of supply will be given due consideration as multiple sources of supply are necessary to ensure availability to materials and promote competition.

It is essential to develop and maintain goodwill between the Village of Palm Springs and its suppliers. The reputation of the Village can be promoted by:

1. Giving all salespersons a full, fair, prompt and courteous hearing.
2. Keeping competition open and fair.
3. Keeping specifications fair and clear.
4. Cooperating with the seller and considering their difficulties in providing the service or products.
5. Having consistent buying policies and principles.
6. Observing strict truthfulness in all transactions and in correspondence.
7. Respecting the confidence of the salespersons or their company as to confidential information.
8. Keeping free from obligation to any vendor.

B. ETHICAL CONSIDERATIONS

In any consideration of public responsibilities, there must be understanding and



agreement with reference to the ethics of public purchasing. These concepts are expressed by the Florida Association of Public Purchasing Officers, Inc., Code of Ethics, which obligates every procurement official to an unquestionable standard of ethics and conduct.

C. INITIAL VENDOR CONTACT

New salespeople are to be directed to PM OR DESIGNEE. The staff shall explain the purchasing procedures to each salesperson and provide information on how to be included on the vendor's list.

D. DEPARTMENT CONTACT WITH VENDORS

In the day-to-day conduct of their duties, departmental employees are often in contact with potential vendors and suppliers. While it is sometimes desirable for employees to be able to recommend certain products, no department shall attempt to place orders with vendors except as described in this manual.

E. DOING BUSINESS WITH ONE'S AGENCY

No employee of the Village acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for the Village from any business entity of which the officer or employee of the officer's or employee's spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer's or employee's spouse or child, or any combination thereof has a material interest.

No public officer or employee of the Village shall have or hold any employment or contractual relationship with any business entity that is doing business with the Village. An officer or employee shall not have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her interest and those of the Village.

Exceptions exists for the Village to conduct business with an employee's spouse or child as long as that employee is not directly or indirectly involved in the purchase, rent, or lease any realty, goods, or service and the employee is not an officer or member of the business entity and is not directly benefiting from the transaction. For example, the Village may not spend more than \$999.99 per fiscal year with any business entity that is an employee's spouse or child unless the Village's competitive process has been followed. Care should be taken in these situations to ensure ethical rules are not inadvertently violated.

F. ADDITION, DELETION AND REINSTATEMENT OF BIDDERS AND VENDORS TO THE BIDDER'S LIST



Procurement Policy

Potential vendors/contractors may apply to be placed on the Village's Bidders List by contacting registering with the Village electronic bid platform, these details can be found by visiting the webpage for procurement www.vpsfl.org. These lists are categorized utilizing the National Institute of Governmental Purchasing Commodity/Service Code System.

The Village may not accept proposals from firms that have had adversarial relationships with the Village or firms that have represented entities that have had adversarial relationships with the Village. This includes the firm, employees and financial or legal interests.

Village Manager has full discretion to debar or suspend any vendor with or without cause.

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Appendix 1

KEY SOLICITATION COMPONENTS

The PM OR DESIGNEE has templates for most solicitation types which can be easily modified. In addition to other required information, the requesting departments should focus on providing or addressing the following in each solicitation:

- Timeframes for issuing solicitation and deadline to respond. If you have an internal deadline that will drive these timeframes, you must inform the PM OR DESIGNEE.
 - Pre-bid or Pre-proposal conference as mandatory or optional meeting.
 - Short description of supplies/services sought and more detailed specifications or scope of work/services (see Appendix 2 for more detail).
 - Timeframes for provision of supplies and/or services; and, desired length of resulting contract. It is recommended that the solicitation be drafted broadly in terms of length of resulting contract so as not to limit future renewals or extensions. Example: "The Village anticipates awarding a three (3) year contract with two (2), one (1) year renewal options; however, the Village reserves the right to renew or extend the contract for longer if desired."
 - Identification of any required licenses and certifications (e.g., general contractor license; specialty license; certified arborist; etc.).
 - Minimum qualifications in terms of years of experience and/or prior similar projects.
 - Except in CCNA procurements where the evaluation criteria is set by statute, the evaluation criteria for award and the weight assigned to each criteria.
 - Format of responses in terms of page limits; forms to be utilized; additional information to be provided; etc. Forms should be tailored if requesting unit pricing or a variety of pricing.
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Appendix 2

DEVELOPMENT AND DESIGN GUIDELINES FOR SPECIFICATIONS OR STATEMENT/SCOPE OF WORKS

Differences between Specifications and Statement/Scopes of Work.

The development of Specifications and Statement/Scope of Work initiates the Village's procurement process. Specifications and Statement/Scope of Work typically become the contract performance requirements. More than any other contract term, Specifications and Statement/Scope of Work, establish the expectations of the relationship and is often the determining factor in resolving disputes over what work is or is not included in a project.

Specifications and Statement/Scope of Work serve as the guideline for Village's procurement planning, selection of the appropriate solicitation method, identification of the correct contract terms, and ultimately, influences the quality of the finished product.

Preparation

The requesting department is responsible for preparing the specifications or statement/scope of work. The PM OR DESIGNEE will work with the requesting departments to ensure that specifications and statement/scope of work is as thorough and accurate as possible.

In the case of Statement/Scope of Work for capital projects, the PM or designee, in collaboration with the requesting department, determines whether the documents shall be prepared internally or by contracting with outside professional architectural or engineering firm(s).

Obtaining vendor assistance to write Specifications or Statement of Work should be avoided when possible because it may inhibit competition. If a vendor is involved in preparing Specifications/Statement of Work, the vendor should be contracted for the service and prohibited from submitting a bid or proposal in response to the solicitation containing said Specifications and/or Statement of Work. Any exception to this shall be reviewed in advance by the PM OR DESIGNEE and Village Attorney to determine potential conflict of interest or the creation of an unfair advantage in the competitive selection process.

Specifications

Specifications provide the information and details critical to a required product and/or services. The purpose of Specifications is to serve as a basis for obtaining an item and/or service that is adequate and suitable to meet the Village's requirements in a cost-effective manner, considering, to the extent practicable, the costs of ownership and operation as well as initial acquisition costs.

Specifications shall be clear with accurate descriptions of sufficient detail to provide for suitable purchases, without being unduly restrictive, and shall minimally include, where applicable:

- Functions and standards characteristics;
- Materials and methods descriptions;
- Preparation for shipment, delivery point;
- Quality assurance and acceptance tests;
- Warranties and service support requirements; and,
- Product, supply and service specifications.

In developing a specification, the requesting department should consider the following factors:

- Does the document describe the needs in terms of function or performance required?
- Does the document clearly state the minimum requirements acceptable to the Village?
- Does the document indicate the end usage or expected results?
- Is the document clear, concise, and understandable?
- Does the document encourage competition by considering more than one source of supply or a brand?
- Are standard specifications available?
- Are there quality standards available or required for this product?
- Are the specifications tailored or otherwise restrictive, or do they promote competition vendor?
- If a specific brand and model are referenced, has the requesting department included the term “or approved equal”? If not, has the requesting department included a reason why an equal substitute is not acceptable?
- Are there any unusual considerations?

Statement or Scope of Work

A statement or scope of work is a written description of the required supplies, services and/or works stated in terms of the result to be achieved.

The purpose of a statement and/or scope of work is to provide potential vendors with a clear, accurate, and complete description of the supplies and/or services to be acquired or the work to be performed. These documents list performance requirements, both qualitative and quantitative, and often references specifications, notices and drawings, if construction or design-



related, and describe how the work will be completed, with specific tasks generally listed with required deadlines. The task descriptions may include methods used, including inspections, test and acceptance, quality, support services required, critical timeline definitions, data and documentation desired, maintenance, and other necessary requirements.

Every statement or scope of work should be tailored to specific procurement needs. The following provide common elements that should be addressed whenever applicable.

- Describe in detail services or work sought, including any work plan, required deliverables, milestones, performance standards, and due dates.
- List the required specific timeline or deliverable as well as any other specific scheduling requirements.
- Identify or describe where the work will be performed. If the place of performance is at a specific address, identify it. Identify any access limitations or requirement, and/or safety consideration.
- List the supplies and equipment that will be required, used, and/or provided.
- State the criteria the Village will use to determine if the product or service is acceptable.
- Identify any special requirements that are required to successfully perform or complete the work. For example, any anticipated or allowable price increase over the term of the contract, any special hardware or software, specific degrees or certifications, travel requirements, delivery expectations, or any other need not covered by the contract that are necessary to the success of the project.

Other considerations- Preference for Commercially Available Products.

- Preference for standard commercial available products should be given to the maximum extent practicable. In developing specifications, accepted commercial standards should be used and unique requirements should be avoided.
 - Brand name or equal specifications may be used when the item to be purchased is best described using such a specification and when it is in the best interest of the Village.
 - Brand name or equal specifications shall designate as many different brands or “as equal” references as is practicable and shall further state any substantially equivalent products that will be considered for award.
 - Where a brand name or equal specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the
-



standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

Use of Brand Name – Conditions for Use. Since use of a brand name specification is restrictive, it may be used only when the brand name or items will satisfy the requesting department's needs and the PM OR DESIGNER determines in writing that:

- a. No other design or performance specification or qualified products list is available,
- b. Time does not permit the preparation of another form of product description, not including a brand name specification,
- c. The nature of the product or the nature of the Village's requirements makes use of a brand name specification suitable for the procurement,
- d. Use of a brand name is in the Village's best interest due to such concerns as standardization or compatibility with existing products used by that or other departments, or
- e. Brand name only specifications should not be confused with the situation that arises if only one source can supply the requirement. When only one source can supply the requirement, the procurement shall be made under the Single/Sole Source procedure.

Where a brand name specification is used in a solicitation, the solicitation shall contain explanatory language that the use of a brand name is for the purpose of describing the standard of quality, performance, and characteristics desired and is not intended to limit or restrict competition.

Appendix 3

EVALUATION PROCESS

Formation and Performance of Evaluation/Selection Committees

An evaluation committee may be established for all solicitations where the underlying procurement is for a total contract value estimated to exceed \$50,000; however, evaluation committees may be used for any procurement in which the Village issues a solicitation. If possible, there will be a minimum of 3 or more committee members. No member may have a personal or financial interest in any respondent which has submitted a proposal to the Village.

Each member shall be able to rationally and ethically defend their recommendations and lead to the selection of a vendor which will provide goods, supplies, services and construction that are the best value for the Village consistent with the evaluation criteria set forth in the solicitation.

The PM or designee, or designee, shall serve as the evaluation committee administrator, and may not award points or rank bids or proposals. If a conflict of interest exists or appears to exist for a committee member, that member may not participate on that evaluation committee.

The PM or designee, or designee, may conduct an initial meeting (Kick-Off Meeting) with the evaluation committee to ensure members clearly understand their duties and responsibilities in the selection process. A copy of these guidelines, the solicitation including any addenda, each proposer's submittal, and a copy of the evaluation criteria shall be distributed to committee members.

All members of the evaluation committee should apply sound and unbiased judgment in awarding points to the responses for the purpose of ranking them. It is very important that all evaluation committee members read the solicitation thoroughly and have a clear understanding of the requirements and evaluation criteria before attempting to evaluate the responses. Evaluations must be based on the criteria established in the solicitation. All criteria must be scored. If a member elects to score only some of the criteria, the evaluations completed by that member will be excluded to prevent skewing of the final scores. Evaluations may be both qualitative and quantitative based on the evaluation criteria outlined in the solicitation. If a member scores a zero (0) in any category, that member must identify the deficiency and provide a written explanation for the zero (0) score. All scores and comments become part of the solicitation and contract file and are subject to disclosure under the Florida Public Records Act. Committee members should have a reasonable, rational, and consistent basis for their scores.

The evaluation committees and its members are all subject to Florida's Sunshine Law (section 286.011, Florida Statutes) which prohibits two or more members from communicating with each

other, either verbally or in writing, regarding the responses and the evaluation thereof, outside of the scheduled and publicly noticed evaluation committee meeting(s). If a potential respondent contacts a committee member, the member must refer the potential respondent to the PM or designee.

The evaluation committee meetings must follow the requirements of section 286.011, Florida Statutes, which requires that the meetings be open to the public including respondents. Meeting minutes must be recorded and promptly made available to the public. Reasonable public notice of all evaluation committee meetings must be provided. Public comment may be allowed at the evaluation committee meetings; however, when the evaluation committee is only recommending an award to the Village Council, allowing public comment is not required.

Score sheets may be completed by evaluation committee members prior to the evaluation committee meeting. At the meeting, the committee will discuss the responses and, if they haven't already, members will complete their score sheets. Members may adjust their initial scoring based on their interpretation of any additional information gained from the committee's discussions. After all discussions have been completed each committee member shall finalize their scores. Each member is required to sign the score sheet and any notes pages and submit them to the Chairperson as part of the public record. Financial proposals will be scored in accordance to the criteria set in solicitation and may be reviewed and approved by the Finance Director or his/her designee prior to final entries to the score sheets.

Score sheets will be tabulated and ranked by the PM OR DESIGNEE or designated administrator. Depending on the outcome of the scoring, the Committee will recommend one of the following:

- Award the contract to the highest ranked respondent; or
- Short-list the top ranked respondents and/or request scheduling of oral presentations.

If the committee recommends awarding the contract to the highest ranked respondent, no further action is required by the evaluation committee. The committee may request oral presentations from as many respondents as necessary; however, presentations shall be requested only from the top-ranked respondents in order of ranking.

When oral presentations are requested by the committee, the members shall submit a written request to the PM OR DESIGNEE or designated administrator for specific areas needing additional explanation and/or clarification or any other information the committee would like the respondents to provide during the oral presentations. All respondents selected for oral presentations will be notified in writing of the publicly posted meeting by the PM OR DESIGNEE or designated administrator, identifying the date, time, location, with a uniform script listing the specific questions or information requested by the evaluation committee to be addressed at the presentation. Prior to the oral presentations, the PM OR DESIGNEE or designated administrator will provide the evaluation criteria and score sheets to the evaluation committee. During the oral



presentations, committee members may ask questions of the respondents for a clear understanding of each respondent's response.

After oral presentations are completed, the committee will have the opportunity to continue discussions among themselves. After discussions are completed, each member shall finalize their scores. Each member is required to sign the score sheet and any notes pages and submit them to the PM or designee or designated administrator as part of the public record. Score sheets will be tabulated and ranked by the PM or designee or designated administrator. The award recommendation will be for the highest ranked respondent.

Selection Committee for Consultants' Competitive Negotiations Act.

An evaluation committee organized to evaluate qualifications submitted in response to a Request for Qualifications under section 287.055, Florida Statutes (Florida's Consultants' Competitive Negotiations Act (CCNA)) shall act in accordance with the two (2) step evaluation process (which includes discussions and/or presentations) set forth in the CCNA.

Appendix 4

AWARD

Responsiveness and Responsibility Determinations

The Village shall award its contracts to the responsive, responsible respondent offering the best value consistent with the stated evaluation criteria. The use of the term bidder/proposer shall be understood to include any participant in the Village's procurement process and the term bid/proposal shall be understood to include any offer in response to a solicitation. The following is intended to be used as general guidelines.

Responsive: Bidder/Proposer responsiveness refers to a bidder/proposer's as shown on the face of its offer, to provide the items or services called for by the material terms of the solicitation. To be considered responsive, bidder's/proposer's response to a solicitation shall substantially conform in all material respects to the requirements and criteria set forth in the solicitation. This includes such aspects as following solicitation instructions for proper submittal, completing all necessary forms included with the solicitation, providing information required by the solicitation, and complying with all terms, conditions, qualifications and specification requirements as enumerated in the solicitation. Except where specifically authorized in the solicitation, a bid/proposal that deprives the Village of the assurance that the contract will be entered into in accordance with its terms will be considered non-responsive. In consultation with the Village Attorney, the PM OR DESIGNEE shall have the authority to determine if a bid is non-responsive.

Responsible: Bidder/Proposer responsibility refers to whether the bidder/proposal can perform as provided in the bid/proposal. To be considered responsible bidder/proposer shall have the capability in all respects to fully perform the requirements identified in the solicitation documents. Bidder/Proposer shall have the experience, capacity, facilities, equipment, credit, sufficient qualified personnel, and record of timely and acceptable past performance that will assure good faith performance for a Village project or purchase. The term responsibility is not limited in its meaning to financial resources and ability. The Village reserves the right to make the determination if bidder/proposer is responsible by taking into consideration the bidder's past performance on any contract involving similar work and/or services and/or with the Village; the bidder's skill and business judgment; the bidder's experience and facilities for carrying out its responsibilities, timely completion and responding to complaints; and, any other relevant information which the Village may obtain relating to the bidder's, its proposed personnel's and subcontractor's ability to perform the solicited work and/or services.

In the event the Village has knowledge of the facts which may exist that would render a bidder/proposer non-responsive, the PM or designee shall conduct a responsibility review and inquiry as may be reasonably required to make the affirmative finding of responsibility as a condition of recommending the bidder/proposer for award. Village departments shall advise the



PM or designee in a timely manner of any knowledge of any facts that may render a bidder/proposer non-responsible. Given the variety of goods, supplies, services and construction purchased by the Village, and the unique issues that may arise, the issues of responsibility must be addressed on a case-by-case basis and provide written documentation specifying the details of prior issues.

A determination of bidder/proposer responsibility should be made, on a contract-by-contract basis. A responsible bidder/proposer is a bidder/proposer which the Village affirmatively determines (prior to the award of a contract) has the ability, capability, and skill to perform under the terms of the contract; can provide the materials or service promptly within the time specified, without delay or interference; and has a satisfactory record of integrity and business ethics.

In making the determination of whether the bidder/proposer has the capability to perform the contract the Village may consider factors including, but not limited to, the following:

- past performance of the bidder/proposer, its principals, affiliates, or supervisory personnel in the execution of prior Village contracts;
- any information which the Village may obtain relating to the performance of the bidder/proposer, its principals, affiliates, or supervisory personnel on contracts with third parties, including without limitation, contracts with other governmental entities;
- financial performance and capability, including without limitation, pending and unsatisfied claims;
- qualifications and past performance of the personnel who will have supervisory responsibility for the performance of the specific Village contract;
- licensing, certifications and other permits; and
- any significant changes in the bidder/proposer's financial position or business organization.

In making the determination whether the bidder/proposer has a satisfactory record of integrity and business ethics, the Village may consider factors including, but not limited to, the following:

- pending criminal charges against the contractor, its principals, affiliates, or supervisory personnel;
 - criminal conviction of bidder/proposer, its principals, affiliates, or supervisory personnel;
 - debarment of the bidder/proposer, its principals, affiliates, or supervisory personnel in the Village, or any other jurisdiction;
-



- pending disciplinary proceedings against the bidder/proposer, its principals, affiliates, or supervisory personnel;
- pending enforcement cases, civil judgments, citations, or notices of violation of regulatory authorities with jurisdiction over the goods, supplies, services and construction to be rendered, or any adverse determination resulting therefrom, including, but not limited to, those related to environmental protection, the health and safety of labor, and determinations by any government entity;
- pending investigation related to, or arising from allegations of dishonesty, illegal, or fraudulent business practices;
- efforts by the bidder/proposer to redress any breach of prior contracts, and compliance with settlement agreements to redress any contract deficiency;
- inaccurate, incomplete, or fraudulent accounting practices;
- efforts by the bidder/proposer to remediate any of the adverse conditions mentioned herein, including compliance with the terms and conditions of any compliance agreement; and
- the preponderance of the evidence, nature and credibility of any and all facts underlying any of the above-cited investigations, allegations, charges, accusations, proceedings or indictments.

In evaluating the factors above, the Village shall give priority to acts or legal proceedings occurring within the past five (5) years (unless expanded or limited by the solicitation), and any violation or deficiency that is continuous or uncured. Additionally, at any time, the Village may require that the bidder/proposer submit documentary evidence and other proof necessary to evaluate the factors identified above.

The Village shall be entitled to rely on information of the type upon which reasonable persons rely in the conduct of business affairs. If the bidder/proposer is unable to furnish such documentary evidence or other proof, or if the Village is otherwise unable to make an affirmative determination that the bidder/proposer is responsible to perform the work as required, the bidder/proposer shall be determined non-responsible. Failure of the bidder/proposer to provide requested information to determine responsibility in response to a solicitation may cause such bid/proposal to be rejected. The Village reserves the right to deem bidder/proposer non responsible in the case where bidder/proposer has not satisfactory completed the previous contract, failed to perform under the terms of the contract or has been terminated for non-performance on the contract.

Generally, bidders/proposers are responsible for determining the responsibility of their prospective subcontractors. Determinations of prospective subcontractor responsibility may



affect the Village's determination of the prospective bidder/proposer's responsibility. A bidder/proposer may be required to provide written evidence of a proposed interest to do so, and the Village may directly determine a prospective subcontractor's responsibility. In this case, the same standards used to determine a bidder/proposer's responsibility shall be used. The Village reserves the right to request the bidder/proposer to make changes in the choice of the sub-contractors as determined to be in the best interest of the Village.

In the event a bidder/proposer is determined to be non-responsible, the PM or designee shall make the recommendation to the Village Manager. The Village Manager shall make a final determination of non-responsibility. The PM or designee shall make, sign, and place in the contract file the determination of non-responsibility, which shall evidence the basis for the determination. All documents, reports, recordings of meetings, supporting a determination of non-responsibility shall also be included in the contract file.

In addition to responsiveness and responsibility determinations, the PM or designee, in collaboration with the requesting department, shall ensure that the goods, supplies, services and construction to be procured are technically compliant with the specifications and requirements of the Village's solicitation. The requesting department (or consultant, as may be the case) shall act as subject matter experts in determining whether the offered goods, supplies, services and construction are technically compliant with the specifications of the solicitation. Acceptance of the technical specifications by the requesting department shall be confirmed by the Department Director or designee to PM or designee in writing.

Rejection of Bids or Proposals

The PM or designee may make the recommendation to the Village Manager to reject any and all bids or proposals or parts of all bids or proposals when such rejection is in the best interest of the Village. A bid or proposal may be rejected if any of the following conditions exist:

- The bid or proposal does not partially or in full conform to the technical specifications and/or solicitation documents;
 - Insufficient financial resources and/or lack of technical ability, physical capacity and/or skill of the vendor to perform the contract or the service required;
 - Inability of the vendor to perform the contract or provide the service within the time specified without delays or interference;
 - Previous and existing non-compliance by the vendor with laws and ordinances relating to the contract or services, including but not limited to: sections
 - 287.133, Florida Statutes (Public Entity Crimes); and, section 287.135, Florida Statutes (Prohibition against contracting with scrutinized companies).
-



Procurement Policy

- Inadequate quality or performance on previous contracts for supplies, services and/or construction;
 - Vendor has been declared to be in default on any Village or public entity contract, suspended or debarred by any public entity;
 - Taking exceptions to the terms, conditions and specifications of the bid or proposal;
 - Non-conformance with minority business and/or disadvantaged business enterprise provisions and requirements, where applicable;
 - When the Village determines that the price quoted is not fair and reasonable;
 - Insufficient competition; and/or
 - Any other cause determined to be in the best interest of the Village.
-

Appendix 5

BONDS & INSURANCE

Bid Bonds

A bid bond to guarantee the vendor's intention to enter a contract with the Village is usually set as five percent (5%) of the estimated total bid price and may be required by the PM OR DESIGNEE. If a bid bond or similar offer deposit is required, it shall be in the form and amount specified in the solicitation. The bid bond shall be issued by company qualified by law to do business as a surety in the state, or shall be in form of a cashier's check, cash deposit or irrevocable letter of credit. A condition of the bond shall be that if the bidder/proposer receives the award, the bidder/proposer shall enter a contract with the Village and provide all applicable insurance and bonds within thirty (30) days of the PM or designee's notice of award or as stated in the award documents.

Performance and Payment Bonds

The PM or designee may require performance and payment bonds from the vendor selected for contract award. The bonds shall be in the form supplied by the Village or otherwise approved by the Village Attorney (no other form will be accepted). The bond shall be issued by company qualified by law to do business as a surety in the state, or shall be in the form of a cashier's check, cash deposit or irrevocable letter of credit. The bond shall be in an amount determined by the PM OR DESIGNEE. Such bonds shall, at minimum, guarantee the full and faithful performance of all contract obligations and the payment of all labor and materials to be used under the contract. It is recommended that construction contracts anticipated to cost at least \$100,000 include a requirement that the contractor provide the Village with a public construction bond as set forth in section 255.05, Florida Statutes. All construction contracts above \$200,000 must include a public construction bond as set forth in section 255.05, Florida Statutes. Public Construction bonds required under section 255.05, Florida Statutes, must be recorded in the Official Records of Palm Beach Village, Florida, and a copy of the bond showing it has been duly recorded is required to be provided to the Village prior to the commencement of any work and payment.

Insurance

The PM or designee may require insurance coverage from the vendor selected for award as may be deemed reasonably necessary to protect the best interest of the Village. The insurance coverage shall be in the form and amount(s) required by the solicitation or Village's standardized requirements.

Awards are contingent upon submission of required insurance coverage and performance and payment bonds. If the vendor selected for award fails to fulfill these requirements the Village

Manager or designee may render the bidder/proposer in default, re-award the contract to the next lowest or highest ranked responsive/responsible bidder and subject the defaulted vendor to re-procurement charges and/or to forfeiture of the bid/offer bond, and/or security in the entire value of the bid bond or in an amount equal to the damages sustained by the Village as a result of the default.

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Appendix 6

STATUTORY REQUIREMENTS

The Village must comply with the following statutory requirements as a political subdivision¹, municipality or other form of local government (the following list may not be exhaustive (as new laws are created each year) and is intended only to provide some guidance):

- § 287.055, Fla. Stat., known as the “Consultants Competitive Negotiation Act” (“CCNA”), is applicable to the Village when the Village seeks to obtain professional services (i.e., engineering, architectural, landscape architectural, mapping and surveying services) the cost of which will exceed \$50,000 for a planning or study activity or when the Village seeks such professional services for a construction project which is estimated to exceed \$325,000. The CCNA also contains required contractual provisions that must be included in the Village’s contracts for said professional services. The PM OR DESIGNEE has template RFQs to be used to procure these services and standard professional services agreement for the award of the same. Typically, the standard professional services agreement acts as a master agreement in which project specific Task Orders are issued.
- § 255.05, Fla. Stat., entitled, “Bond of Contractor Constructing Public Buildings; Form; Action by Materialmen”, is applicable to the Village when the Village is entering a formal contract for the construction of a public building which will exceed \$200,000. This section requires that the construction contractor provide the Village with a public construction bond (which is both a payment and performance bond) and provides a form that should be used for such bond. If the bond is not required by the Village, the Village may become liable to materialmen since liens cannot be assessed against governmental property. Many local governments impose a bond requirement under this section for construction projects less than \$200,000. The Village recommends a public construction bond for construction exceeding \$100,000 which may be waived by the PM or designee. See also § 255.051, Fla. Stat., regarding acceptable bid bonds.
- § 255.0518, Fla. Stat., entitled, “Public bids; bid opening”, is applicable to the Village when opening sealed bids submitted in response to a competitive solicitation for construction or repairs on a public building or work and requires the bids to be opened in a public meeting subject to the Sunshine Law (§ 286.011, Fla. Stat.).
- § 255.0525, Fla. Stat., entitled “Advertising for Competitive Bids or Proposals”, is applicable to the Village when the Village seeks competitive bids or proposals for a construction project that will exceed \$200,000. When the construction project is estimated to exceed \$200,000, the Village is required to publicly advertise at least once in a newspaper of general

¹ See § 1.01(8), Fla. Stat., “The words “public body,” “body politic,” or “political subdivision” include counties, cities, towns, villages, special tax school districts, special road and bridge districts, bridge districts, and all other districts in this state.”



circulation in Palm Beach Village for at least 21 days prior to bid opening. When the construction project is estimated to exceed \$500,000, the Village is required to publicly advertise at least once in a newspaper of general circulation in Palm Beach Village for at least 30 days prior to bid opening. The only exception to this section is if the project is needed on an emergency basis.

- § 255.20, Fla. Stat., entitled “Local Bids and Contracts for Public Construction Works; specification of state-produced lumber”, is applicable to the Village when the Village seeks to construct a public building, structure or other public construction work and requires the Village to competitively award such project. Such project must be competitively awarded to a licensed contractor when the project is estimated to have construction costs of more than \$300,000 (and \$75,000 for electrical projects – possibly as separate component). The term “competitively award” is defined to mean “to award contracts based on the submission of sealed bids, proposals submitted in response to a request for proposal, proposals submitted in response to a request for qualifications, or proposals submitted for competitive negotiation.” The statute “expressly allows contracts for construction management services, design/build contracts, continuation contracts based on unit prices, and any other contract arrangement with a private sector contractor permitted by any applicable ... Village resolution or by state law.” Exceptions to the statute are recognized for emergency situations and other specific situations. Certain lumber must also be specified in the project documents. Please note, there is an attorney’s fees provision which awards such fees to a contractor when this section is not followed. See also § 255.103, Fla. Stat., with optional process regarding construction management by the construction contractor (e.g., construction manager at risk contract method).

- § 218.391, Fla. Stat., entitled “Auditor Selection Procedures” is applicable to the Village when the Village seeks to select an auditor to conduct the Village’s annual financial audit as required in section 218.39, Florida Statutes.

§ 218.735, Fla. Stat., entitled “Timely Payment for Purchases of Construction Services” is applicable to the Village when the Village enters a contract for construction services. This section provides prompt payment timelines on the Village’s payment to the contractor and the contractor’s payment of sub-contractors. There is also a provision regarding a closeout/punch-list and timeline associated with completion of the closeout/ punch-list items. Finally, if the contract for construction services exceeds \$200,000, the Village may withhold 10% as retainage until 50% completion; then, only 5% may be held as retainage (given that the Village’s population exceeds 25,000). Note – exception at 8(h) for federally funded projects. See also § 218.73, Fla. Stat., regarding prompt payment for non-construction related services.

- § 725.06, Fla. Stat., is an indemnification limitation on construction contracts; and, § 725.08, Fla. Stat., is an indemnification limitation on design professional contracts, which appears to be applicable to the Village as a “public agency”.



§112.08, Fla. Stat., requires the Village to advertise for competitive bids for life, health, accident, hospitalization, legal expense, and annuity insurance. This may be accomplished through a broker of records retained by the Village who specializes in such services.

- Finally, § 558.005, Fla. Stat., contains an optional construction defect notice recommended to be added in construction contracts entered after October 1, 2006 (check statute every year since this notice is changing yearly).

Other applicable procurement statutory requirements to consider:

§ 255.0991, Fla. Stat., prohibition on local government preference for state funded construction services;

§ 255.0992, Fla. Stat., prohibition on local government public works projects;

§ 255.0993, Fla. Stat., requirement for US produced iron and steel products;

§ 287.05701, Fla. Stat., prohibition against considering respondent's social, political, ideological interests or giving a preference for the same;

§ 287.084, Fla. Stat., preference for Florida businesses;

§ 287.087, Fla. Stat., preference for drug-free workplaces;

§ 287.133, Fla. Stat., public entity crimes (\$35,000 threshold);

§ 218.391, Fla. Stat., external auditor selection procedures (revised in 2019);

§ 218.415, Fla. Stat., local government investment policies bid requirement;

§ 112.08, Fla. Stat., competitive bid requirement for employee insurance (Village's broker of record may bid for the Village);

§ 287.084, Fla. Stat., preference to Florida businesses in purchasing;

§ 287.135, Fla. Stat., prohibition against contracting with scrutinized companies (\$1M threshold);

Required contract provisions:

§ 287.133, Fla. Stat., public entity crimes (\$35,000 threshold);

§ 287.135, Fla. Stat., prohibition against contracting with scrutinized companies;

§ 119.0701, Fla. Stat., public records required language for service contracts; and,

§ 787.06, Fla. Stat., anti-human trafficking attestation.



Appendix 7

Procurement Declaration of Emergency Purchase Justification Form



PROCUREMENT DECLARATION OF EMERGENCY EMERGENCY PURCHASE JUSTIFICATION

An emergency purchase is defined as: A purchase in response to unforeseen circumstances, beyond the control of the Village of Palm Springs which A. presents a real, immediate threat to the proper performance of essential functions or B. will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken. All emergency purchases shall follow the Village of Palm Springs Standard Procurement Policy Section 4.12.	
I REQUEST THAT THE REFERENCED PURCHASE BE DECLARED AN EMERGENCY PURCHASE.	
Emergency Date:	Emergency Time: Not Applicable
Location of Emergency:	
Proposed supplier name and address: Various	Estimated cost of goods or services: \$ Unknown – depends on extent of supply interruption
This is an emergency purchase because (Check all that apply): ☐ Unforeseen circumstances beyond the control of Village of Palm Springs. ☐ Represents a real, immediate threat to the proper performance of essential functions. ☐ Delay of award will likely result in loss or damage to property, bodily injury, or loss of life if immediate action is not taken. ☐ Other –	
Describe the emergency.	
What caused the emergency situation to arise?	



Describe the response to situation. For example, what did staff and/or supplier do?	
Explain your process for identifying the selected supplier. For example, provide names of suppliers contacted, names of individuals who provided quotes, and amounts quoted.	
If selected supplier was not the low bidder, explain why the decision was made to utilize other than low bidder.	
List any other facts supporting the use of a non-competitive process.	
STATEMENT OF NEED AND CERTIFICATION: My department's recommendation for an emergency finding and declaration is based upon an objective review of the situation and appears to be in the best interest of the Village of Palm Springs. I know of no conflict of interest on my part or personal involvement in any way with this request. No gratuities, favors or compromising action have taken place. I hereby certify that this justification for an emergency finding and declaration is accurate and complete to the best of my knowledge and belief.	
Signature (Requestor)	Date
Printed Name:	Title:
DEPARTMENT DIRECTOR	



Signature

Date

Printed

Name: _____

MAYORAL/MANAGER FINDING AND DECLARATION OF EMERGENCY

Based upon the above, I find and declare an emergency situation to exist, waive competitive requirements, and direct the award of contracts on behalf of the Village to address the emergency situation, including without limitation the emergency purchase of the goods or services specified above.

Signature

Date

Rationale for Adjustment:

1. Economic Considerations: Over the past decade, inflation and market dynamics have significantly increased the cost of goods and services. Maintaining outdated procurement thresholds can hinder our ability to efficiently acquire necessary resources, leading to project delays and increased administrative burdens.
2. Regional Benchmarking: An analysis of procurement practices in nearby municipalities reveals a trend toward higher thresholds:
 - City of Lake Worth Beach: formal solicitation for purchases over \$50,000.
 - Wellington: Similar structures with thresholds set at \$5,000 for one quote, \$65,000 for three quotes, and formal solicitation beyond that.
 - Palm Beach Gardens: thresholds set at \$5,000 for one quote, \$65,000 for three quotes, and formal solicitation beyond that.
 - Boca Raton: One quote required for purchases under \$7,500; three quotes for purchases under \$50,000; formal solicitation for purchases over \$50,000.
 - Delray Beach: thresholds set at \$5,000 for one quote, \$65,000 for three quotes, and formal solicitation beyond that.
 - Highland Beach (Proposed): Adjusting thresholds to \$10,000 for one quote, \$50,000 for three quotes, and formal solicitation above \$50,000.

Proposed Threshold Adjustments:

Current Requirements	Proposed Requirements
Under \$5,000: No quote needed	Under \$7,50: One quote recommended
\$5,001 - \$35,000: Three quotes required	\$7,501 - \$25,000: One quote required
Over \$35,000: Formal Solicitation required	\$25,001 - \$49,999: Three quotes required
	Over \$50,000: Formal Solicitation required

Benefits of Proposed Changes:

- Efficiency: Reducing the frequency of formal solicitations for lower-value purchases will expedite procurement processes.
- Cost Savings: Minimizing administrative overhead associated with formal bidding procedures for smaller purchases.
- Competitive Alignment: Ensuring our procurement practices are consistent with regional standards, fostering better vendor relationships and market competitiveness.

Purchase Orders Issued between \$35,000 - \$50,000:

Fiscal Year	2025	2024	2023	2022	2021
Number of PO's	33	11	24	23	12



Village of Palm Springs

Executive Brief

AGENDA DATE: September 11, 2025

DEPARTMENT: Planning, Zoning & Building

ITEM #15: (Second Reading) Ordinance No. 2025-05 - Repealing Section 34-1337 of the Village of Palm Springs Code Ordinance to comply with Section 366.94, Florida Statutes

SUMMARY: During the most recent 2025 Florida Legislative Session, Senate Bill 700, which was signed into law on May 15, 2025, amended Section 366.94, Florida Statutes, related to electric vehicle charging stations, including the following revisions:

- Regulation of electric vehicle charging stations is preempted by the state.
- The requirement that local governments issue permits for electric vehicle charging stations is based solely upon standards established by the Department of Agriculture and Consumer Services and other applicable state law.
- Approving or denying the permit application shall follow the time period established by the Department of Agriculture and Consumer Services.
- Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the Department of Agriculture and Consumer Services in a form prescribed by department rules.

Note: On May 11, 2023, the Village Council approved a code amendment under Ordinance No. 2023-05 to add a new Section 34-1337, including regulations for electric vehicle charging stations.

Currently, as required by Section 366.94, Florida Statutes, staff are requesting to repeal Village Code Section 34-1337 to be in compliance with the state laws and regulations.

From a permitting perspective, the Planning, Zoning, and Building Department will follow the standards established by the Department of Agriculture and Consumer Services, as well as all applicable state laws.

The proposed ordinance was approved by the Village Council on its first reading at the August 21, 2025, meeting and is being presented for consideration for its second and final reading.

FISCAL IMPACT:

Repealing the Village Code of Ordinances, which is required due to new approved legislation during the 2025 Florida Legislative Session, does not have a fiscal impact.

ATTACHMENTS:

1. Proposed Ordinance No. 2025-05 - Repealing Code Section 34-1337 - Electric Vehicle Charging Stations

2. Senate Bill 700 - Electric Vehicle Charging Stations
3. Chapter 2025-22 - Laws of Florida

ORDINANCE NO. 2025-05

AN ORDINANCE OF THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA, AMENDING CHAPTER 34, "LAND DEVELOPMENT", ARTICLE VI, "LAND USE", DIVISION 8, "OFF-STREET PARKING", BY REPEALING SECTION 34-1337 (ORDINANCE NO. 2023-05) TO COMPLY WITH SECTION 366.94, FLORIDA STATUTES, WHICH PREEMPTED TO THE STATE THE REGULATION OF ELECTRIC VEHICLE CHARGING STATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on May 11, 2023, the Village adopted Ordinance No. 2023-05, which added a new section 34-1337, "Electric Vehicle Charging Infrastructure", to the Land Development Code to set forth regulations for electric vehicle charging stations in the Village of Palm Springs; and

WHEREAS, on May 1, 2024, the Governor approved Senate Bill 1084 (2024) which amended section 366.94, Florida Statutes, and preempted to the State the regulation of electric vehicle charging stations; and

WHEREAS, on May 15, 2025, the Governor approved Senate Bill 700 (2025), which amended section 366.94, Florida Statutes, to clarify the State preemption of electric vehicle charging stations and to authorize the Department of Agriculture and Consumer Services to establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations; and

WHEREAS, Section 366.94, Florida Statutes, as amended, requires that local governments issue permits for electric vehicle charging stations based solely upon standards established by the Department of Agriculture and Consumer Services and other applicable state laws; and

WHEREAS, section 34-1337 of the Village Code of Ordinances (adopted through Ordinance No. 2023-05) must be repealed to comply with the requirements of Section 366.94, Florida Statutes; and

WHEREAS, the Planning & Zoning Board considered this proposed Ordinance during their meeting on August 12, 2025, and recommended approval; and

WHEREAS, the Village Council desires to comply with the requirements of Section 366.94, Florida Statutes, and facilitate the efficient review and approval of electric vehicle charging stations consistent with the Department of Agriculture and Consumer Services standards.

NOW THEREFORE, BE ORDAINED BY THE VILLAGE COUNCIL OF THE VILLAGE OF PALM SPRINGS, FLORIDA:

Section 1. The precatory language above is approved and included herein as if set forth below.

Section 2. As required by Section 366.94, Florida Statutes, the Village of Palm Springs Council hereby repeals Section 34-1337 of the Village of Palm Springs Code of Ordinances, Chapter 34, "Land Development", Article VI, "Land Use", Division 8, "Off-Street Parking".

Section 3. All electric vehicle charging stations shall be reviewed administratively consistent with Section 366.94, Florida Statutes, and consistent with the Department of Agriculture and Consumer Services standards.

Section 4. Repeal of Conflicting Ordinances. All ordinances, resolutions, or parts of ordinances and resolutions in conflict herewith are hereby repealed.

Section 5. Severability. If any word, clause, sentence, paragraph, section or part thereof contained in this Ordinance is declared to be unconstitutional, unenforceable, void or inoperative by a court of competent jurisdiction, such declaration shall not affect the validity of the remainder of this Ordinance.

Section 6. Effective Date. This Ordinance shall become effective upon adoption.

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

	<u>Aye</u>	<u>Nay</u>	<u>Absent</u>
BEV SMITH, MAYOR	☐	☐	☐
KIM SCHMITZ, VICE MAYOR	☐	☐	☐
GARY READY, MAYOR PRO TEM	☐	☐	☐
_____, COUNCIL MEMBER	☐	☐	☐
PATTI WALLER, COUNCIL MEMBER	☐	☐	☐

Ordinance No. 2025-XX – Repealing Section 34-1337 of the Village Code of Ordinances to comply with Section 366.94, Florida Statutes.

The Mayor thereupon declared this Ordinance approved and adopted by the Village Council of the Village of Palm Springs, Florida, on second reading, on this ____day of _____, 2025.

VILLAGE OF PALM SPRINGS, FLORIDA

BY: _____
BEV SMITH, MAYOR

First Reading: _____

Second Reading: _____

ATTEST:

BY: _____
KIMBERLY M. WYNN, VILLAGE CLERK

REVIEWED FOR LEGAL FORM AND SUFFICIENCY:

BY: _____
CHRISTY GODDEAU, VILLAGE ATTORNEY

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1
2 An act relating to the Department of Agriculture and
3 Consumer Services; amending s. 110.205, F.S.;
4 providing that certain positions in the department are
5 exempt from the Career Service System; amending s.
6 163.3162, F.S.; defining terms; prohibiting
7 governmental entities from adopting or enforcing any
8 legislation that inhibits the construction of housing
9 for legally verified agricultural workers on
10 agricultural land operated as a bona fide farm;
11 requiring that the construction or installation of
12 such housing units on agricultural lands satisfies
13 certain criteria; requiring that local ordinances
14 comply with certain regulations; authorizing
15 governmental entities to adopt local land use
16 regulations that are less restrictive; requiring
17 property owners to maintain certain records for a
18 specified timeframe; requiring that use of a housing
19 site be discontinued and authorizing the removal of
20 such a site under certain circumstances; specifying
21 applicability of permit allocation systems in certain
22 areas of critical state concern; authorizing the
23 continued use of housing sites constructed before the
24 effective date of the act if certain conditions are
25 met; requiring the department to adopt certain rules;
26 providing for enforcement; requiring the department to
27 submit certain information to the State Board of
28 Immigration Enforcement on a certain schedule;
29 amending s. 201.25, F.S.; conforming a provision to

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changes made by the act; amending s. 253.0341, F.S.;
authorizing the department to surplus certain lands
determined to be suitable for bona fide agricultural
production; requiring the department to consult with
the Department of Environmental Protection before
making such determination; requiring the Department of
Agriculture and Consumer Services to retain a rural-
lands-protection easement for all surplused lands and
deposit all proceeds into a specified trust fund;
requiring the department to provide a report of lands
surplused to the board of trustees; providing that
certain lands are ineligible to be surplused;
providing for retroactive applicability; amending s.
330.41, F.S.; defining terms; prohibiting a person
from knowingly or willfully performing certain actions
on lands classified as agricultural; providing
criminal penalties; providing applicability;
prohibiting a person from knowingly or willfully
performing certain actions on private property, state
wildlife management lands, or a sport shooting and
training range; providing criminal penalties;
providing applicability; creating s. 366.20, F.S.;
requiring that certain lands acquired or owned by an
electric utility by a certain date be offered for fee
simple acquisition by the department before the land
may be offered for sale or transfer to a private
individual or entity; requiring an electric utility to
issue a written intent to sell through certified mail
to the Commissioner of Agriculture within a specified

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59 timeframe before offering to sell or transferring
60 certain lands; authorizing the commissioner to issue a
61 written intent to purchase via certified mail within a
62 specified timeframe after receipt of such written
63 intent to sell; requiring the electric utility to be
64 released from certain provisions under certain
65 circumstances; requiring that certain offers accepted
66 and received by the department within a specified
67 timeframe be executed no later than a certain date;
68 requiring the department to adopt rules; amending s.
69 366.94, F.S.; defining the term "electric vehicle
70 charging station"; authorizing the department to adopt
71 rules; requiring local governmental entities to issue
72 permits for electric vehicle charging stations based
73 on specified standards and provisions of law;
74 requiring that an electric vehicle charger be
75 registered with the department before being placed
76 into service for use by the public; providing the
77 department with certain authority relating to electric
78 vehicle charging stations; providing a penalty;
79 authorizing the department to issue an immediate final
80 order to an electric vehicle charging station under
81 certain circumstances; providing that the department
82 may bring an action to enjoin a violation of specified
83 provisions or rules; requiring the court to issue a
84 temporary or permanent injunction under certain
85 circumstances; amending s. 388.011, F.S.; revising the
86 definition of the terms "board of commissioners" and
87 "district"; defining the term "program"; amending s.

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388.021, F.S.; making a technical change; amending s.
388.181, F.S.; authorizing programs to perform
specified actions; amending s. 388.201, F.S.;
conforming provisions to changes made by the act;
requiring that the tentative work plan budget covering
the proposed operations and requirements for arthropod
control measures show the estimated amount to be
raised by county, municipality, or district taxes;
requiring that county commissioners' or a similar
governing body's mosquito control budget be made and
adopted pursuant to specified provisions and requiring
that summary figures be incorporated into the county
budgets as prescribed by the department; amending s.
388.241, F.S.; providing that certain rights, powers,
and duties be vested in the board of county
commissioners or similar governing body of a county,
or municipality; amending s. 388.261, F.S.; increasing
the maximum annual amount that a county, municipality,
or district may receive, without contributing matching
funds, in state funds, supplies, services, or
equipment for a certain number of years for any new
program for the control of mosquitos and other
arthropods which serves an area not previously served
by a county, municipality, or district; conforming a
provision to changes made by the act; amending s.
388.271, F.S.; requiring each program participating in
arthropod control activities to file a tentative
integrated arthropod management plan with the
department by a specified date; conforming provisions

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117 to changes made by the act; amending s. 388.281, F.S.;

118 requiring that all funds, supplies, and services

119 released to programs be used in accordance with the

120 integrated arthropod management plan and certified

121 budget; requiring that such integrated arthropod

122 management plan and certified budget be approved by

123 both the department and the board of county

124 commissioners or an appropriate representative;

125 conforming provisions to changes made by the act;

126 amending s. 388.291, F.S.; providing that a program

127 may perform certain source reduction measures in any

128 area providing that the department has approved the

129 operating or construction plan as outlined in the

130 integrated arthropod management plan; conforming

131 provisions to changes made by the act; amending s.

132 388.301, F.S.; revising the schedule by which state

133 funds for the control of mosquitos and other

134 arthropods may be paid; conforming provisions to

135 changes made by the act; amending s. 388.311, F.S.;

136 conforming provisions to changes made by the act;

137 amending s. 388.321, F.S.; conforming provisions to

138 changes made by the act; amending s. 388.322, F.S.;

139 requiring the department to maintain a record and

140 inventory of certain property purchased with state

141 funds for arthropod control use; conforming provisions

142 to changes made by the act; amending s. 388.323, F.S.;

143 requiring that certain equipment no longer needed by a

144 program be first offered for sale to other programs

145 engaged in arthropod control at a specified price;

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requiring that all proceeds from the sale of certain property owned by a program and purchased using state funds be deposited in the program's state fund account; conforming provisions to changes made by the act; amending s. 388.341, F.S.; requiring a program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by the department; conforming provisions to changes made by the act; amending s. 388.351, F.S.; conforming provisions to changes made by the act; amending s. 388.361, F.S.; conforming provisions to changes made by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending s. 388.381, F.S.; conforming provisions to changes made by the act; amending s. 388.391, F.S.; conforming provisions to changes made by the act; amending s. 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for inspection requirements for certain agricultural producers; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified landowners; requiring the department to perform onsite inspections annually of a certain percentage of all enrollments that meet specified qualifications within

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a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a best management practice to submit nutrient records annually to the department; requiring the department to collect and retain such records; amending s. 403.852, F.S.; defining the term "water quality additive"; amending s. 403.859, F.S.; prohibiting the use of certain additives in a water system which do not meet specified requirements; amending s. 482.111, F.S.; revising requirements for the renewal of a pest control operator's certificate; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.141, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking pest control operator certification; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.155, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking limited certification for a governmental pesticide applicator or a private applicator; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.156, F.S.; requiring the department to provide in-

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person and remote testing for the examination through
a third-party vendor for an individual seeking a
limited certification for commercial landscape
maintenance; authorizing a third-party vendor to
collect and retain a convenience fee; deleting
provisions requiring the department to make such
examination readily accessible and available to all
applicants on a specified schedule; amending s.
482.157, F.S.; revising requirements for issuance of a
limited certification for commercial wildlife
management personnel; authorizing a third-party vendor
to collect and retain a convenience fee; deleting
provisions requiring the department to make an
examination readily accessible and available to all
applicants on a specified schedule; amending s.
482.161, F.S.; authorizing the department to take
specified disciplinary action upon the issuance of a
final order imposing civil penalties or a criminal
conviction pursuant to the Federal Insecticide,
Fungicide, and Rodenticide Act; amending s. 487.044,
F.S.; requiring the department to provide in-person
and remote testing through a third-party vendor for
the examination of an individual seeking a limited
certification for pesticide application; authorizing a
third-party vendor to collect and retain a convenience
fee; amending s. 487.175, F.S.; providing that the
department may suspend, revoke, or deny licensure of a
pesticide applicator upon issuance of a final order to
a licensee which imposes civil penalties or a criminal

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conviction under the Federal Insecticide, Fungicide,
and Rodenticide Act; amending s. 496.404, F.S.;
defining the terms "foreign country of concern" and
"foreign source of concern"; amending s. 496.405,
F.S.; revising which documents a charitable
organization or sponsor must file before engaging in
specified activities; requiring that any changes to
such documents be reported to the department on a
specified form in a specified timeframe; revising the
requirements of the charitable organization's initial
registration statement; authorizing the department to
investigate or refer to the Florida Elections
Commission certain violations of the charitable
organization or sponsor; amending s. 496.415, F.S.;
prohibiting specified persons from soliciting or
accepting anything of value from a foreign source of
concern; providing penalties; amending s. 496.417,
F.S.; authorizing the department to investigate or
refer to the Florida Elections Commission certain
violations of a charitable organization or sponsor;
amending s. 496.419, F.S.; providing discretionary
penalties for a charitable organization or sponsor
whose registration is denied or revoked for submitting
a false attestation; creating s. 496.431, F.S.;
requiring the department to create the Honest Services
Registry to provide residents with information
relating to charitable organizations; requiring a
charitable organization included in the Honest
Services Registry to submit an attestation statement

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to the department; requiring the department to publish the Honest Services Registry on the department's website; requiring the department to adopt rules; amending s. 500.03, F.S.; revising the definition of the term "cottage food product"; amending s. 500.12, F.S.; providing that the department requires a food permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.; authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away certain spores or mycelium; providing a penalty; creating s. 500.93, F.S.; defining terms; requiring the department to adopt rules to enforce the Food and Drug Administration's standard of identity for milk, meat, poultry, and poultry products, and eggs and egg products to prohibit the sale of plant-based products

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mislabeled as milk, meat, poultry, or poultry products, or egg or egg products; providing contingent effective dates; requiring the department to adopt rules; providing construction; repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of the term "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants; authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the Florida Retail Fuel Transfer Switch Modernization Grant Program within the department; requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department,

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in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 564.06, F.S.; requiring that a certain percentage of revenues collected from certain excise taxes be deposited into the Florida Wine Trust Fund; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists; providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain agreement with the department; requiring the department to adopt certain rules; requiring the department to extend certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; requiring the department to use contracts procured by agencies; defining the term "agency"; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the

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department to change the expiration date for current licenses for a certain purpose; requiring the department to prorate the licensing fee for certain licenses; requiring the department to adopt rules; creating s. 570.694, F.S.; creating the Florida Aquaculture Foundation as a direct support organization within the department; providing the purpose of the foundation; providing governance for the foundation; authorizing the department to appoint an advisory committee adjunct to the foundation; amending s. 570.822, F.S.; defining the term "declared emergency," rather than "declared natural disaster," and revising the definition of the term "program"; providing that loan funds from the department may be used to restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; conforming provisions to changes made by the act; creating s. 570.823, F.S.; defining terms; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency;

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providing construction; authorizing the department to adopt rules to implement this section including emergency rules that may be effective for a specified timeframe; creating s. 570.831, F.S.; requiring, subject to appropriation of funds, the Cattle Enhancement Board, Inc., in coordination with the department, to establish a Florida beef marketing program; providing a purpose for such program; amending s. 581.1843, F.S.; deleting provisions that exclude certain citrus nurseries from certain requirements; deleting provisions relating to regulated areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department's authority to designate eradication zones, prohibit planting of cotton, and require participation in

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eradication program; regulation of the pasturage of
livestock, entry by persons, and location of honeybee
colonies in eradication zones and other areas;
eligibility for certification of cotton growers'
organization; the certification of cotton growers'
organization; a referendum; an assessment; the
department's authority to enter agreements with the
Farm Service Agency; liens; mandamus or injunction;
penalty for violation; and the handling of moneys
received, respectively; amending s. 595.404, F.S.;
revising the department's powers and duties regarding
school nutrition programs; amending s. 599.002, F.S.;
renaming the Viticulture Advisory Council as the
Florida Wine Advisory Council; revising the membership
of the Florida Wine Advisory Council; conforming
provisions to changes made by the act; amending s.
599.003, F.S.; renaming the State Viticulture Plan as
the State Wine Plan; conforming provisions to changes
made by the act; amending s. 599.004, F.S.; making
technical changes; providing that wineries that fail
to recertify annually or pay a specified licensing fee
are subject to certain actions and costs; conforming
provisions to changes made by the act; amending s.
599.012, F.S.; conforming provisions to changes made
by the act; amending s. 616.12, F.S.; deleting
provisions requiring a person who operates a minstrel
show in connection with any certain public fairs to
pay specified license taxes; deleting a provision that
exempts such person from paying specified taxes;

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creating s. 687.16, F.S.; providing a short title;
defining terms; prohibiting a financial institution
from discriminating in the provision of financial
services to an agricultural producer based on an ESG
factor; providing an inference with regard to a
certain violation; providing that the financial
institution may overcome the inference by making
certain demonstrations regarding its denial or
restriction of financial services to an agricultural
producer; authorizing the Attorney General to enforce
specified provisions; providing that a violation of
specified provisions constitutes an unfair and
deceptive trade practice; authorizing the Attorney
General to investigate and seek remedies for such
unfair trade practices; authorizing an aggrieved party
to seek an action for damages; amending s. 741.0305,
F.S.; conforming a cross-reference; amending s.
790.06, F.S.; revising the circumstances under which
the department may temporarily suspend a person's
license to carry a concealed weapon or concealed
firearm or the processing of an application for such
license; requiring the department to notify certain
licensees or applicants of their right to a hearing;
requiring the department to issue an order confirming
the end of a suspension within a specified timeframe
after an applicant or licensee submits a copy of a
specified document to the department; requiring that
such document be sent through electronic or certified
mail to a specified location; requiring that the

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suspension remain in effect upon a certain disposition of a criminal case or injunction; providing construction; providing legislative findings; revising the duties of the department after the date of receipt of a completed application for a license to carry a concealed weapon or concealed firearm; requiring that a license issued under this section be temporarily suspended or revoked if the license was issued in error or if the licensee commits certain actions; amending s. 812.0151, F.S.; revising the elements of third degree and second degree felony retail fuel theft; creating s. 812.136, F.S.; defining terms; providing elements for the crime of mail theft; providing elements of theft of or unauthorized reproduction of a mail depository key or lock; providing criminal penalties; amending s. 934.50, F.S.; deleting certain exceptions from the prohibited uses of drones; providing that a drone may be used for certain purposes by a local governmental entity or person under contract with or acting under the direction of such entity; creating s. 1013.373, F.S.; prohibiting a local government from adopting any measure to limit the activities of public educational facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to

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incorporate the amendment made to s. 110.205, F.S., in
a reference thereto; reenacting s. 189.062(1)(a),
F.S., relating to special procedures for inactive
districts and state aid to counties, to incorporate
the amendment made to s. 388.271, F.S., in references
thereto; reenacting ss. 482.072(3)(b) and 482.163,
F.S., relating to pest control customer contact
centers and responsibility for pest control activities
of employee, respectively, to incorporate the
amendment made to s. 482.161, F.S., in references
thereto; reenacting s. 487.156, F.S., relating to
governmental agencies, to incorporate the amendment
made to s. 487.044, F.S., in a reference thereto;
reenacting ss. 496.4055(2) and 496.406(2) and (4),
F.S., relating to charitable organization or sponsor
board duties and exemption from registration,
respectively, to incorporate the amendment made to s.
496.405, F.S., in references thereto; reenacting s.
500.80(1)(a), F.S., relating to cottage food
operations, to incorporate the amendment made to s.
500.12, F.S., in a reference thereto; reenacting s.
500.121(6), F.S., relating to disciplinary procedures,
to incorporate the amendment made to s. 500.172, F.S.,
in a reference thereto; reenacting s. 790.061, F.S.,
relating to judges and justices, to incorporate the
amendment made to s. 790.06, F.S., in a reference
thereto; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

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Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in The Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in The Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in The Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in The Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in The Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department

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Financial Administrator.

6. Positions in The Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Present paragraphs (a) through (d) of subsection (2) of section 163.3162, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, a new paragraph (a) and paragraphs (f) and (g) are added to that subsection, and subsections (5), (6), and (7) are added to that section, to read:

163.3162 Agricultural Lands and Practices.—

(2) DEFINITIONS.—As used in this section, the term:

(a) "Department" means the Department of Agriculture and Consumer Services.

(f) "Housing site" means the totality of development supporting authorized housing, including buildings, mobile homes, barracks, dormitories used as living quarters, parking areas, common areas such as athletic fields or playgrounds, storage structures, and other related structures.

(g) "Legally verified agricultural worker" means a person

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who:

1. Is lawfully present in the United States;

2. Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;

3. Has been verified through the process provided in s. 448.095(2) and is authorized to work at the time of employment;

4. Is seasonally or annually employed in bona fide agricultural production;

5. Remains lawfully present and authorized to work throughout the duration of that employment; and

6. Is not an unauthorized alien as defined in s. 448.095(1).

(5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

(a) A governmental entity may not adopt or enforce any legislation, regulation, or ordinance to inhibit the construction or installation of housing for legally verified agricultural workers on land classified as agricultural land pursuant to s. 193.461 which is operated as a bona fide farm except as provided in this subsection.

(b) Construction or installation of housing units for legally verified agricultural workers on parcels of land classified as agricultural land under s. 193.461 must satisfy all of the following criteria:

1. The dwelling units must meet federal, state, and local building standards, including standards of the Department of Health adopted pursuant to ss. 381.008-381.00897 and federal standards for H-2A visa housing. If a written notice of intent is required to be submitted to the Department of Health pursuant to s. 381.0083, the appropriate governmental entity with

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jurisdiction over the agricultural lands may also require
submittal of a copy of the written notice.

2. The housing site must be maintained in a neat, orderly,
and safe manner.

3. All structures containing dwelling units must be located
a minimum of 10 feet apart.

4. The square footage of the housing site's climate-
controlled facilities may not exceed 1.5 percent of the
property's area or 35,000 square feet, whichever is less.

5. A housing site must provide front, side, and rear yard
setbacks of at least 50 feet. However, an internal project
driveway may be located in the required yard space if the yard
is adjacent to a public roadway or to property that is under
common ownership with the housing site.

6. A housing site may not be located less than 100 feet
from a property line adjacent to property zoned for residential
use. If the housing site is located less than 250 feet from any
property line, screening must be provided between the housing
site and any residentially developed adjacent parcels that are
under different ownership. The screening may be designed in any
of the following ways:

a. Evergreen plants that, at the time of planting, are at
least 6 feet in height and provide an overall screening opacity
of 75 percent;

b. A masonry wall at least 6 feet in height and finished on
all sides with brick, stone, or painted or pigmented stucco;

c. A solid wood or PVC fence at least 6 feet in height with
the finished side of the fence facing out;

d. A row of evergreen shade trees that, at the time of

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planting, are at least 10 feet in height, a minimum of 2-inch caliper, and spaced no more than 20 feet apart; or

e. A berm made with a combination of the materials listed in sub-subparagraphs a.-d., which is at least 6 feet in height and provides an overall screening opacity of 75 percent at the time of installation.

7. All access driveways that serve the housing site must be made of packed shell, gravel, or a similar material that will provide a relatively dust-free surface.

(c) Any local ordinance adopted pursuant to this subsection must comply with all state and federal regulations for migrant farmworker housing, as applicable, including rules adopted by the Department of Health pursuant to ss. 381.008–381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. A governmental entity may adopt local government land use regulations that are less restrictive than this subsection, but which still meet regulations established by the Department of Health pursuant to ss. 381.008–381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. An ordinance adopted pursuant to this paragraph may not conflict with the definition and requirements of a legally verified agricultural worker.

(d) Beginning July 1, 2025, a property owner must maintain records of all approved permits, including successor permits, for migrant labor camps or residential migrant housing as required under s. 381.0081. A property owner must maintain such records for at least 3 years and make the records available for inspection within 14 days after receipt of a request for records

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by a governmental entity.

(e) A housing site may not continue to be used and may be required to be removed under the following circumstances:

1. If, for any reason, a housing site is not being used for legally verified agricultural workers for longer than 365 days, any structure used as living quarters must be removed from the housing site within 180 days after receipt of written notification from the county unless the property owner can demonstrate that use of the site for housing legally verified agricultural workers will occur within 90 days after the written notification.

2. If the property on which the housing site is located ceases to be classified as agricultural land pursuant to s. 193.461.

3. If the permit authorized by the Department of Health for the housing site is revoked, all structures must be removed from the housing site within 180 days after receipt of written notification from the county unless the permit is reinstated by the Department of Health.

4. If a housing site is found to be occupied by any person who does not meet the definition of a legally verified agricultural worker, or is otherwise unlawfully present in the United States. A property owner who violates this subparagraph is subject to a Class I fine pursuant to s. 570.971, not to exceed \$1,000, for the first violation, and a Class II fine, not to exceed \$5,000, for any subsequent violations. The fines shall be collected by the clerk of the court of the county in which the violation occurred.

(f) Notwithstanding this subsection, the construction or

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installation of housing for legally verified agricultural workers in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the permit allocation systems of the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern, respectively.

(g) A housing site that was constructed and in use before July 1, 2024, may continue to be used, and the property owner may not be required by a governmental entity to make changes to meet the requirements of this subsection, unless the housing site will be enlarged, remodeled, renovated, or rehabilitated. The property owner of a housing site authorized under this paragraph must provide regular maintenance and repair, including compliance with health and safety regulations and maintenance standards, for such housing site to ensure the health, safety, and habitability of the housing site.

(6) DATA COLLECTION.—The department shall adopt rules providing for:

(a) A method for governmental entities to submit reports of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to s. 193.461, as provided in this section.

(b) A method for persons to submit complaints for review and investigation by the department.

Governmental entities shall provide this information quarterly to the department in a format and timeframe prescribed by rule.

(7) ENFORCEMENT.—

(a) In addition to the enforcement methods of employment

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726 verification outlined in s. 448.095, the department shall
727 enforce the requirements of subsection (5). Enforcement includes
728 completing routine inspections based on a random sample of data
729 collected by government entities and submitted to the
730 department, the investigation and review of complaints, and the
731 enforcement of violations.

732 (b) The department shall submit the information collected
733 to the State Board of Immigration Enforcement on a quarterly
734 basis, except that the first quarter shall begin 60 days after
735 the first quarterly data report under subsection (6) by a
736 governmental entity is received and reviewed by the department.

737 Section 3. Subsection (3) of section 201.25, Florida
738 Statutes, is amended to read:

739 201.25 Tax exemptions for certain loans.—There shall be
740 exempt from all taxes imposed by this chapter:

741 (3) Any loan made by the Agriculture and Aquaculture
742 Producers Emergency ~~Natural Disaster~~ Recovery Loan Program
743 pursuant to s. 570.822.

744 Section 4. Subsection (19) is added to section 253.0341,
745 Florida Statutes, to read:

746 253.0341 Surplus of state-owned lands.—

747 (19) Notwithstanding any other law or rule, the Department
748 of Agriculture and Consumer Services may surplus lands acquired
749 pursuant to s. 366.20 which are determined to be suitable for
750 bona fide agricultural production, as defined in s. 193.461. The
751 Department of Agriculture and Consumer Services shall consult
752 with the Department of Environmental Protection in the process
753 of making such determination. In the event that lands acquired
754 pursuant to s. 366.20, which are determined to be suitable for

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755 bona fide agricultural production are surplused, the Department
756 of Agriculture and Consumer Services must retain a rural-lands-
757 protection easements pursuant to s. 570.71(3), and all proceeds
758 must be deposited into the Incidental Trust Fund within the
759 Department of Agriculture and Consumer Services for less than
760 fee simple land acquisition pursuant to ss. 570.71 and 570.715.
761 By January 1, 2026, and each January 1 thereafter, the
762 Department of Agriculture and Consumer Services shall provide a
763 report of lands surplused pursuant to this subsection to the
764 board.

765 (a) Any lands designated as a state forest, state park, or
766 wildlife management area are ineligible to be surplused pursuant
767 to this subsection.

768 (b) This subsection is retroactive to January 1, 2009.

769 Section 5. Present paragraphs (a) through (d) and (e) of
770 subsection (2) of section 330.41, Florida Statutes, are
771 redesignated as paragraphs (b) through (e) and (j),
772 respectively, and subsection (6) of that section is redesignated
773 as subsection (8), a new paragraph (a) and paragraphs (f), (g),
774 (h), and (i) are added to subsection (2) of that section and a
775 new subsection (6) and subsection (7) are added to that section,
776 and paragraph (d) of subsection (4) of that section is amended,
777 to read:

778 330.41 Unmanned Aircraft Systems Act.—

779 (2) DEFINITIONS.—As used in this act, the term:

780 (a) "Commercial property" means real property other than
781 residential property. The term includes, but is not limited to,
782 a property zoned multifamily residential which is comprised of
783 five or more dwelling units, and real property used for

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commercial, industrial, or agricultural purposes.

(f) "Private property" means any residential or commercial property.

(g) "Property owner" means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property.

(h) "Residential property" means real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.

(i) "Sport shooting and training range" has the same meaning as in s. 790.333(3)(h).

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.—

(d) This subsection and paragraph (2)(b) ~~paragraph (2)(a)~~ shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(6) PROTECTION OF AGRICULTURAL LANDS.—

(a) A person may not knowingly or willfully do any of the following on lands classified as agricultural lands pursuant to s. 193.461:

1. Operate a drone.

2. Allow a drone to make contact with any person or object on the premises of or within the boundaries of such lands.

3. Allow a drone to come within a distance close enough to such lands to interfere with or cause a disturbance to

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813 agricultural production.

814 (b) A person who violates paragraph (a) commits a
815 misdemeanor of the second degree, punishable as provided in s.
816 775.082 or s. 775.083. A person who commits a second or
817 subsequent violation commits a misdemeanor of the first degree,
818 punishable as provided in s. 775.082 or s. 775.083.

819 (c) This subsection does not apply to actions identified in
820 paragraph (a) which are committed by:

- 821 1. The owner of the agricultural lands.
822 2. A person acting under the prior written consent of the
823 owner of the agricultural lands.
824 3. A person or entity acting in compliance with the
825 provisions of s. 934.50.

826 (7) PROTECTION OF PRIVATE PROPERTY AND STATE HUNTING
827 LANDS.—

828 (a) A person may not knowingly or willfully allow a drone
829 to make contact with private property, state wildlife management
830 lands, or a sport shooting and training range or any person or
831 object on the premises of or within such property with the
832 intent to harass.

833 (b) A person who violates paragraph (a) commits a
834 misdemeanor of the second degree, punishable as provided in s.
835 775.082 or s. 775.083. A person who commits a second or
836 subsequent violation commits a misdemeanor of the first degree,
837 punishable as provided in s. 775.082 or s. 775.083.

838 (c) A person who violates paragraph (a) and records video
839 of the private property, state wildlife management lands, or
840 sport shooting and training range, including any person or
841 object on the premises of or within the private property, state

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wildlife management lands, or sport shooting and training range, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The property owner of the private property or sport shooting and training range, or a person acting under the prior written consent of the property owner.

2. A person or entity acting in compliance with the provisions of s. 934.50.

Section 6. Effective July 31, 2026, section 366.20, Florida Statutes, is created to read:

366.20 Sale and management of lands owned by electric utilities.—

(1) Lands acquired by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which have been classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the acquisition of the land by the electric utility must be offered for fee simple acquisition by the Department of Agriculture and Consumer Services through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(2) Lands owned by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which were classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the date of acquisition of the land by the

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electric utility must be offered for fee simple acquisition by the department through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(3)(a) Within 30 days before offering for sale or transferring lands identified pursuant to subsection (1) or subsection (2) to a private individual or entity, an electric utility must issue a written intent to sell sent through certified mail to the Commissioner of Agriculture.

(b) Within 30 days after the date of receipt by certified mail of the written intent by an electric utility to sell or transfer such land, the commissioner may issue a written intent to purchase via certified mail to the electric utility that issued the intent to sell. If the commissioner declines, or does not issue an intent to purchase within the 30 day timeframe, the electric utility is released from the requirements of this section.

(4) Offers accepted by the department pursuant to paragraph (3)(b) which are received no later than 6 months before the start of the regular legislative session must be executed no later than July 31 following that regular legislative session.

(5) The department shall adopt rules to implement this section.

Section 7. Present subsections (3) and (4) of section 366.94, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

366.94 Electric vehicle charging.—

(2)(a) As used in this section, the term "electric vehicle

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charging station" means the area in the immediate vicinity of electric vehicle supply equipment and includes the electric vehicle supply equipment, supporting equipment, and associated parking spaces. The regulation of electric vehicle charging stations is preempted to the state.

~~(b)(a)~~ A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

~~(3)(a)(b)~~ The Department of Agriculture and Consumer Services shall adopt rules to implement this subsection and to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.

(b) The department may adopt rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.

(c) Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards established by department rule and other applicable provisions of state law. The department shall prescribe by rule the time period for approving or denying permit applications.

(d) Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

(e) The department shall have the authority to inspect electric vehicle charging stations, conduct investigations, and enforce this subsection and any rules adopted thereto. The department may impose one or more of the following penalties

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929 against a person who violates this subsection or any rule
930 adopted under this subsection:

931 1. Issuance of a warning letter.

932 2. Imposition of an administrative fine in the Class II
933 category pursuant to s. 570.971 for each violation.

934 (f) If the department determines that an electric vehicle
935 charging station or any associated equipment presents a threat
936 to the public health, safety, or welfare, the department may
937 issue an immediate final order prohibiting the use of the
938 electric vehicle charging station or any portion thereof.

939 (g) In addition to the remedies provided in this
940 subsection, and notwithstanding the existence of any adequate
941 remedy at law, the department may bring an action to enjoin a
942 violation of this subsection or rules adopted under this
943 subsection in the circuit court of the county in which the
944 violation occurs or is about to occur. Upon demonstration of
945 competent and substantial evidence by the department to the
946 court of the violation or threatened violation, the court shall
947 immediately issue the temporary or permanent injunction sought
948 by the department. The injunction must be issued without bond.

949 Section 8. Present subsections (10) and (11) of section
950 388.011, Florida Statutes, are redesignated as subsections (11)
951 and (12), respectively, a new subsection (10) is added to that
952 section, and subsections (2) and (5) of that section are
953 amended, to read:

954 388.011 Definitions.—As used in this chapter:

955 (2) "Board of commissioners" means the governing body of
956 any mosquito control program ~~district~~, and may include boards of
957 county commissioners, city councils, municipalities, or other

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similar governing bodies when context so indicates.

(5) "District" means any mosquito control special district established in this state by law for the express purpose of controlling arthropods within boundaries of such ~~said~~ districts.

(10) "Program" means any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules promulgated hereunder. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under the provisions of this chapter.

(2) It is the legislative intent that ~~those~~ mosquito control districts established prior to July 1, 1980, pursuant to the petition process contained in former s. 388.031, may continue to operate as outlined in this chapter. However, on and

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after that date, no mosquito control districts may be created except pursuant to s. 125.01.

Section 10. Section 388.181, Florida Statutes, is amended to read:

388.181 Power to do all things necessary.—The respective programs ~~districts~~ of the state are hereby fully authorized to do and perform all things necessary to carry out the intent and purposes of this law.

Section 11. Subsections (1), (2), (4), and (5) of section 388.201, Florida Statutes, are amended to read:

388.201 Program ~~District~~ budgets; hearing.—

(1) The fiscal year of programs ~~districts~~ operating under ~~the provisions of~~ this chapter shall be the 12-month period extending from October 1 of one year through September 30 of the following year. The governing board of the programs ~~district~~ shall before July 15 of each year complete the preparation of a tentative detailed work plan budget covering its proposed operations and requirements for arthropod control measures during the ensuing fiscal year and, for the purpose of determining eligibility for state aid, shall submit copies as may be required to the department for review and approval. The tentative detailed work plan budget must ~~shall~~ set forth, classified by account number, title and program items, and by fund from which to be paid, the proposed expenditures of the program ~~district~~ for construction, for acquisition of land, and other purposes, for the operation and maintenance of the program's ~~district's~~ works, the conduct of the program ~~district~~ generally, to which may be added an amount to be held as a reserve.

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(2) The tentative detailed work plan budget must ~~shall~~ also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted, ~~There shall be shown~~ the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by county, municipality, or district taxes and from any and all other sources for meeting the program's ~~the district's~~ requirements.

(4) The governing board shall:

(a) ~~Shall~~ Consider objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) ~~Shall~~ By September 30, adopt and execute on a form furnished by the department a certified budget for the programs ~~district~~ which shall be the operating and fiscal guide for the program ~~district~~. Certified copies of this budget must ~~shall~~ be submitted by September 30 to the department for approval.

(5) County commissioners' mosquito and arthropod control budgets or the budgets of a similar governing body of a county, city, or town must ~~shall~~ be made and adopted as prescribed by subsections (1) and (2); summary figures must ~~shall~~ be incorporated into the county budgets as prescribed by the Department of Financial Services.

Section 12. Section 388.241, Florida Statutes, is amended to read:

388.241 Board of county commissioners vested with powers and duties of board of commissioners in certain counties.—In those counties or municipalities where there has been no formation of a separate or special board of commissioners, all

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the rights, powers, and duties of a board of commissioners as conferred in this chapter shall be vested in the board of county commissioners or similar governing body of said county or municipality.

Section 13. Section 388.261, Florida Statutes, is amended to read:

388.261 State aid to counties, municipalities, and districts for arthropod control; distribution priorities and limitations.—

(1) A county, municipality, or district may, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount of no more than \$75,000 ~~\$50,000~~ per year for up to 3 years for any new program for the control of mosquitoes and other arthropods which serves an area not previously served by the county, municipality, or district. These funds may be expended for any and all types of control measures approved by the department.

(2) Every county, municipality, or district budgeting local funds to be used exclusively for the control of mosquitoes and other arthropods, under a plan submitted by the county, municipality, or district and approved by the department, is eligible to receive state funds and supplies, services, and equipment on a dollar-for-dollar matching basis to the amount of local funds budgeted. If state funds appropriated by the Legislature are insufficient to grant each county, municipality, or district state funds on a dollar-for-dollar matching basis to the amount budgeted in local funds, the department must ~~shall~~ distribute the funds as prescribed by rule. Such rules must ~~shall~~ provide for up to 80 percent of the funds to be

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distributed to programs with local funds for mosquito control budgets of less than \$1 million, if the county, municipality, or district meets the eligibility requirements. The funds must ~~shall~~ be distributed as equally as possible within the category of counties pursuant to this section. The remaining funds must ~~shall~~ be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach.

(3) Every county shall be limited to receive a total of \$120,000 of state funds, exclusive of state funds brought forward, during any one year.

(4) Up to 20 percent of the annual funds appropriated to local governments for arthropod control may be used for arthropod control research or demonstration projects as approved by the department.

(5) If more than one program ~~local mosquito control agency~~ exists in a county or municipality, the funds must ~~shall~~ be prorated between the programs ~~agencies~~ based on the population served by each program ~~agency~~.

(6) The Commissioner of Agriculture may exempt counties, municipalities, or districts from the requirements in subsection (1), subsection (2), or subsection (3) when the department determines state funds, supplies, services, or equipment are necessary for the immediate control of mosquitoes and other arthropods that pose a threat to human or animal health.

(7) The department may use state funds appropriated for a county, municipality, or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a

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1103 county, municipality, or district eligible to receive state
1104 funds under s. 388.271.

1105 (8) The department is authorized to use up to 5 percent of
1106 the funds appropriated annually by the Legislature under this
1107 section to provide technical assistance to the counties,
1108 municipalities, or districts, or to purchase equipment,
1109 supplies, or services necessary to administer the provisions of
1110 this chapter.

1111 Section 14. Subsections (1) and (2) of section 388.271,
1112 Florida Statutes, are amended to read:

1113 388.271 Prerequisites to participation.—

1114 (1) When state funds are involved, it is the duty of the
1115 department to guide, review, approve, and coordinate the
1116 activities of all county and municipal governments and special
1117 districts receiving state funds in furtherance of the goal of
1118 integrated arthropod control. Each program ~~county~~ eligible to
1119 participate may, and each district must, begin participation on
1120 October 1 of any year by filing with the department not later
1121 than July 15 a tentative integrated arthropod management plan
1122 ~~work plan~~ and tentative detailed ~~work plan~~ budget providing for
1123 the control of arthropods. Following approval of the plan and
1124 budget by the department, a copy ~~two copies~~ of the program's
1125 ~~county's or district's~~ certified budget based on the approved
1126 integrated arthropod management ~~work plan~~ and detailed ~~work plan~~
1127 budget must ~~shall~~ be submitted to the department by September 30
1128 ~~following~~. State funds, supplies, and services must ~~shall~~ be
1129 made available to such program ~~county or district~~ by and through
1130 the department ~~immediately~~ upon release of funds by the
1131 Executive Office of the Governor.

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(2) All purchases of supplies, materials, and equipment by programs ~~must counties or districts~~ shall be made in accordance with the laws governing purchases by boards of county commissioners or similar governing bodies, except that programs ~~districts~~ with special laws relative to competitive bidding shall make purchases in accordance therewith.

Section 15. Subsections (1) and (3) of section 388.281, Florida Statutes, are amended to read:

388.281 Use of state matching funds.—

(1) All funds, supplies, and services released to programs ~~counties and districts~~ hereunder must ~~shall~~ be used in accordance with the integrated arthropod management ~~detailed~~ ~~work~~ plan and certified budget approved by both the department and the board of commissioners or an appropriate representative ~~county or district~~. The integrated arthropod management plan and budget may be amended at any time upon prior approval of the department.

(3) In any program ~~county or district~~ where the arthropod problem has been eliminated, or reduced to such an extent that it does not constitute a health, comfort, or economic problem as determined by the department, the maximum amount of state funds available under this chapter shall be reduced to the amount necessary to meet actual need.

Section 16. Subsections (1) and (2) of section 388.291, Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

(1) Any program ~~county or district~~ may perform source reduction measures in conformity with good engineering practices

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1161 in any area, provided that the department cooperating with the
1162 county, municipality, or district has approved the operating or
1163 construction plan as outlined in the integrated arthropod
1164 management plan and that it has been determined by criteria
1165 contained in rule that the area or areas to be controlled would
1166 produce arthropods in significant numbers to constitute a health
1167 or nuisance problem.

1168 (2) The program ~~county or district~~ shall manage the
1169 detailed business affairs and supervise the ~~said~~ work, and the
1170 department shall advise the programs ~~districts~~ as to the best
1171 and most effective measures to be used in bringing about better
1172 temporary control and the permanent elimination of breeding
1173 conditions. The department may at its discretion discontinue any
1174 state aid provided hereunder in the event it finds the jointly
1175 agreed upon program is not being followed or is not efficiently
1176 and effectively administered.

1177 Section 17. Section 388.301, Florida Statutes, is amended
1178 to read:

1179 388.301 Payment of state funds; supplies and services.—
1180 State funds shall be payable ~~quarterly~~, in accordance with the
1181 rules of the department, upon requisition by the department to
1182 the Chief Financial Officer. The department is authorized to
1183 furnish insecticides, chemicals, materials, equipment, vehicles,
1184 and personnel in lieu of state funds where mass purchasing may
1185 save funds for the state, or where it would be more practical
1186 and economical to use equipment, supplies, and services between
1187 two or more programs ~~counties or districts~~.

1188 Section 18. Section 388.311, Florida Statutes, is amended
1189 to read:

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388.311 Carry over of state funds and local funds.—State and local funds budgeted for the control of mosquitoes and other arthropods shall be carried over at the end of the program's ~~county or district's~~ fiscal year, and rebudgeted for such control measures the following fiscal year.

Section 19. Section 388.321, Florida Statutes, is amended to read:

388.321 Equipment to become property of a program ~~the county or district~~.—All equipment purchased under this chapter with state funds made available directly to a program ~~the county or district~~ shall become the property of the program ~~county or district~~ unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the program ~~county or district~~.

Section 20. Section 388.322, Florida Statutes, is amended to read:

388.322 Record and inventory of certain property.—A record and inventory of certain property purchased with state funds for arthropod control use owned by the program must ~~district shall~~ be maintained in accordance with s. 274.02.

Section 21. Section 388.323, Florida Statutes, is amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment purchased using state funds for arthropod control use no longer needed by a program must ~~county or district shall~~ first be offered to any ~~or all~~ other programs ~~counties or districts~~ engaged in arthropod control at a price

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established by the board of commissioners owning the equipment.

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, must ~~shall~~ be followed if it is determined that no other program ~~county or district~~ engaged in arthropod control has need for the equipment.

(3) All proceeds from the sale of any real or tangible personal property owned by the program and purchased using state funds ~~county or district~~ shall be deposited in the program's ~~county's or district's~~ state fund account unless otherwise specifically designated by the department.

Section 22. Section 388.341, Florida Statutes, is amended to read:

388.341 Reports of expenditures and accomplishments.—Each program receiving state aid ~~county and district participating~~ under ~~the provisions of~~ this chapter shall within 30 days after the end of each month submit to the department a monthly report for the preceding month of expenditures from all funds for arthropod control, and each program participating under this chapter shall provide such reports of activities and accomplishments as may be required by the department.

Section 23. Section 388.351, Florida Statutes, is amended to read:

388.351 Transfer of equipment, personnel, and supplies during an emergency.—The department, upon notifying a program ~~county or district~~ and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one program ~~district~~ to another in the event of an emergency brought about by an arthropod-borne epidemic or other disaster requiring emergency control.

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Section 24. Subsection (7) of section 388.361, Florida Statutes, is amended to read:

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Prior to the start of treatments for the control of mosquitoes or other arthropods, the department shall consult with the mosquito control programs ~~districts~~ in the proposed treatment areas, the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

Section 25. Subsections (2) and (3) of section 388.3711, Florida Statutes, are amended to read:

388.3711 Enforcement.—

(2) The department may issue a written warning, impose a fine; deny, suspend, or revoke any license or certification, ~~or the disbursal of state aid; or deny participation,~~ in accordance with the provisions of chapter 120, upon any one or more of the following grounds as may be applicable:

(a) Violation of any rule of the department or provision of this chapter.

(b) Violation of FIFRA or any relevant EPA rule or regulation pertaining to the use of arthropod control pesticides by the licensee.

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(c) Failure to give the department, or any authorized representative thereof, true information upon request regarding methods and materials used, work performed, or other information essential to the administration of this chapter.

(3) The department may, if it finds a violation is of such nature or circumstances that imposition of a fine, or denial, revocation, or suspension of a certification or license or disbursal of state aid would be detrimental to the public or be unnecessarily harsh under the circumstances, in its discretion, place the offending party on probation for a period of not more than 2 years. If the department determines that the terms of such probation have been violated, it may reinstitute license or certification or state aid denial, suspension, or revocation proceedings.

Section 26. Section 388.381, Florida Statutes, is amended to read:

388.381 Cooperation by programs ~~counties and district.~~—Any program conducting county or district carrying on an arthropod control ~~program~~ may cooperate with another county, district, or municipality in carrying out work ~~a program~~ for the control of mosquitoes and other arthropods, by agreement as to the program and reimbursement thereof, when approved by the department.

Section 27. Section 388.391, Florida Statutes, is amended to read:

388.391 Control measures in municipalities and portions of counties located outside boundaries of programs ~~districts.~~—Any program ~~district~~ whose operation is limited to a portion of the county in which it is located may perform any control measures authorized by this chapter in any municipality located in the

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1306 same county or in any portions of the same county, where there
1307 is no established program ~~district~~, when requested to do so by
1308 the municipality or county, pursuant to s. 388.381.

1309 Section 28. Section 388.401, Florida Statutes, is amended
1310 to read:

1311 388.401 Penalty for damage to property or operations.—
1312 Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of
1313 any program ~~county or district~~ created under this or other
1314 chapters, or any works constructed, maintained, or controlled by
1315 such program ~~county or district~~, or who obstructs ~~shall obstruct~~
1316 or causes ~~cause~~ to be obstructed any of the operations of such
1317 program ~~county or district~~, or who ~~shall~~ knowingly or willfully
1318 violates ~~violate~~ any provisions of this chapter or any rule or
1319 regulation promulgated by any board of commissioners of any
1320 program, commits ~~county or district shall be guilty of a~~
1321 misdemeanor of the second degree, punishable as provided in s.
1322 775.082 or s. 775.083.

1323 Section 29. Paragraph (a) of subsection (2) of section
1324 388.46, Florida Statutes, is amended to read:

1325 388.46 Florida Coordinating Council on Mosquito Control;
1326 establishment; membership; organization; responsibilities.—

1327 (2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

1328 (a) *Membership*.—The Florida Coordinating Council on
1329 Mosquito Control shall be composed ~~comprised~~ of the following
1330 representatives or their authorized designees:

- 1331 1. The Secretary of Environmental Protection.
- 1332 2. The State Surgeon General.
- 1333 3. The executive director of the Fish and Wildlife
1334 Conservation Commission.

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- 1335 4. The state epidemiologist.
- 1336 5. The Commissioner of Agriculture.
- 1337 6. The Board of Trustees of the Internal Improvement Trust
- 1338 Fund.
- 1339 7. Representatives from:
- 1340 a. The University of Florida, Institute of Food and
- 1341 Agricultural Sciences, Florida Medical Entomological Research
- 1342 Laboratory.
- 1343 b. The United States Environmental Protection Agency.
- 1344 c. The United States Department of Agriculture, Center of
- 1345 Medical, Agricultural, and Veterinary Entomology ~~Insects~~
- 1346 ~~Affecting Man~~ Laboratory.
- 1347 d. The United States Fish and Wildlife Service.
- 1348 8. Four ~~Two~~ mosquito control directors to be nominated by
- 1349 the Florida Mosquito Control Association, two representatives of
- 1350 Florida environmental groups, and two private citizens who are
- 1351 property owners whose lands are regularly subject to mosquito
- 1352 control operations, to be appointed to 4-year terms by the
- 1353 Commissioner of Agriculture and serve until his or her successor
- 1354 is appointed.

1355 Section 30. Paragraph (d) of subsection (7) of section

1356 403.067, Florida Statutes, is amended to read:

1357 403.067 Establishment and implementation of total maximum

1358 daily loads.—

1359 (7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND

1360 IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

1361 (d) *Enforcement and verification of basin management action*

1362 *plans and management strategies*.—

1363 1. Basin management action plans are enforceable pursuant

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to this section and ss. 403.121, 403.141, and 403.161.

Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture

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and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus ~~fertilizer~~ application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may use in lieu of the best management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet the following requirements:

- a. A parcel not more than 25 acres in size;
- b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located;
- c. A parcel with water use not exceeding 100,000 gallons per day on average unless the entire use is met using recycled

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1422 water from wet detention treatment ponds or reuse water;

1423 d. A parcel where the agricultural activity on the parcel
1424 is not a vegetable crop, an agronomic crop, a nursery, or a
1425 dairy operation;

1426 e. A parcel not abutting an impaired water body identified
1427 in subsection (4); and

1428 f. A parcel not part of a larger operation that is enrolled
1429 in the Department of Agriculture and Consumer Services best
1430 management practices or conducting water quality monitoring
1431 prescribed by the department or a water management district.

1432
1433 Such requirements must specify design or performance criteria
1434 that, if applied, would result in compliance with appropriate
1435 water quality standards. The Department of Agriculture and
1436 Consumer Services is authorized to adopt additional eligibility
1437 criteria for landowners or producers to use enrollment by rule
1438 and to revoke enrollment by rule.

1439 5. The Department of Agriculture and Consumer Services
1440 shall annually perform onsite inspections of 20 percent for all
1441 enrollments that meet the qualifications pursuant to
1442 subparagraph 4. by rule within basin management action plan
1443 areas, to ensure that practices are being properly implemented.
1444 Such inspections must include a collection and review of the
1445 identified best management practice documentation from the
1446 previous 2 years required by rules adopted pursuant to
1447 subparagraph (c)2. All agricultural producers enrolled by rule
1448 in a best management practice must annually submit nutrient
1449 records, including nitrogen and phosphorus application records
1450 for the previous calendar year, to the Department of Agriculture

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and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

Section 31. Subsection (19) is added to section 403.852, Florida Statutes, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(19) “Water quality additive” means any chemical, additive, or substance that is used in a public water system for the purpose of:

(a) Meeting or surpassing primary or secondary drinking water standards;

(b) Preventing, reducing, or removing contaminants; or

(c) Improving water quality.

Section 32. Subsection (8) is added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(8) The use of any additive in a public water system which does not meet the definition of a water quality additive as defined in s. 403.852(19).

Section 33. Subsection (10) of section 482.111, Florida Statutes, is amended to read:

482.111 Pest control operator’s certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each

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category of her or his certificate or must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department~~. The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must include one or more of the following topics:

1. The law and rules of this state pertaining to pest control.

2. Precautions necessary to safeguard life, health, and property in the conducting of pest control and the application of pesticides.

3. Pests, their habits, recognition of the damage they cause, and identification of them by accepted common name.

4. Current accepted industry practices in the conducting of fumigation, termites and other wood-destroying organisms pest control, lawn and ornamental pest control, and household pest control.

5. How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels used in pest control.

6. Integrated pest management.

(b) The certificateholder must submit with her or his application for renewal a statement certifying that she or he has completed the required number of hours of continuing education. The statement must be on a form prescribed by the department and must identify at least the date, location, provider, and subject of the training and must provide such

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other information as required by the department.

(c) The department shall charge the same fee for examination as provided in s. 482.141(2).

Section 34. Subsection (1) of section 482.141, Florida Statutes, is amended to read:

482.141 Examinations.—

(1) Each individual seeking certification must satisfactorily pass an examination which must be written but ~~which~~ may include practical demonstration. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee ~~hold at least two examinations each year.~~ An applicant may seek certification in one or more categories.

Section 35. Paragraph (b) of subsection (1) of section 482.155, Florida Statutes, is amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given or approved by the department.~~ Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than \$150 or less than \$50; and a recertification fee of \$25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is \$50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of

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acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.~~

Section 36. Subsection (2) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(2) (a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee ~~given by the department.~~ Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than \$150 or less than \$50. Before the department issues a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) The department shall make available ~~provide~~ the appropriate reference materials for the examination and provide in-person and remote testing through a third-party vendor. A

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1567 third-party vendor may collect and retain a convenience fee ~~make~~
1568 ~~the examination readily accessible and available to applicants~~
1569 ~~at least quarterly or as necessary in each county.~~

1570 Section 37. Subsection (2) of section 482.157, Florida
1571 Statutes, is amended to read:

1572 482.157 Limited certification for commercial wildlife
1573 management personnel.—

1574 (2) The department shall issue a limited certificate to an
1575 applicant who:

1576 (a) Submits an application and examination fee of at least
1577 \$150, but not more than \$300, as prescribed by the department by
1578 rule;

1579 (b) Passes an examination that the department shall provide
1580 in person and remotely through a third-party vendor. The third-
1581 party vendor may collect and retain a convenience fee
1582 ~~administered by the department.~~ The department shall make
1583 available ~~provide~~ the appropriate study materials for the
1584 examination ~~and make the examination readily available to~~
1585 ~~applicants in each county as necessary, but not less frequently~~
1586 ~~than quarterly; and~~

1587 (c) Provides proof, including a certificate of insurance,
1588 that the applicant has met the minimum bodily injury and
1589 property damage insurance requirements in s. 482.071(4).

1590 Section 38. Paragraph (m) is added to subsection (1) of
1591 section 482.161, Florida Statutes, to read:

1592 482.161 Disciplinary grounds and actions; reinstatement.—

1593 (1) The department may issue a written warning to or impose
1594 a fine against, or deny the application for licensure or
1595 licensure renewal of, a licensee, certified operator, limited

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certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(m) Issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 39. Subsection (2) of section 487.044, Florida Statutes, is amended to read:

487.044 Certification; examination.—

(2) The department shall require each applicant for a certified applicator's license to demonstrate competence by a written or oral examination in which the applicant must demonstrate adequate knowledge concerning the proper use and application of restricted-use pesticides in each classification for which application for license is made. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee. The examination may be prepared, administered, and evaluated by the department. Each applicant for a certified applicator's license must ~~shall~~ demonstrate minimum competence as to:

(a) The proper use of the equipment.

(b) The environmental hazards that may be involved in applying restricted-use pesticides.

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(c) Calculating the concentration of restricted-use pesticides to be used in particular circumstances.

(d) Identification of common pests to be controlled and the damages caused by such pests.

(e) Protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides.

(f) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of the equipment which the applicant proposes to use.

(g) Applicable state and federal pesticide laws, rules, and regulations.

(h) General safety precautions.

Section 40. Subsection (6) is added to section 487.175, Florida Statutes, to read:

487.175 Penalties; administrative fine; injunction.—

(6) Licensure may be suspended, revoked, or denied by the department, upon the issuance of a final order to a licensee imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 41. Present subsections (13) through (28) of section 496.404, Florida Statutes, are redesignated as subsections (15) through (30), respectively, and new subsections (13) and (14) are added to that section, to read:

496.404 Definitions.—As used in ss. 496.401-496.424, the term:

(13) "Foreign country of concern" has the same meaning as in s. 286.101(1)(b).

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1654 (14) "Foreign source of concern" means any of the
1655 following:

1656 (a) The government or any official of the government of a
1657 foreign country of concern;

1658 (b) A political party or member of a political party or any
1659 subdivision of a political party in a foreign country of
1660 concern;

1661 (c) A partnership, an association, a corporation, an
1662 organization, or other combination of persons organized under
1663 the laws of or having its principal place of business in a
1664 foreign country of concern, or a subsidiary of such entity;

1665 (d) Any person who is domiciled in a foreign country of
1666 concern and is not a citizen or lawful permanent citizen of the
1667 United States;

1668 (e) An agent, including a subsidiary or an affiliate of a
1669 foreign legal entity, acting on behalf of a foreign source of
1670 concern; or

1671 (f) An entity in which a person, entity, or collection of
1672 persons or entities described in paragraphs (a)-(e) has a
1673 controlling interest. As used in this paragraph, the term
1674 "controlling interest" means the possession of the power to
1675 direct or cause the direction of the management or policies of
1676 an entity, whether through ownership of securities, by contract,
1677 or otherwise. A person or an entity that directly or indirectly
1678 has the right to vote 25 percent or more of the voting interest
1679 of the company or is entitled to 25 percent or more of its
1680 profits is presumed to possess a controlling interest.

1681 Section 42. Present paragraphs (d) through (g) of
1682 subsection (2) of section 496.405, Florida Statutes, are

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redesignated as paragraphs (f) through (i), respectively, new paragraphs (d) and (e) are added to that subsection, subsection (11) is added to that section, and subsection (1) and paragraph (b) of subsection (7) of that section are amended, to read:

496.405 Registration statements by charitable organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in or from this state by any means or have funds solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, before engaging in any of these activities, file an initial registration statement, which includes an attestation statement, and a renewal statement annually thereafter, with the department.

(a) Except as provided in paragraph (b), any changes in the information submitted on the initial registration statement or the last renewal statement must be updated annually on a renewal statement provided by the department on or before the date that marks 1 year after the date the department approved the initial registration statement as provided in this section. The department shall annually provide a renewal statement to each registrant by mail or by electronic mail at least 30 days before the renewal date.

(b) Any changes to the information submitted to the department pursuant to paragraph (2) (f) ~~(2) (d)~~ on the initial registration statement, which includes an attestation statement, or the last renewal statement must be reported to the department

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on a form prescribed by the department within 10 days after the change occurs.

(c) A charitable organization or sponsor that is required to file an initial registration statement or annual renewal statement may not, before approval of its statement by the department in accordance with subsection (7), solicit contributions or have contributions solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor or participate in a charitable sales promotion or sponsor sales promotion.

(d) The registration of a charitable organization or sponsor may not continue in effect and shall expire without further action of the department under either of the following circumstances:

1. After the date the charitable organization or sponsor should have filed, but failed to file, its renewal statement in accordance with this section.

2. For failure to provide a financial statement within any extension period provided under s. 496.407.

(2) The initial registration statement must be submitted on a form prescribed by the department, signed by an authorized official of the charitable organization or sponsor who shall certify that the registration statement is true and correct, and include the following information or material:

(d) An attestation statement, which must be submitted on a form prescribed by the department and signed by an authorized official of the charitable organization who shall certify and attest that the charitable organization, if engaged in activities that would require registration pursuant to chapter

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106, is registered with the Department of State, pursuant to chapter 106.

(e) An attestation statement on a form prescribed by the department, signed by an authorized official of the charitable organization who shall certify and attest that the charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State pursuant to chapter 106.

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs (2) (f) 2.-7. ~~(2) (d) 2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in subparagraphs (2) (f) 2.-7. ~~(2) (d) 2.-7.~~ until such time as the required information is submitted to the department.

(11) The department may investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 43. Subsection (20) is added to section 496.415, Florida Statutes, to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(20) Solicit or accept contributions or anything of value

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from a foreign source of concern.

(a) For a first violation of this subsection, this prohibited act is considered involuntary, and shall result in no punitive action from the department if the charitable organization satisfies all of the following requirements:

1. Provides the department with a solicitation or contribution form containing an attestation from such foreign source or country of concern in which the person, country, or entity falsely certifies that they are not a foreign country of concern as defined in s. 496.404(13) or a foreign source of concern as defined in s. 496.404(14);

2. Provides the department with a copy of a refund to the foreign source or country of concern within 30 days after notification by the department of the prohibited act; and

3. Provides the department with a plan of action to prevent the acceptance of contributions from a foreign country or source of concern in future solicitation activities by the charitable organization.

(b) A second or subsequent violation of this subsection is considered voluntary, and the charitable organization or sponsor is subject to the penalties specified in s. 496.419(5) at the discretion of the department.

Section 44. Section 496.417, Florida Statutes, is amended to read:

496.417 Criminal penalties.—Except as otherwise provided in ss. 496.401-496.424, and in addition to any administrative or civil penalties, any person who willfully and knowingly violates ss. 496.401-496.424 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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For a second or subsequent conviction, such violation constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may also investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 45. Subsection (11) is added to section 496.419, Florida Statutes, to read:

496.419 Powers of the department.—

(11) A charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation required pursuant to s. 496.405(2)(d) or (2)(e) is subject to the penalties specified in subsection (5) at the discretion of the department.

Section 46. Section 496.431, Florida Statutes, is created to read:

496.431 Honest Services Registry.—

(1) The department shall create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support.

(2) To be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, attesting to all of the following:

(a) That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern.

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(b) That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

(3) The department shall publish the Honest Services Registry on the department's website.

(4) The department shall adopt rules to implement this section.

Section 47. Paragraph (j) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food product" means food that is not time or temperature controlled for safety or a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

Section 48. Paragraphs (a) and (b) of subsection (1) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person or business that ~~who~~ operates a food establishment, except:

1. Persons or businesses operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, not age restricted, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the person or business minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

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1857 3. Persons selling only legumes in the shell, either
1858 parched, roasted, or boiled.

1859 4. Persons selling sugar cane or sorghum syrup that has
1860 been boiled and bottled on a premise located within this state.
1861 Such bottles must contain a label listing the producer's name
1862 and street address, all added ingredients, the net weight or
1863 volume of the product, and a statement that reads, "This product
1864 has not been produced in a facility permitted by the Florida
1865 Department of Agriculture and Consumer Services."

1866 (b) Each food establishment regulated under this chapter
1867 must apply for and receive a food permit before operation
1868 begins. An application for a food permit from the department
1869 must be accompanied by a fee in an amount determined by
1870 department rule. The department shall adopt by rule a schedule
1871 of fees to be paid by each food establishment as a condition of
1872 issuance or renewal of a food permit. Such fees may not exceed
1873 \$650 and must be used solely for the recovery of costs for the
1874 services provided, except that the fee accompanying an
1875 application for a food permit for operating a bottled water
1876 plant may not exceed \$1,000 and the fee accompanying an
1877 application for a food permit for operating a packaged ice plant
1878 may not exceed \$250. The fee for operating a bottled water plant
1879 or a packaged ice plant must be set by rule of the department.
1880 Food permits are not transferable from one person or physical
1881 location to another. Food permits must be renewed in accordance
1882 with subparagraphs 1.-3. If an application for renewal of a food
1883 permit is not received by the department on or before its due
1884 date, a late fee not exceeding \$100 must be paid in addition to
1885 the food permit fee before the department may issue the food

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1886 permit. The moneys collected must be deposited in the General
1887 Inspection Trust Fund.

1888 1. A food permit issued to a new food establishment ~~on or~~
1889 ~~after September 1, 2023,~~ is valid for 1 calendar year after the
1890 date of issuance and must be renewed annually on or before that
1891 date thereafter.

1892 2. ~~Effective January 1, 2024,~~ A food permit issued before
1893 September 1, 2023, expires on the month and day the initial
1894 permit was issued to the food establishment and must be renewed
1895 annually on or before that date thereafter. The department may
1896 charge a prorated permit fee for purposes of this subparagraph.

1897 3. The department may establish a single permit renewal
1898 date for multiple food establishments owned by the same entity
1899 ~~The owner of 100 or more permitted food establishment locations~~
1900 ~~may elect to set the expiration of food permits for such~~
1901 ~~establishments as December 31 of each calendar year.~~

1902 Section 49. Section 500.166, Florida Statutes, is amended
1903 to read:

1904 500.166 Records of interstate shipment.—For the purpose of
1905 enforcing this chapter, carriers engaged in interstate commerce
1906 and persons receiving food in interstate commerce shall retain
1907 all records for 3 years from the date of the record showing the
1908 movement in interstate commerce of any food, and the quantity,
1909 shipper and consignee thereof and, upon the request by an
1910 officer or employee duly designated by the department, permit
1911 the officer or employee to have access to and to copy all
1912 records showing the movement in interstate commerce of any food,
1913 and the quantity, shipper, and consignee thereof.

1914 Section 50. Subsection (1) of section 500.172, Florida

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Statutes, is amended to read:

500.172 Embargoing, detaining, destroying of food, food processing equipment, or areas that are in violation.-

(1) When the department, or its duly authorized agent who has received appropriate education and training regarding the legal requirements of this chapter, finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, mislabeled, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission from or in accordance with a written agreement with the department.

Section 51. Section 500.75, Florida Statutes, is created to

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read:

500.75 Mushroom spores and mycelium; offenses.—It is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. Section 500.93, Florida Statutes, is created to read:

500.93 Mislabeling of plant-based products as milk, meat, or poultry.—

(1) As used in this section, the term:

(a) "Egg" or "egg product" has the same meaning as in 21 U.S.C. s. 1033 and the Egg Products Inspection Act.

(b) "FDA" means the United States Food and Drug Administration.

(c) "Meat" has the same meaning as in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act.

(d) "Milk" has the same meaning as in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance.

(e) "Poultry" or "poultry product" has the same meaning as in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

(2) (a) In accordance with the established standard of identity for milk defined in 21 C.F.R. s. 131.110 and the Grade "A" pasteurized milk ordinance, the department shall adopt rules to enforce the FDA's standard of identity for milk, as adopted in state law, to prohibit the sale of plant-based products

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1973 mislabeled as milk in this state.

1974 (b) This subsection is effective upon the enactment into
1975 law of a mandatory labeling requirement to prohibit the sale of
1976 plant-based products mislabeled as milk that is consistent with
1977 this section by any 11 of the group of 14 states composed of
1978 Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana,
1979 Maryland, Mississippi, Oklahoma, South Carolina, Tennessee,
1980 Texas, Virginia, and West Virginia.

1981 (3) (a) In accordance with the established standard of
1982 identity for meat defined in 9 C.F.R. s. 301.2 and the Federal
1983 Meat Inspection Act, and both poultry and poultry products
1984 defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection
1985 Act, the department shall adopt rules to enforce the FDA's
1986 standard of identity for meat, poultry, and poultry products as
1987 adopted in this section, to prohibit the sale of plant-based
1988 products mislabeled as meat, poultry, or poultry products in
1989 this state.

1990 (b) This subsection is effective upon the enactment into
1991 law of a mandatory labeling requirement to prohibit the sale of
1992 plant-based products mislabeled as meat, poultry, or poultry
1993 products which is consistent with this section by any 11 of the
1994 group of 14 states composed of Alabama, Arkansas, Florida,
1995 Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma,
1996 South Carolina, Tennessee, Texas, Virginia, and West Virginia.

1997 (4) (a) In accordance with the established standard of
1998 identity for eggs and egg products as defined in 21 U.S.C. s.
1999 1033 and the Egg Products Inspection Act, the department shall
2000 adopt rules to enforce the FDA's standard of identity for eggs
2001 and egg products, as adopted in state law, to prohibit the sale

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of plant-based products mislabeled as egg or egg products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as egg or egg products that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(5) The Department of Agriculture and Consumer Services shall notify the Division of Law Revision upon the enactment into law by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia of the mandatory labeling requirements pursuant to subsections (2) and (3).

(6) The department shall adopt rules to implement this section.

(7) This section may not be construed to limit the department's authority to enforce laws and regulations.

Section 53. Section 501.135, Florida Statutes, is repealed.

Section 54. Subsection (1) of section 501.912, Florida Statutes, is amended to read:

501.912 Definitions.—As used in ss. 501.91-501.923:

(1) "Antifreeze" means any substance or preparation, including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold, distributed, or intended for use:

(a) As the cooling liquid, or to be added to the cooling

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liquid, in the cooling system of ~~internal combustion engines of~~
motor vehicles to prevent freezing of the cooling liquid or to
lower its freezing point; or

(b) To raise the boiling point of water, aid in vehicle
component cooling, or for the prevention of engine overheating,
whether or not the liquid is used as a year-round cooling system
fluid.

Section 55. Section 525.19, Florida Statutes, is created to
read:

525.19 Petroleum registration.—

(1) The department shall create an annual petroleum
registration program for petroleum owners or operators and shall
adopt rules detailing the requirements for such registration
that include, at minimum:

(a) The name of the petroleum owner or operator;

(b) The address of the petroleum owner or operator;

(c) The phone number of the petroleum owner or operator;

(d) The e-mail address of the petroleum owner or operator;

(e) Requirements for the transfer switch;

(f) Fuel and petroleum infrastructure; and

(g) Fuel and petroleum inventory and delivery information.

(2) The registration program must be free for all
registrants.

(3) The department has the authority to require registrants
to provide updates related to the status of infrastructure,
inventory, and delivery information during a state of emergency
as declared by an executive order issued by the Governor.

Section 56. Section 526.147, Florida Statutes, is created
to read:

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2060 526.147 Florida Retail Fuel Transfer Switch Modernization
2061 Grant Program.—

2062 (1)(a) There is created, subject to appropriation, the
2063 Florida Retail Fuel Transfer Switch Modernization Grant Program
2064 within the Department of Agriculture and Consumer Services.

2065 (b) The grant program shall provide grant funds, not to
2066 exceed \$10,000 per retail fuel facility, to be used for
2067 installation and equipment costs related to installing or
2068 modernizing transfer switch infrastructure at retail fuel
2069 facilities to allow for the continuity of fueling operations
2070 under generated power.

2071 (c) The department shall award funds based upon the
2072 following criteria:

2073 1. Up to \$10,000, of costs for transfer switch purchase and
2074 installation for retail fuel locations in fiscally constrained
2075 counties as designated under s. 218.67(1).

2076 2. Up to \$5,000, of costs for transfer switch purchase and
2077 installation for all other retail fuel locations.

2078 (d) Retail fuel facilities which are awarded grant funds
2079 must comply with s. 526.143 and must install a transfer switch
2080 capable of operating all fuel pumps, dispensing equipment, life
2081 safety systems, and payment acceptance equipment using an
2082 alternative generated power source.

2083 (e) Before being awarded funding from the department,
2084 retail fuel facilities must provide documentation on transfer
2085 switch installation and required generator sizing to the
2086 department.

2087 (f) Marinas and fueling facilities with fewer than four
2088 fueling positions are excluded from being awarded funding

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through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

(2) The department, in consultation with the Division of Emergency Management, shall adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

Section 57. Section 531.48, Florida Statutes, is amended to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity must ~~and bearing the total selling price of the package shall~~ bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale.—~~Whenever~~ A packaged commodity ~~is advertised in any manner with the retail price stated, there shall be~~ closely and conspicuously associated with the retail price must have a declaration of quantity as is required by law or rule to appear on the package.

Section 59. Subsection (10) of section 564.06, Florida Statutes, is amended to read:

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564.06 Excise taxes on wines and beverages.—

(10) Fifty percent of all revenues collected from the excise taxes imposed by this section on wine produced by manufacturers in this state from products grown in the state must be deposited into the Florida Wine ~~Viticulture~~ Trust Fund established pursuant to s. 599.012.

Section 60. Present subsections (44), (45), and (46) of section 570.07, Florida Statutes, are redesignated as subsections (47), (48), and (49), respectively, and new subsections (44), (45), and (46) are added to that section, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(44) (a) To foster and encourage the employment and retention of qualified veterinary pathologists. The department may reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with the department to retain employment for a specified period of time.

(b) The department shall adopt rules to administer this subsection.

(45) Subject to appropriation, to extend state and national Future Farmers of America opportunities to any public school student enrolled in agricultural education, at little or no cost to the student or school district, and to support statewide Future Farmers of America programming that helps such students develop their potential for premier leadership, personal growth, and career success.

(46) (a) Notwithstanding ss. 287.042 and 287.057, to use

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contracts procured by another agency.

(b) As used in this subsection, the term "agency" has the same meaning as provided in s. 287.012.

Section 61. Subsection (2) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ss. 604.15-604.34 and chapters 177, 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 62. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.

(b) Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.

(c) Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

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(3) The department shall adopt rules to implement this section.

Section 63. Section 570.694, Florida Statutes, is created to read:

570.694 Florida Aquaculture Foundation.—

(1) The Florida Aquaculture Foundation is established as a direct-support organization within the Department of Agriculture and Consumer Services. The purpose of the foundation is to:

(a) Conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state.

(b) Identify and pursue methods to provide statewide resources and materials for these programs.

(2) The foundation shall be governed by s. 570.691.

(3) The department is authorized to appoint an advisory committee adjunct to the foundation pursuant to s. 570.232.

Section 64. Section 570.822, Florida Statutes, is amended to read:

570.822 Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency ~~natural disaster~~" means an emergency ~~a natural disaster~~ for which a state of emergency is

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declared pursuant to s. 252.36 or s. 570.07(21).

(c) "Department" means the Department of Agriculture and Consumer Services.

(d) "Essential physical property" means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) "Program" means the Agriculture and Aquaculture Producers Emergency ~~Natural Disaster~~ Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency ~~natural disaster~~. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is \$500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

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(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application period may be renewed upon a determination from the department and pursuant to an active declared emergency.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) LOAN SECURITY REQUIREMENTS.—All loans must be secured

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by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) LOAN REPAYMENT.—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

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(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding, including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

(f) The department may defer or waive loan payments if at any time during the repayment period of a loan, the approved applicant experiences a significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a

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third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.

2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government

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Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) REPORTS.—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) SUNSET.—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 65. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) "Bona fide farm operation" means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) "Declared emergency" means an emergency for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

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2379 (c) "Department" means the Department of Agriculture and
2380 Consumer Services.

2381 (d) "Program" means the silviculture emergency recovery
2382 program.

2383 (2) USE OF GRANT FUNDS; GRANT TERMS.—

2384 (a) The silviculture emergency recovery program is
2385 established within the department to administer a grant program
2386 to assist timber landowners whose timber land was damaged as a
2387 result of a declared emergency. Grants provided to eligible
2388 timber landowners must be used for:

2389 1. Timber stand restoration, including downed tree removal
2390 on land which will retain the existing trees on site which are
2391 lightly or completely undamaged;

2392 2. Site preparation, and tree replanting; or

2393 3. Road and trail clearing on private timber lands to
2394 provide emergency access and facilitate salvage operations.

2395 (b) Only timber land located on lands classified as
2396 agricultural lands under s. 193.461 are eligible for the
2397 program.

2398 (c) The department shall coordinate with state agencies and
2399 other entities to ensure to the greatest extent possible that
2400 timber landowners have access to the maximum financial
2401 assistance available following a specified declared emergency.
2402 The coordination must endeavor to ensure that there is no
2403 duplication of financial assistance between these funds and
2404 other funding sources, such as any federal or other state
2405 programs, including public assistance requests to the Federal
2406 Emergency Management Agency or financial assistance from the
2407 United States Department of Agriculture, which would render the

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approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 66. Section 570.831, Florida Statutes, is created to read:

570.831 Florida beef marketing program.—The Cattle Enhancement Board, Inc., in coordination with the department, shall, subject to appropriation, establish a Florida beef marketing program to conduct research designed to expand the uses of beef and beef products and strengthen the market position of Florida's cattle industry through marketing campaigns and promotions within this state and the nation.

Section 67. Subsections (2) and (5) of section 581.1843, Florida Statutes, are amended to read:

581.1843 Citrus nursery stock propagation and production and the establishment of regulated areas around citrus nurseries.—

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by the department ~~and that is not at least 1 mile away from commercial citrus groves. A citrus nursery registered with the department prior to April 1, 2006, shall not be required to comply with the 1-mile setback from~~

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2437 ~~commercial citrus groves while continuously operating at the~~
2438 ~~same location for which it was registered.~~ However, the nursery
2439 shall be required to propagate citrus within a protective
2440 structure approved by the department. Effective January 1, 2008,
2441 it is ~~shall be~~ unlawful to distribute any citrus nursery stock
2442 that was not produced in a protective structure approved by the
2443 department.

2444 ~~(5) The department shall establish regulated areas around~~
2445 ~~the perimeter of commercial citrus nurseries that were~~
2446 ~~established on sites after April 1, 2006, not to exceed a radius~~
2447 ~~of 1 mile. The planting of citrus in an established regulated~~
2448 ~~area is prohibited. The planting of citrus within a 1-mile~~
2449 ~~radius of commercial citrus nurseries that were established on~~
2450 ~~sites prior to April 1, 2006, must be approved by the~~
2451 ~~department. Citrus plants planted within a regulated area prior~~
2452 ~~to the establishment of the regulated area may remain in the~~
2453 ~~regulated area unless the department determines the citrus~~
2454 ~~plants to be infected or infested with citrus canker or citrus~~
2455 ~~greening. The department shall require the removal of infected~~
2456 ~~or infested citrus, nonapproved planted citrus, and citrus that~~
2457 ~~has sprouted by natural means in regulated areas. The property~~
2458 ~~owner shall be responsible for the removal of citrus planted~~
2459 ~~without proper approval. Notice of the removal of citrus trees,~~
2460 ~~by immediate final order of the department, shall be provided to~~
2461 ~~the owner of the property on which the trees are located. An~~
2462 ~~immediate final order issued by the department under this~~
2463 ~~section shall notify the property owner that the citrus trees,~~
2464 ~~which are the subject of the immediate final order, must be~~
2465 ~~removed and destroyed unless the property owner, no later than~~

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~~10 days after delivery of the immediate final order, requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.~~

Section 68. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 69. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ~~ss. 120.569 and 120.57-120.595.~~

Section 70. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine Viticulture ~~Viticulture~~ Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine Viticulture ~~Viticulture~~ Advisory Council, to be composed ~~consist~~ of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural

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2495 Sciences; a representative from the viticultural science program
2496 at Florida Agricultural and Mechanical University; and five
2497 additional commercial members, to be appointed for a 2-year term
2498 each by the Commissioner of Agriculture, including a wine
2499 producer, a fresh fruit producer, a nonwine product (juice,
2500 jelly, pie fillings, etc.) producer, and a viticultural nursery
2501 operator.

2502 (2) The meetings, powers and duties, procedures, and
2503 recordkeeping of the Florida Wine ~~Viticulture~~ Advisory Council
2504 shall be pursuant to s. 570.232.

2505 (3) The primary responsibilities of the Florida Wine
2506 ~~Viticulture~~ Advisory Council are to submit to the Commissioner
2507 of Agriculture, annually, the industry's recommendations for
2508 wine and viticultural research, promotion, and education and, as
2509 necessary, the industry's recommendations for revisions to the
2510 State Wine ~~Viticulture~~ Plan.

2511 Section 71. Section 599.003, Florida Statutes, is amended
2512 to read:

2513 599.003 State Wine ~~Viticulture~~ Plan.—

2514 (1) The Commissioner of Agriculture, in consultation with
2515 the Florida Wine ~~Viticulture~~ Advisory Council, shall develop and
2516 coordinate the implementation of the State Wine ~~Viticulture~~
2517 Plan, which shall identify problems and constraints of the wine
2518 and viticulture industry, propose possible solutions to those
2519 problems, and develop planning mechanisms for the orderly growth
2520 of the industry, including:

2521 (a) Criteria for wine and viticultural research, service,
2522 and management priorities.

2523 (b) Additional proposed legislation that may be required.

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(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

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(2) A revision and update of the State Wine ~~Viticulture~~ Plan must ~~shall~~ be submitted biennially to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of Representatives, and a progress report and budget request must ~~shall~~ be submitted annually.

Section 72. Paragraph (a) of subsection (2) and subsection (3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida ~~Wine~~ ~~Viticulture~~ Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery~~ ~~tourist attractions~~. The logo and emblem of certified Florida Farm Winery signs must ~~shall~~ be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine ~~Viticulture~~ Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 73. Section 599.012, Florida Statutes, is amended to read:

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599.012 Florida Wine ~~Viticulture~~ Trust Fund; creation.—

(1) There is established the Florida Wine ~~Viticulture~~ Trust Fund within the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

(b) Promote viticulture products manufactured from products grown in the state.

(c) Provide grants for viticultural research.

(2) Fifty percent of the revenues collected from the excise taxes imposed under s. 564.06 on wine produced by manufacturers in this state from products grown in the state will be deposited in the Florida Wine ~~Viticulture~~ Trust Fund in accordance with that section.

Section 74. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.—

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel~~, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of, and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law.

However, if the association satisfies the requirements of this chapter, including securing the required fair permit from the

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department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel~~, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession is exempt.

Section 75. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the "Florida Farmer Financial Protection Act."

(2) DEFINITIONS.—As used in this section, the term:

(a) "Agriculture producer" means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(b) "Agritourism activity" has the same meaning as provided in s. 570.86.

(c) "Commissioner" means the Commissioner of Agriculture.

(d) "Company" means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those

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entities or business associations authorized to do business in
this state.

(e) "Denies or restricts" means refusing to provide
services, terminating existing services, or restricting or
burdening the scope or nature of services offered or provided.

(f) "Discriminate in the provision of financial services"
means to deny or restrict services and thereby decline to
provide financial services.

(g) "ESG factor" means any factor or consideration that is
collateral to or not reasonably likely to affect or impact
financial risk and includes the promotion, furtherance, or
achievement of environmental, social, or political goals,
objectives, or outcomes, which may include the agriculture
producer's greenhouse gas emissions, use of fossil-fuel derived
fertilizer, or use of fossil-fuel powered machinery.

(h) "Farm" means the land, buildings, support facilities,
machinery, and other appurtenances used in the production of
farm or aquaculture products.

(i) "Financial institution" means a company defined under
s. 655.005(1)(h) and (i), which has total assets of more than
\$100 million. A financial institution includes any affiliate as
defined in s. 655.005(1)(a) or subsidiary company as defined in
s. 655.005(1)(x), even if such affiliate or subsidiary company
is also a financial institution.

(j) "Financial service" means any product or service that
is of a financial nature and is offered by a financial
institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.—

(a) A financial institution may not discriminate in the

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provision of financial services to an agriculture producer
based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment
related to agriculture, there is an inference that the
institution's denial or restriction of a financial service to an
agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in
paragraph (b) by demonstrating that its denial or restriction of
a financial service was based solely on documented risk
analysis, and not on any ESG factor.

(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney
General, in consultation with the Office of Financial
Regulation, is authorized to enforce subsection (3). Any
violation of subsection (3) constitutes an unfair trade practice
under part II of chapter 501 and the Attorney General is
authorized to investigate and seek remedies as provided in
general law. Actions for damages may be sought by an aggrieved
party.

Section 76. Paragraph (a) of subsection (3) of section
741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of
premarital preparation course.—

(3)(a) All individuals electing to participate in a
premarital preparation course shall choose from the following
list of qualified instructors:

1. A psychologist licensed under chapter 490.
2. A clinical social worker licensed under chapter 491.
3. A marriage and family therapist licensed under chapter
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4. A mental health counselor licensed under chapter 491.

5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.

6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 77. Paragraph (h) of subsection (2), subsection (3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;

2. Completion of any National Rifle Association firearms safety or training course;

3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the

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Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live

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fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence

constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been

fulfilled or the record has been sealed or expunged. The

Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had

adjudication of guilt withheld for, or had imposition of

sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a

law enforcement agency, a court, clerk's office, or the Florida

Department of Law Enforcement ~~and subsequent written~~

~~verification~~, temporarily suspend a license or the processing of

an application for a license if the licensee or applicant is

arrested or formally charged with a crime that would disqualify

such person from having a license under this section, until

final disposition of the case. The department shall suspend a

license or the processing of an application for a license if the

licensee or applicant is issued an injunction that restrains the

licensee or applicant from committing acts of domestic violence

or acts of repeat violence. The department shall notify the

licensee or applicant suspended under this section of his or her

right to a hearing pursuant to chapter 120. If the criminal case

or injunction results in a nondisqualifying disposition and the

applicant or licensee is otherwise eligible, the suspension

shall end. The department must issue an order confirming the end

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of the suspension within 90 days after the applicant or licensee's submission to the department of a copy of the final resolution of the criminal case or injunction. The copy provided to the department must be sent through electronic or certified mail to a location that shall be specified on the notice of suspension received by the licensee or applicant. If the criminal case or injunction results in a disqualifying disposition, the suspension must remain in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection may not be construed to limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the time frame prescribed in this subsection.

(6)

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or
2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of

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2814 Agriculture and Consumer Services denies the application, it
2815 shall notify the applicant in writing, stating the ground for
2816 denial and informing the applicant of any right to a hearing
2817 pursuant to chapter 120.

2818 3. In the event the result of the criminal history
2819 screening identifies ~~department receives~~ criminal history
2820 information related to a crime that may disqualify the applicant
2821 but does not contain ~~with no~~ final disposition of the crime or
2822 lacks sufficient information to make an eligibility
2823 determination ~~on a crime which may disqualify the applicant~~, the
2824 time limitation prescribed by this paragraph may be extended for
2825 up to an additional 45 days after the receipt of the information
2826 ~~suspended until receipt of the final disposition or proof of~~
2827 ~~restoration of civil and firearm rights.~~ The department may make
2828 a request for information to the jurisdiction where the criminal
2829 history information originated but must issue a license if it
2830 does not obtain a disposition or sufficient information to make
2831 an eligibility determination within the additional 45 days if
2832 the applicant is otherwise eligible. The department may take any
2833 action authorized in this section if it receives disqualifying
2834 criminal history information during the additional 45-day review
2835 period or after issuance of a license.

2836 (10) A license issued under this section must ~~shall~~ be
2837 temporarily suspended as provided for in subparagraph (6)(c)3.,
2838 or revoked pursuant to chapter 120 if the license was issued in
2839 error or if the licensee:

2840 (a) Is found to be ineligible under the criteria set forth
2841 in subsection (2);

2842 (b) Develops or sustains a physical infirmity which

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prevents the safe handling of a weapon or firearm;

(c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;

(d) Is found guilty of a crime under chapter 893, or similar laws of any other state, relating to controlled substances;

(e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;

(f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after a first conviction of such section or similar law of another state, even though the first violation may have occurred before the date on which the application was submitted;

(g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or

(h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing

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address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

Section 78. Subsection (2) of section 812.0151, Florida Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of fraudulently altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on ~~within~~ the internal or external portion of a retail fuel

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dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b); or

3. Possesses or uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

Section 79. Section 812.136, Florida Statutes, is created to read:

812.136 Mail theft.—

(1) As used in this section, unless the context otherwise requires:

(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another,

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2930 along with its contents.

2931 (b) "Mail depository" means a mail box, letter box, mail
2932 route, or mail receptacle of a postal service, an office of a
2933 postal service, or mail carrier of a postal service, or a
2934 vehicle of a postal service or any other authorized receptacle.

2935 (c) "Postal service" means the United States Postal Service
2936 or its contractors, or any commercial courier that delivers
2937 mail.

2938 (2) Any of the following acts constitutes mail theft:

2939 (a) Knowingly removing mail from a mail depository or
2940 taking mail from a mail carrier of a postal service with an
2941 intent to either temporarily or permanently:

2942 1. Deprive the intended recipient of such mail of his or
2943 her right to the mail.

2944 2. Appropriate the mail to his or her own use or the use of
2945 any person not entitled to the use of such mail.

2946 (b) Knowingly obtaining custody of mail by fraud or
2947 deception with an intent to either temporarily or permanently:

2948 1. Deprive the intended recipient of such mail of his or
2949 her right to the mail.

2950 2. Appropriate the mail to his or her own use or the use of
2951 any person not entitled to the use of the mail.

2952 (c) Selling, receiving, possessing, transferring, buying,
2953 or concealing mail in violation of paragraph (a) or paragraph
2954 (b) of this subsection, while knowing or having reason to know
2955 the mail was obtained illegally.

2956 (3) Any of the following constitutes theft of or
2957 unauthorized reproduction of a mail depository key or lock:

2958 (a) Knowingly obtaining or using, or endeavoring to obtain

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or use, any key or lock used by a postal service for a mail depository with the intent to either temporarily or permanently:

1. Deprive the owner of such key or lock of his or her right to such key or lock.

2. Appropriate the key or lock to his or her own use or the use of any person not entitled to the use of such key or lock.

(b) Knowingly and unlawfully making, forging, or counterfeiting any such key or possessing any such key or lock adopted by a postal service with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed.

(c) Selling, receiving, possessing, transferring, buying, or concealing a key or lock obtained in violation of paragraph (a) or paragraph (b) while knowing or having reason to know such key or lock was obtained illegally.

(4) (a) Except as provided in paragraph (b), a violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of this section is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084.

Section 80. Paragraph (i) of subsection (4) of section 934.50, Florida Statutes, is amended, and a new paragraph (q) is added to that subsection, to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

~~(i) By a person or an entity engaged in a business or~~

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~~profession licensed by the state, or by an agent, employee, or contractor thereof, if the drone is used only to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. However, this exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.~~

(q) By a local governmental entity, or a person under contract with or acting under the direction of such entity, for the purpose of managing and eradicating plant or animal diseases or activities consistent with chapters 369, 388, and 487.

Section 81. Section 1013.373, Florida Statutes, is created to read:

1013.373 Educational facilities used for agricultural education.—

(1) Notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animal or equipment therein.

(2) Lands used for agricultural education or for Future Farmers of America or 4-H activities are considered agricultural lands pursuant to s. 193.461 and subject to s. 823.14.

Section 82. For the purpose of incorporating the amendment made by this act to section 110.205, Florida Statutes, in a

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reference thereto, paragraph (a) of subsection (5) of section 295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 83. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the

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department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years;

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the

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Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 84. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 482.072, Florida Statutes, is reenacted to read:

482.072 Pest control customer contact centers.—

(3)

(b) Notwithstanding any other provision of this section:

1. A customer contact center licensee is subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center operated by a licensee if the licensee participates in the violation.

Section 85. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, section 482.163, Florida Statutes, is reenacted to read:

482.163 Responsibility for pest control activities of employee.—Proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge, and

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the certified operator in charge may be disciplined pursuant to the provisions of s. 482.161 for the pest control activities of an employee. A licensee may not automatically be considered responsible for violations made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 86. For the purpose of incorporating the amendment made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 87. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

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Section 88. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in references thereto, subsections (2) and (4) of section 496.406, Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization's fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories:

program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form 990 and all attached schedules or Internal Revenue Service Form 990-EZ and Schedule O.

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(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of this section to a charitable organization or sponsor.

Section 89. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed \$250,000.

Section 90. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected. If the product is again found in violation, the department shall test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s.

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500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this subsection.

Section 91. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes, in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s. 790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 92. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

CHAPTER 2025-22

Committee Substitute for Committee Substitute for Committee Substitute for Senate Bill No. 700

An act relating to the Department of Agriculture and Consumer Services; amending s. 110.205, F.S.; providing that certain positions in the department are exempt from the Career Service System; amending s. 163.3162, F.S.; defining terms; prohibiting governmental entities from adopting or enforcing any legislation that inhibits the construction of housing for legally verified agricultural workers on agricultural land operated as a bona fide farm; requiring that the construction or installation of such housing units on agricultural lands satisfies certain criteria; requiring that local ordinances comply with certain regulations; authorizing governmental entities to adopt local land use regulations that are less restrictive; requiring property owners to maintain certain records for a specified timeframe; requiring that use of a housing site be discontinued and authorizing the removal of such a site under certain circumstances; specifying applicability of permit allocation systems in certain areas of critical state concern; authorizing the continued use of housing sites constructed before the effective date of the act if certain conditions are met; requiring the department to adopt certain rules; providing for enforcement; requiring the department to submit certain information to the State Board of Immigration Enforcement on a certain schedule; amending s. 201.25, F.S.; conforming a provision to changes made by the act; amending s. 253.0341, F.S.; authorizing the department to surplus certain lands determined to be suitable for bona fide agricultural production; requiring the department to consult with the Department of Environmental Protection before making such determination; requiring the Department of Agriculture and Consumer Services to retain a rural-lands-protection easement for all surplus lands and deposit all proceeds into a specified trust fund; requiring the department to provide a report of lands surplus to the board of trustees; providing that certain lands are ineligible to be surplus; providing for retroactive applicability; amending s. 330.41, F.S.; defining terms; prohibiting a person from knowingly or willfully performing certain actions on lands classified as agricultural; providing criminal penalties; providing applicability; prohibiting a person from knowingly or willfully performing certain actions on private property, state wildlife management lands, or a sport shooting and training range; providing criminal penalties; providing applicability; creating s. 366.20, F.S.; requiring that certain lands acquired or owned by an electric utility by a certain date be offered for fee simple acquisition by the department before the land may be offered for sale or transfer to a private individual or entity; requiring an electric utility to issue a written intent to sell through certified mail to the Commissioner of Agriculture within a specified timeframe before offering to sell or transferring certain lands; authorizing the commissioner to issue a written intent to purchase via certified mail within a specified timeframe

after receipt of such written intent to sell; requiring the electric utility to be released from certain provisions under certain circumstances; requiring that certain offers accepted and received by the department within a specified timeframe be executed no later than a certain date; requiring the department to adopt rules; amending s. 366.94, F.S.; defining the term “electric vehicle charging station”; authorizing the department to adopt rules; requiring local governmental entities to issue permits for electric vehicle charging stations based on specified standards and provisions of law; requiring that an electric vehicle charger be registered with the department before being placed into service for use by the public; providing the department with certain authority relating to electric vehicle charging stations; providing a penalty; authorizing the department to issue an immediate final order to an electric vehicle charging station under certain circumstances; providing that the department may bring an action to enjoin a violation of specified provisions or rules; requiring the court to issue a temporary or permanent injunction under certain circumstances; amending s. 388.011, F.S.; revising the definition of the terms “board of commissioners” and “district”; defining the term “program”; amending s. 388.021, F.S.; making a technical change; amending s. 388.181, F.S.; authorizing programs to perform specified actions; amending s. 388.201, F.S.; conforming provisions to changes made by the act; requiring that the tentative work plan budget covering the proposed operations and requirements for arthropod control measures show the estimated amount to be raised by county, municipality, or district taxes; requiring that county commissioners’ or a similar governing body’s mosquito control budget be made and adopted pursuant to specified provisions and requiring that summary figures be incorporated into the county budgets as prescribed by the department; amending s. 388.241, F.S.; providing that certain rights, powers, and duties be vested in the board of county commissioners or similar governing body of a county, or municipality; amending s. 388.261, F.S.; increasing the maximum annual amount that a county, municipality, or district may receive, without contributing matching funds, in state funds, supplies, services, or equipment for a certain number of years for any new program for the control of mosquitos and other arthropods which serves an area not previously served by a county, municipality, or district; conforming a provision to changes made by the act; amending s. 388.271, F.S.; requiring each program participating in arthropod control activities to file a tentative integrated arthropod management plan with the department by a specified date; conforming provisions to changes made by the act; amending s. 388.281, F.S.; requiring that all funds, supplies, and services released to programs be used in accordance with the integrated arthropod management plan and certified budget; requiring that such integrated arthropod management plan and certified budget be approved by both the department and the board of county commissioners or an appropriate representative; conforming provisions to changes made by the act; amending s. 388.291, F.S.; providing that a program may perform certain source reduction measures in any area providing that the department has approved the operating or construction plan as outlined in the integrated

arthropod management plan; conforming provisions to changes made by the act; amending s. 388.301, F.S.; revising the schedule by which state funds for the control of mosquitos and other arthropods may be paid; conforming provisions to changes made by the act; amending s. 388.311, F.S.; conforming provisions to changes made by the act; amending s. 388.321, F.S.; conforming provisions to changes made by the act; amending s. 388.322, F.S.; requiring the department to maintain a record and inventory of certain property purchased with state funds for arthropod control use; conforming provisions to changes made by the act; amending s. 388.323, F.S.; requiring that certain equipment no longer needed by a program be first offered for sale to other programs engaged in arthropod control at a specified price; requiring that all proceeds from the sale of certain property owned by a program and purchased using state funds be deposited in the program's state fund account; conforming provisions to changes made by the act; amending s. 388.341, F.S.; requiring a program receiving state aid to submit a monthly report of all expenditures from all funds for arthropod control by a specified timeframe as may be required by the department; conforming provisions to changes made by the act; amending s. 388.351, F.S.; conforming provisions to changes made by the act; amending s. 388.361, F.S.; conforming provisions to changes made by the act; amending s. 388.3711, F.S.; revising the department's enforcement powers; amending s. 388.381, F.S.; conforming provisions to changes made by the act; amending s. 388.391, F.S.; conforming provisions to changes made by the act; amending s. 388.401, F.S.; conforming provisions to changes made by the act; amending s. 388.46, F.S.; revising the composition of the Florida Coordinating Council on Mosquito Control; amending s. 403.067, F.S.; providing an exception for inspection requirements for certain agricultural producers; authorizing the department to adopt rules establishing an enrollment in best management practices by rule process; authorizing the department to identify best management practices for specified land-owners; requiring the department to perform onsite inspections annually of a certain percentage of all enrollments that meet specified qualifications within a specified area; providing requirements for such inspections; requiring agricultural producers enrolled by rule in a best management practice to submit nutrient records annually to the department; requiring the department to collect and retain such records; amending s. 403.852, F.S.; defining the term "water quality additive"; amending s. 403.859, F.S.; prohibiting the use of certain additives in a water system which do not meet specified requirements; amending s. 482.111, F.S.; revising requirements for the renewal of a pest control operator's certificate; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.141, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking pest control operator certification; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 482.155, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking limited certification for a governmental pesticide applicator or a private

applicator; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.156, F.S.; requiring the department to provide in-person and remote testing for the examination through a third-party vendor for an individual seeking a limited certification for commercial landscape maintenance; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make such examination readily accessible and available to all applicants on a specified schedule; amending s. 482.157, F.S.; revising requirements for issuance of a limited certification for commercial wildlife management personnel; authorizing a third-party vendor to collect and retain a convenience fee; deleting provisions requiring the department to make an examination readily accessible and available to all applicants on a specified schedule; amending s. 482.161, F.S.; authorizing the department to take specified disciplinary action upon the issuance of a final order imposing civil penalties or a criminal conviction pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 487.044, F.S.; requiring the department to provide in-person and remote testing through a third-party vendor for the examination of an individual seeking a limited certification for pesticide application; authorizing a third-party vendor to collect and retain a convenience fee; amending s. 487.175, F.S.; providing that the department may suspend, revoke, or deny licensure of a pesticide applicator upon issuance of a final order to a licensee which imposes civil penalties or a criminal conviction under the Federal Insecticide, Fungicide, and Rodenticide Act; amending s. 496.404, F.S.; defining the terms “foreign country of concern” and “foreign source of concern”; amending s. 496.405, F.S.; revising which documents a charitable organization or sponsor must file before engaging in specified activities; requiring that any changes to such documents be reported to the department on a specified form in a specified timeframe; revising the requirements of the charitable organization’s initial registration statement; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of the charitable organization or sponsor; amending s. 496.415, F.S.; prohibiting specified persons from soliciting or accepting anything of value from a foreign source of concern; providing penalties; amending s. 496.417, F.S.; authorizing the department to investigate or refer to the Florida Elections Commission certain violations of a charitable organization or sponsor; amending s. 496.419, F.S.; providing discretionary penalties for a charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation; creating s. 496.431, F.S.; requiring the department to create the Honest Services Registry to provide residents with information relating to charitable organizations; requiring a charitable organization included in the Honest Services Registry to submit an attestation statement to the department; requiring the department to publish the Honest Services Registry on the department’s website; requiring the department to adopt rules; amending s. 500.03, F.S.; revising the definition of the term “cottage food product”; amending s. 500.12, F.S.; providing that the department requires a food

permit from any person or business that operates a food establishment; revising exceptions; revising the schedule for renewing certain food permits; authorizing the department to establish a single permit renewal date for certain food establishments; amending s. 500.166, F.S.; requiring certain persons engaged in interstate commerce to retain all records that show certain information for a specified timeframe; amending s. 500.172, F.S.; authorizing the department to facilitate the destruction of certain articles that violate specified provisions; prohibiting certain persons from certain actions without permission from, or in accord with a written agreement with, the department; creating s. 500.75, F.S.; providing that it is unlawful to transport or offer to transport, import into this state, sell or offer for sale, furnish, or give away certain spores or mycelium; providing a penalty; creating s. 500.93, F.S.; defining terms; requiring the department to adopt rules to enforce the Food and Drug Administration's standard of identity for milk, meat, poultry, and poultry products, and eggs and egg products to prohibit the sale of plant-based products mislabeled as milk, meat, poultry, or poultry products, or egg or egg products; providing contingent effective dates; requiring the department to adopt rules; providing construction; repealing s. 501.135, F.S., relating to consumer unit pricing; amending s. 501.912, F.S.; revising the definition of the term "antifreeze"; creating s. 525.19, F.S.; requiring the department to create an annual petroleum registration program for petroleum owners or operators; requiring the department to adopt rules for such registration which include specified information; requiring that the registration program be free for all registrants; authorizing the department to require registrants to provide certain information during a state of emergency; creating s. 526.147, F.S.; creating the Florida Retail Fuel Transfer Switch Modernization Grant Program within the department; requiring the grant program to provide funds up to a certain amount to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities; requiring the department to award funds based on specified criteria; requiring retail fuel facilities awarded grant funds to comply with specified provisions; requiring such facilities to install a transfer switch with specified capabilities; requiring retail fuel facilities to provide specified documentation before being awarded funding; prohibiting certain facilities from being awarded funding; requiring the department, in consultation with the Division of Emergency Management, to adopt rules; requiring that such rules include specified information; amending s. 531.48, F.S.; requiring that certain packages bear specified information on the outside of the package; amending s. 531.49, F.S.; revising requirements for the advertising of a packaged commodity; amending s. 564.06, F.S.; requiring that a certain percentage of revenues collected from certain excise taxes be deposited into the Florida Wine Trust Fund; amending s. 570.07, F.S.; requiring the department to foster and encourage the employment and retention of qualified veterinary pathologists; providing that the department may reimburse the educational expenses of certain veterinary pathologists who enter into a certain agreement with the department; requiring the department to adopt certain rules; requiring the department to extend

certain opportunities to public school students enrolled in agricultural education to support Future Farmers of America programming; requiring the department to use contracts procured by agencies; defining the term “agency”; amending s. 570.544, F.S.; revising which provisions the director of the Division of Consumer Services must enforce; creating s. 570.546, F.S.; authorizing the department to create a process for the bulk renewal of licenses; authorizing the department to create a process that will allow licensees to align the expiration dates of licenses within a specified program; authorizing the department to change the expiration date for current licenses for a certain purpose; requiring the department to prorate the licensing fee for certain licenses; requiring the department to adopt rules; creating s. 570.694, F.S.; creating the Florida Aquaculture Foundation as a direct support organization within the department; providing the purpose of the foundation; providing governance for the foundation; authorizing the department to appoint an advisory committee adjunct to the foundation; amending s. 570.822, F.S.; defining the term “declared emergency,” rather than “declared natural disaster,” and revising the definition of the term “program”; providing that loan funds from the department may be used to restock aquaculture; authorizing the department to renew a loan application under certain circumstances; authorizing the department to defer or waive loan payments under certain circumstances; conforming provisions to changes made by the act; creating s. 570.823, F.S.; defining terms; establishing the silviculture emergency recovery program within the department to administer a grant program to assist certain timber landowners; requiring that such grants be used for certain purposes; requiring that only timber lands located on agricultural property are eligible for the program; requiring the department to coordinate with state agencies to provide financial assistance to timber landowners after a specified declared emergency; providing construction; authorizing the department to adopt rules to implement this section including emergency rules that may be effective for a specified timeframe; creating s. 570.831, F.S.; requiring, subject to appropriation of funds, the Cattle Enhancement Board, Inc., in coordination with the department, to establish a Florida beef marketing program; providing a purpose for such program; amending s. 581.1843, F.S.; deleting provisions that exclude certain citrus nurseries from certain requirements; deleting provisions relating to regulated areas around the perimeter of commercial citrus nurseries; repealing ss. 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, F.S., relating to the Florida Boll Weevil Eradication Law; definitions; powers and duties of Department of Agriculture and Consumer Services; the entry of premises to carry out boll weevil eradication activities and inspections; reports by persons growing cotton; quarantine areas and the regulation of articles within a boll weevil eradication zone; the regulation of collection, transportation, distribution, and movement of cotton; cooperative programs for persons engaged in growing, processing, marketing, or handling cotton; the department’s authority to designate eradication zones, prohibit planting of cotton, and require participation in eradication program;

regulation of the pasturage of livestock, entry by persons, and location of honeybee colonies in eradication zones and other areas; eligibility for certification of cotton growers' organization; the certification of cotton growers' organization; a referendum; an assessment; the department's authority to enter agreements with the Farm Service Agency; liens; mandamus or injunction; penalty for violation; and the handling of moneys received, respectively; amending s. 595.404, F.S.; revising the department's powers and duties regarding school nutrition programs; amending s. 599.002, F.S.; renaming the Viticulture Advisory Council as the Florida Wine Advisory Council; revising the membership of the Florida Wine Advisory Council; conforming provisions to changes made by the act; amending s. 599.003, F.S.; renaming the State Viticulture Plan as the State Wine Plan; conforming provisions to changes made by the act; amending s. 599.004, F.S.; making technical changes; providing that wineries that fail to recertify annually or pay a specified licensing fee are subject to certain actions and costs; conforming provisions to changes made by the act; amending s. 599.012, F.S.; conforming provisions to changes made by the act; amending s. 616.12, F.S.; deleting provisions requiring a person who operates a minstrel show in connection with any certain public fairs to pay specified license taxes; deleting a provision that exempts such person from paying specified taxes; creating s. 687.16, F.S.; providing a short title; defining terms; prohibiting a financial institution from discriminating in the provision of financial services to an agricultural producer based on an ESG factor; providing an inference with regard to a certain violation; providing that the financial institution may overcome the inference by making certain demonstrations regarding its denial or restriction of financial services to an agricultural producer; authorizing the Attorney General to enforce specified provisions; providing that a violation of specified provisions constitutes an unfair and deceptive trade practice; authorizing the Attorney General to investigate and seek remedies for such unfair trade practices; authorizing an aggrieved party to seek an action for damages; amending s. 741.0305, F.S.; conforming a cross-reference; amending s. 790.06, F.S.; revising the circumstances under which the department may temporarily suspend a person's license to carry a concealed weapon or concealed firearm or the processing of an application for such license; requiring the department to notify certain licensees or applicants of their right to a hearing; requiring the department to issue an order confirming the end of a suspension within a specified timeframe after an applicant or licensee submits a copy of a specified document to the department; requiring that such document be sent through electronic or certified mail to a specified location; requiring that the suspension remain in effect upon a certain disposition of a criminal case or injunction; providing construction; providing legislative findings; revising the duties of the department after the date of receipt of a completed application for a license to carry a concealed weapon or concealed firearm; requiring that a license issued under this section be temporarily suspended or revoked if the license was issued in error or if the licensee commits certain actions; amending s. 812.0151, F.S.; revising the elements of third degree and second degree felony retail

fuel theft; creating s. 812.136, F.S.; defining terms; providing elements for the crime of mail theft; providing elements of theft of or unauthorized reproduction of a mail depository key or lock; providing criminal penalties; amending s. 934.50, F.S.; deleting certain exceptions from the prohibited uses of drones; providing that a drone may be used for certain purposes by a local governmental entity or person under contract with or acting under the direction of such entity; creating s. 1013.373, F.S.; prohibiting a local government from adopting any measure to limit the activities of public educational facilities or auxiliary facilities constructed by certain organizations; requiring that lands used for agricultural education or for the Future Farmers of America or 4-H activities be considered agricultural lands; reenacting s. 295.07(5)(a), F.S., relating to preference in appointment and retention, to incorporate the amendment made to s. 110.205, F.S., in a reference thereto; reenacting s. 189.062(1)(a), F.S., relating to special procedures for inactive districts and state aid to counties, to incorporate the amendment made to s. 388.271, F.S., in references thereto; reenacting ss. 482.072(3)(b) and 482.163, F.S., relating to pest control customer contact centers and responsibility for pest control activities of employee, respectively, to incorporate the amendment made to s. 482.161, F.S., in references thereto; reenacting s. 487.156, F.S., relating to governmental agencies, to incorporate the amendment made to s. 487.044, F.S., in a reference thereto; reenacting ss. 496.4055(2) and 496.406(2) and (4), F.S., relating to charitable organization or sponsor board duties and exemption from registration, respectively, to incorporate the amendment made to s. 496.405, F.S., in references thereto; reenacting s. 500.80(1)(a), F.S., relating to cottage food operations, to incorporate the amendment made to s. 500.12, F.S., in a reference thereto; reenacting s. 500.121(6), F.S., relating to disciplinary procedures, to incorporate the amendment made to s. 500.172, F.S., in a reference thereto; reenacting s. 790.061, F.S., relating to judges and justices, to incorporate the amendment made to s. 790.06, F.S., in a reference thereto; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (m) of subsection (2) of section 110.205, Florida Statutes, is amended to read:

110.205 Career service; exemptions.—

(2) EXEMPT POSITIONS.—The exempt positions that are not covered by this part include the following:

(m) All assistant division director, deputy division director, and bureau chief positions in any department, and those positions determined by the department to have managerial responsibilities comparable to such positions, which include, but are not limited to:

1. Positions in The Department of Health and the Department of Children and Families which are assigned primary duties of serving as the superintendent or assistant superintendent of an institution.

2. Positions in The Department of Corrections which are assigned primary duties of serving as the warden, assistant warden, colonel, or major of an institution or that are assigned primary duties of serving as the circuit administrator or deputy circuit administrator.

3. Positions in The Department of Transportation which are assigned primary duties of serving as regional toll managers and managers of offices, as specified in s. 20.23(3)(b) and (4)(c).

4. Positions in The Department of Environmental Protection which are assigned the duty of an Environmental Administrator or program administrator.

5. Positions in The Department of Health which are assigned the duties of Environmental Administrator, Assistant County Health Department Director, and County Health Department Financial Administrator.

6. Positions in The Department of Highway Safety and Motor Vehicles which are assigned primary duties of serving as captains in the Florida Highway Patrol.

7. Positions in the Department of Agriculture and Consumer Services which are assigned primary duties of serving as captains or majors in the Office of Agricultural Law Enforcement.

Unless otherwise fixed by law, the department shall set the salary and benefits of the positions listed in this paragraph in accordance with the rules established for the Selected Exempt Service.

Section 2. Present paragraphs (a) through (d) of subsection (2) of section 163.3162, Florida Statutes, are redesignated as paragraphs (b) through (e), respectively, a new paragraph (a) and paragraphs (f) and (g) are added to that subsection, and subsections (5), (6), and (7) are added to that section, to read:

163.3162 Agricultural Lands and Practices.—

(2) DEFINITIONS.—As used in this section, the term:

(a) “Department” means the Department of Agriculture and Consumer Services.

(f) “Housing site” means the totality of development supporting authorized housing, including buildings, mobile homes, barracks, dormitories used as living quarters, parking areas, common areas such as athletic fields or playgrounds, storage structures, and other related structures.

(g) “Legally verified agricultural worker” means a person who:

1. Is lawfully present in the United States;
2. Meets the definition of eligible worker pursuant to 29 C.F.R. s. 502.10;
3. Has been verified through the process provided in s. 448.095(2) and is authorized to work at the time of employment;
4. Is seasonally or annually employed in bona fide agricultural production;
5. Remains lawfully present and authorized to work throughout the duration of that employment; and
6. Is not an unauthorized alien as defined in s. 448.095(1).

(5) HOUSING FOR LEGALLY VERIFIED AGRICULTURAL WORKERS.—

(a) A governmental entity may not adopt or enforce any legislation, regulation, or ordinance to inhibit the construction or installation of housing for legally verified agricultural workers on land classified as agricultural land pursuant to s. 193.461 which is operated as a bona fide farm except as provided in this subsection.

(b) Construction or installation of housing units for legally verified agricultural workers on parcels of land classified as agricultural land under s. 193.461 must satisfy all of the following criteria:

1. The dwelling units must meet federal, state, and local building standards, including standards of the Department of Health adopted pursuant to ss. 381.008-381.00897 and federal standards for H-2A visa housing. If a written notice of intent is required to be submitted to the Department of Health pursuant to s. 381.0083, the appropriate governmental entity with jurisdiction over the agricultural lands may also require submittal of a copy of the written notice.

2. The housing site must be maintained in a neat, orderly, and safe manner.

3. All structures containing dwelling units must be located a minimum of 10 feet apart.

4. The square footage of the housing site’s climate-controlled facilities may not exceed 1.5 percent of the property’s area or 35,000 square feet, whichever is less.

5. A housing site must provide front, side, and rear yard setbacks of at least 50 feet. However, an internal project driveway may be located in the required yard space if the yard is adjacent to a public roadway or to property that is under common ownership with the housing site.

6. A housing site may not be located less than 100 feet from a property line adjacent to property zoned for residential use. If the housing site is located less than 250 feet from any property line, screening must be provided between the housing site and any residentially developed adjacent parcels that are under different ownership. The screening may be designed in any of the following ways:

a. Evergreen plants that, at the time of planting, are at least 6 feet in height and provide an overall screening opacity of 75 percent;

b. A masonry wall at least 6 feet in height and finished on all sides with brick, stone, or painted or pigmented stucco;

c. A solid wood or PVC fence at least 6 feet in height with the finished side of the fence facing out;

d. A row of evergreen shade trees that, at the time of planting, are at least 10 feet in height, a minimum of 2-inch caliper, and spaced no more than 20 feet apart; or

e. A berm made with a combination of the materials listed in sub-paragraphs a.-d., which is at least 6 feet in height and provides an overall screening opacity of 75 percent at the time of installation.

7. All access driveways that serve the housing site must be made of packed shell, gravel, or a similar material that will provide a relatively dust-free surface.

(c) Any local ordinance adopted pursuant to this subsection must comply with all state and federal regulations for migrant farmworker housing, as applicable, including rules adopted by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. A governmental entity may adopt local government land use regulations that are less restrictive than this subsection, but which still meet regulations established by the Department of Health pursuant to ss. 381.008-381.00897 and federal regulations under the Migrant and Seasonal Agricultural Worker Protection Act or the H-2A visa program. An ordinance adopted pursuant to this paragraph may not conflict with the definition and requirements of a legally verified agricultural worker.

(d) Beginning July 1, 2025, a property owner must maintain records of all approved permits, including successor permits, for migrant labor camps or residential migrant housing as required under s. 381.0081. A property owner must maintain such records for at least 3 years and make the records available for inspection within 14 days after receipt of a request for records by a governmental entity.

(e) A housing site may not continue to be used and may be required to be removed under the following circumstances:

1. If, for any reason, a housing site is not being used for legally verified agricultural workers for longer than 365 days, any structure used as living quarters must be removed from the housing site within 180 days after receipt of written notification from the county unless the property owner can demonstrate that use of the site for housing legally verified agricultural workers will occur within 90 days after the written notification.

2. If the property on which the housing site is located ceases to be classified as agricultural land pursuant to s. 193.461.

3. If the permit authorized by the Department of Health for the housing site is revoked, all structures must be removed from the housing site within 180 days after receipt of written notification from the county unless the permit is reinstated by the Department of Health.

4. If a housing site is found to be occupied by any person who does not meet the definition of a legally verified agricultural worker, or is otherwise unlawfully present in the United States. A property owner who violates this subparagraph is subject to a Class I fine pursuant to s. 570.971, not to exceed \$1,000, for the first violation, and a Class II fine, not to exceed \$5,000, for any subsequent violations. The fines shall be collected by the clerk of the court of the county in which the violation occurred.

(f) Notwithstanding this subsection, the construction or installation of housing for legally verified agricultural workers in the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern is subject to the permit allocation systems of the Florida Keys Area of Critical State Concern and the City of Key West Area of Critical State Concern, respectively.

(g) A housing site that was constructed and in use before July 1, 2024, may continue to be used, and the property owner may not be required by a governmental entity to make changes to meet the requirements of this subsection, unless the housing site will be enlarged, remodeled, renovated, or rehabilitated. The property owner of a housing site authorized under this paragraph must provide regular maintenance and repair, including compliance with health and safety regulations and maintenance standards, for such housing site to ensure the health, safety, and habitability of the housing site.

(6) DATA COLLECTION.—The department shall adopt rules providing for:

(a) A method for governmental entities to submit reports of property owners who have a housing site for legally verified agriculture workers on lands classified as agricultural land pursuant to s. 193.461, as provided in this section.

(b) A method for persons to submit complaints for review and investigation by the department.

Governmental entities shall provide this information quarterly to the department in a format and timeframe prescribed by rule.

(7) ENFORCEMENT.—

(a) In addition to the enforcement methods of employment verification outlined in s. 448.095, the department shall enforce the requirements of subsection (5). Enforcement includes completing routine inspections based on a random sample of data collected by government entities and submitted to the department, the investigation and review of complaints, and the enforcement of violations.

(b) The department shall submit the information collected to the State Board of Immigration Enforcement on a quarterly basis, except that the first quarter shall begin 60 days after the first quarterly data report under subsection (6) by a governmental entity is received and reviewed by the department.

Section 3. Subsection (3) of section 201.25, Florida Statutes, is amended to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(3) Any loan made by the Agriculture and Aquaculture Producers Emergency Natural Disaster Recovery Loan Program pursuant to s. 570.822.

Section 4. Subsection (19) is added to section 253.0341, Florida Statutes, to read:

253.0341 Surplus of state-owned lands.—

(19) Notwithstanding any other law or rule, the Department of Agriculture and Consumer Services may surplus lands acquired pursuant to s. 366.20 which are determined to be suitable for bona fide agricultural production, as defined in s. 193.461. The Department of Agriculture and Consumer Services shall consult with the Department of Environmental Protection in the process of making such determination. In the event that lands acquired pursuant to s. 366.20, which are determined to be suitable for bona fide agricultural production are surplus, the Department of Agriculture and Consumer Services must retain a rural-lands-protection easements pursuant to s. 570.71(3), and all proceeds must be deposited into the Incidental Trust Fund within the Department of Agriculture and Consumer Services for less than fee simple land acquisition pursuant to ss. 570.71 and 570.715. By January 1, 2026, and each January 1 thereafter, the Department of Agriculture and Consumer Services shall provide a report of lands surplus pursuant to this subsection to the board.

(a) Any lands designated as a state forest, state park, or wildlife management area are ineligible to be surplus pursuant to this subsection.

(b) This subsection is retroactive to January 1, 2009.

Section 5. Present paragraphs (a) through (d) and (e) of subsection (2) of section 330.41, Florida Statutes, are redesignated as paragraphs (b) through (e) and (j), respectively, and subsection (6) of that section is redesignated as subsection (8), a new paragraph (a) and paragraphs (f), (g), (h), and (i) are added to subsection (2) of that section and a new subsection (6) and subsection (7) are added to that section, and paragraph (d) of subsection (4) of that section is amended, to read:

330.41 Unmanned Aircraft Systems Act.—

(2) DEFINITIONS.—As used in this act, the term:

(a) “Commercial property” means real property other than residential property. The term includes, but is not limited to, a property zoned multifamily residential which is comprised of five or more dwelling units, and real property used for commercial, industrial, or agricultural purposes.

(f) “Private property” means any residential or commercial property.

(g) “Property owner” means the owner or owners of record of real property. The term includes real property held in trust for the benefit of one or more individuals, in which case the individual or individuals may be considered as the property owner or owners, provided that the trustee provides written consent. The term does not include persons renting, using, living, or otherwise occupying real property.

(h) “Residential property” means real property zoned as residential or multifamily residential and composed of four or fewer dwelling units.

(i) “Sport shooting and training range” has the same meaning as in s. 790.333(3)(h).

(4) PROTECTION OF CRITICAL INFRASTRUCTURE FACILITIES.

(d) This subsection and ~~paragraph (2)(b)~~ ~~paragraph (2)(a)~~ shall sunset 60 days after the date that a process pursuant to s. 2209 of the FAA Extension, Safety and Security Act of 2016 becomes effective.

(6) PROTECTION OF AGRICULTURAL LANDS.—

(a) A person may not knowingly or willfully do any of the following on lands classified as agricultural lands pursuant to s. 193.461:

1. Operate a drone.

2. Allow a drone to make contact with any person or object on the premises of or within the boundaries of such lands.

3. Allow a drone to come within a distance close enough to such lands to interfere with or cause a disturbance to agricultural production.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The owner of the agricultural lands.
2. A person acting under the prior written consent of the owner of the agricultural lands.
3. A person or entity acting in compliance with the provisions of s. 934.50.

(7) PROTECTION OF PRIVATE PROPERTY AND STATE HUNTING LANDS.—

(a) A person may not knowingly or willfully allow a drone to make contact with private property, state wildlife management lands, or a sport shooting and training range or any person or object on the premises of or within such property with the intent to harass.

(b) A person who violates paragraph (a) commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(c) A person who violates paragraph (a) and records video of the private property, state wildlife management lands, or sport shooting and training range, including any person or object on the premises of or within the private property, state wildlife management lands, or sport shooting and training range, commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A person who commits a second or subsequent violation commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(d) This subsection does not apply to actions identified in paragraph (a) which are committed by:

1. The property owner of the private property or sport shooting and training range, or a person acting under the prior written consent of the property owner.
2. A person or entity acting in compliance with the provisions of s. 934.50.

Section 6. Effective July 31, 2026, section 366.20, Florida Statutes, is created to read:

366.20 Sale and management of lands owned by electric utilities.—

(1) Lands acquired by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which have been classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the acquisition of the land by the electric utility must be offered for fee simple acquisition by the Department of Agriculture and Consumer Services through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(2) Lands owned by an electric utility, as defined in s. 366.02(4), on or after January 1, 2009, which were classified as agricultural lands pursuant to s. 193.461 at any time in the 5 years preceding the date of acquisition of the land by the electric utility must be offered for fee simple acquisition by the department through the process outlined in subsection (3) before offering for sale or transferring the land to a private individual or entity.

(3)(a) Within 30 days before offering for sale or transferring lands identified pursuant to subsection (1) or subsection (2) to a private individual or entity, an electric utility must issue a written intent to sell sent through certified mail to the Commissioner of Agriculture.

(b) Within 30 days after the date of receipt by certified mail of the written intent by an electric utility to sell or transfer such land, the commissioner may issue a written intent to purchase via certified mail to the electric utility that issued the intent to sell. If the commissioner declines, or does not issue an intent to purchase within the 30 day timeframe, the electric utility is released from the requirements of this section.

(4) Offers accepted by the department pursuant to paragraph (3)(b) which are received no later than 6 months before the start of the regular legislative session must be executed no later than July 31 following that regular legislative session.

(5) The department shall adopt rules to implement this section.

Section 7. Present subsections (3) and (4) of section 366.94, Florida Statutes, are redesignated as subsections (4) and (5), respectively, a new subsection (3) is added to that section, and subsection (2) of that section is amended, to read:

366.94 Electric vehicle charging.—

(2)(a) As used in this section, the term “electric vehicle charging station” means the area in the immediate vicinity of electric vehicle supply equipment and includes the electric vehicle supply equipment, supporting equipment, and associated parking spaces. The regulation of electric vehicle charging stations is preempted to the state.

(b)(a) A local governmental entity may not enact or enforce an ordinance or regulation related to electric vehicle charging stations.

(3)(a)(b) The Department of Agriculture and Consumer Services shall adopt rules to implement this subsection and to provide requirements for electric vehicle charging stations to allow for consistency for consumers and the industry.

(b) The department may adopt rules to protect the public health, safety, and welfare and establish standards for the placement, design, installation, maintenance, and operation of electric vehicle charging stations.

(c) Local governmental entities shall issue permits for electric vehicle charging stations based solely upon standards established by department rule and other applicable provisions of state law. The department shall prescribe by rule the time period for approving or denying permit applications.

(d) Before a charger at an electric vehicle charging station is placed into service for use by the public, the charger must be registered with the department on a form prescribed by department rule.

(e) The department shall have the authority to inspect electric vehicle charging stations, conduct investigations, and enforce this subsection and any rules adopted thereto. The department may impose one or more of the following penalties against a person who violates this subsection or any rule adopted under this subsection:

1. Issuance of a warning letter.
2. Imposition of an administrative fine in the Class II category pursuant to s. 570.971 for each violation.

(f) If the department determines that an electric vehicle charging station or any associated equipment presents a threat to the public health, safety, or welfare, the department may issue an immediate final order prohibiting the use of the electric vehicle charging station or any portion thereof.

(g) In addition to the remedies provided in this subsection, and notwithstanding the existence of any adequate remedy at law, the department may bring an action to enjoin a violation of this subsection or rules adopted under this subsection in the circuit court of the county in which the violation occurs or is about to occur. Upon demonstration of competent and substantial evidence by the department to the court of the violation or threatened violation, the court shall immediately issue the temporary or permanent injunction sought by the department. The injunction must be issued without bond.

Section 8. Present subsections (10) and (11) of section 388.011, Florida Statutes, are redesignated as subsections (11) and (12), respectively, a new subsection (10) is added to that section, and subsections (2) and (5) of that section are amended, to read:

388.011 Definitions.—As used in this chapter:

(2) “Board of commissioners” means the governing body of any mosquito control program ~~distriet~~, and may include boards of county commissioners, city councils, municipalities, or other similar governing bodies when context so indicates.

(5) “District” means any mosquito control special district established in this state by law for the express purpose of controlling arthropods within boundaries of such said districts.

(10) “Program” means any governmental jurisdiction that conducts mosquito control, whether it be a special district, county, or municipality.

Section 9. Section 388.021, Florida Statutes, is amended to read:

388.021 Creation of mosquito control special districts.—

(1) The abatement or suppression of arthropods, whether disease-bearing or merely pestiferous, within any or all counties of this state is advisable and necessary for the maintenance and betterment of the comfort, health, and welfare of the people thereof and is found and declared to be for public purposes. Areas where arthropods incubate, hatch, or occur in significant numbers so as to constitute a public health, welfare, or nuisance problem may be controlled or abated as provided in this chapter or the rules promulgated hereunder. Therefore, any municipality ~~city~~, town, or county, or any portion or portions thereof, whether such portion or portions include incorporated territory or portions of two or more counties in the state, may be created into a special taxing district for the control of arthropods under the provisions of this chapter.

(2) It is the legislative intent that ~~those~~ mosquito control districts established prior to July 1, 1980, pursuant to the petition process contained in former s. 388.031, may continue to operate as outlined in this chapter. However, on and after that date, no mosquito control districts may be created except pursuant to s. 125.01.

Section 10. Section 388.181, Florida Statutes, is amended to read:

388.181 Power to do all things necessary.—The respective programs ~~districts~~ of the state are hereby fully authorized to do and perform all things necessary to carry out the intent and purposes of this law.

Section 11. Subsections (1), (2), (4), and (5) of section 388.201, Florida Statutes, are amended to read:

388.201 Program ~~District~~ budgets; hearing.—

(1) The fiscal year of programs ~~districts~~ operating under ~~the provisions of~~ this chapter shall be the 12-month period extending from October 1 of one year through September 30 of the following year. The governing board of the programs ~~district~~ shall before July 15 of each year complete the preparation of a tentative detailed work plan budget covering its proposed operations

and requirements for arthropod control measures during the ensuing fiscal year and, for the purpose of determining eligibility for state aid, shall submit copies as may be required to the department for review and approval. The tentative detailed work plan budget must ~~shall~~ set forth, classified by account number, title and program items, and by fund from which to be paid, the proposed expenditures of the program ~~district~~ for construction, for acquisition of land, and other purposes, for the operation and maintenance of the program's ~~district's~~ works, the conduct of the program ~~district~~ generally, to which may be added an amount to be held as a reserve.

(2) The tentative detailed work plan budget must ~~shall~~ also show the estimated amount which will appear at the beginning of the fiscal year as obligated upon commitments made but uncompleted. ~~There shall be shown~~ the estimated unobligated or net balance which will be on hand at the beginning of the fiscal year, and the estimated amount to be raised by county, municipality, or district ~~taxes~~ and from any and all other sources for meeting the program's ~~the district's~~ requirements.

(4) The governing board shall:

(a) ~~Shall~~ Consider objections filed against adoption of the tentative detailed work plan budget and in its discretion may amend, modify, or change such budget; and

(b) ~~Shall~~ By September 30, adopt and execute on a form furnished by the department a certified budget for the programs ~~district~~ which shall be the operating and fiscal guide for the program ~~district~~. Certified copies of this budget must ~~shall~~ be submitted by September 30 to the department for approval.

(5) County commissioners' mosquito and arthropod control budgets or the budgets of a similar governing body of a county, city, or town must ~~shall~~ be made and adopted as prescribed by subsections (1) and (2); summary figures must ~~shall~~ be incorporated into the county budgets as prescribed by the Department of Financial Services.

Section 12. Section 388.241, Florida Statutes, is amended to read:

388.241 Board of county commissioners vested with powers and duties of board of commissioners in certain counties.—In those counties or municipalities where there has been no formation of a separate or special board of commissioners, all the rights, powers, and duties of a board of commissioners as conferred in this chapter shall be vested in the board of county commissioners or similar governing body of said county or municipality.

Section 13. Section 388.261, Florida Statutes, is amended to read:

388.261 State aid to counties, municipalities, and districts for arthropod control; distribution priorities and limitations.—

(1) A county, municipality, or district may, without contributing matching funds, receive state funds, supplies, services, or equipment in an amount of no more than ~~\$75,000~~ \$50,000 per year for up to 3 years for any new program for the control of mosquitoes and other arthropods which serves an area not previously served by the county, municipality, or district. These funds may be expended for any and all types of control measures approved by the department.

(2) Every county, municipality, or district budgeting local funds to be used exclusively for the control of mosquitoes and other arthropods, under a plan submitted by the county, municipality, or district and approved by the department, is eligible to receive state funds and supplies, services, and equipment on a dollar-for-dollar matching basis to the amount of local funds budgeted. If state funds appropriated by the Legislature are insufficient to grant each county, municipality, or district state funds on a dollar-for-dollar matching basis to the amount budgeted in local funds, the department must ~~shall~~ distribute the funds as prescribed by rule. Such rules must ~~shall~~ provide for up to 80 percent of the funds to be distributed to programs with local funds for mosquito control budgets of less than \$1 million, if the county, municipality, or district meets the eligibility requirements. The funds must ~~shall~~ be distributed as equally as possible within the category of counties pursuant to this section. The remaining funds must ~~shall~~ be distributed as prescribed by rule among the remaining counties to support mosquito control and to support research, education, and outreach.

(3) Every county shall be limited to receive a total of \$120,000 of state funds, exclusive of state funds brought forward, during any one year.

(4) Up to 20 percent of the annual funds appropriated to local governments for arthropod control may be used for arthropod control research or demonstration projects as approved by the department.

(5) If more than one ~~program~~ local mosquito control agency exists in a county or municipality, the funds must ~~shall~~ be prorated between the programs ~~agencies~~ based on the population served by each program ~~agency~~.

(6) The Commissioner of Agriculture may exempt counties, municipalities, or districts from the requirements in subsection (1), subsection (2), or subsection (3) when the department determines state funds, supplies, services, or equipment are necessary for the immediate control of mosquitoes and other arthropods that pose a threat to human or animal health.

(7) The department may use state funds appropriated for a county, municipality, or district under subsection (1) or subsection (2) to provide state mosquito or other arthropod control equipment, supplies, or services when requested by a county, municipality, or district eligible to receive state funds under s. 388.271.

(8) The department is authorized to use up to 5 percent of the funds appropriated annually by the Legislature under this section to provide

technical assistance to the counties, municipalities, or districts, or to purchase equipment, supplies, or services necessary to administer the provisions of this chapter.

Section 14. Subsections (1) and (2) of section 388.271, Florida Statutes, are amended to read:

388.271 Prerequisites to participation.—

(1) When state funds are involved, it is the duty of the department to guide, review, approve, and coordinate the activities of all county and municipal governments and special districts receiving state funds in furtherance of the goal of integrated arthropod control. Each program county eligible to participate may, and each district must, begin participation on October 1 of any year by filing with the department not later than July 15 a tentative integrated arthropod management plan ~~work plan~~ and tentative detailed ~~work plan~~ budget providing for the control of arthropods. Following approval of the plan and budget by the department, a ~~copy two~~ copies of the ~~program's county's or district's~~ certified budget based on the approved integrated arthropod management ~~work plan~~ and detailed ~~work plan~~ budget must ~~shall~~ be submitted to the department by September 30 ~~following~~. State funds, supplies, and services must ~~shall~~ be made available to such program county ~~or district~~ by and through the department immediately upon release of funds by the Executive Office of the Governor.

(2) All purchases of supplies, materials, and equipment by programs ~~must counties or districts~~ shall be made in accordance with the laws governing purchases by boards of county commissioners or similar governing bodies, except that programs ~~districts~~ with special laws relative to competitive bidding shall make purchases in accordance therewith.

Section 15. Subsections (1) and (3) of section 388.281, Florida Statutes, are amended to read:

388.281 Use of state matching funds.—

(1) All funds, supplies, and services released to programs ~~counties and districts~~ hereunder must ~~shall~~ be used in accordance with the integrated arthropod management ~~detailed work plan~~ and certified budget approved by both the department and the board of commissioners or an appropriate representative ~~county or district~~. The integrated arthropod management plan and budget may be amended at any time upon prior approval of the department.

(3) In any program ~~county or district~~ where the arthropod problem has been eliminated, or reduced to such an extent that it does not constitute a health, comfort, or economic problem as determined by the department, the maximum amount of state funds available under this chapter shall be reduced to the amount necessary to meet actual need.

Section 16. Subsections (1) and (2) of section 388.291, Florida Statutes, are amended to read:

388.291 Source reduction measures; supervision by department.—

(1) Any program ~~county or district~~ may perform source reduction measures in conformity with good engineering practices in any area, provided that the department cooperating with the county, municipality, or district has approved the operating or construction plan as outlined in the integrated arthropod management plan and that it has been determined by criteria contained in rule that the area or areas to be controlled would produce arthropods in significant numbers to constitute a health or nuisance problem.

(2) The program ~~county or district~~ shall manage the detailed business affairs and supervise the said work, and the department shall advise the programs ~~districts~~ as to the best and most effective measures to be used in bringing about better temporary control and the permanent elimination of breeding conditions. The department may at its discretion discontinue any state aid provided hereunder in the event it finds the jointly agreed upon program is not being followed or is not efficiently and effectively administered.

Section 17. Section 388.301, Florida Statutes, is amended to read:

388.301 Payment of state funds; supplies and services.—State funds shall be payable ~~quarterly~~, in accordance with the rules of the department, upon requisition by the department to the Chief Financial Officer. The department is authorized to furnish insecticides, chemicals, materials, equipment, vehicles, and personnel in lieu of state funds where mass purchasing may save funds for the state, or where it would be more practical and economical to use equipment, supplies, and services between two or more programs ~~counties or districts~~.

Section 18. Section 388.311, Florida Statutes, is amended to read:

388.311 Carry over of state funds and local funds.—State and local funds budgeted for the control of mosquitoes and other arthropods shall be carried over at the end of the program's ~~county or district's~~ fiscal year, and rebudgeted for such control measures the following fiscal year.

Section 19. Section 388.321, Florida Statutes, is amended to read:

388.321 Equipment to become property of a program ~~the county or district~~.—All equipment purchased under this chapter with state funds made available directly to a program ~~the county or district~~ shall become the property of the program ~~county or district~~ unless otherwise provided, and may be traded in on other equipment, or sold, when no longer needed by the program ~~county or district~~.

Section 20. Section 388.322, Florida Statutes, is amended to read:

388.322 Record and inventory of certain property.—A record and inventory of certain property purchased with state funds for arthropod control use owned by the program must ~~district shall~~ be maintained in accordance with s. 274.02.

Section 21. Section 388.323, Florida Statutes, is amended to read:

388.323 Disposal of surplus property.—Surplus property shall be disposed of according to the provisions set forth in s. 274.05 with the following exceptions:

(1) Serviceable equipment purchased using state funds for arthropod control use no longer needed by a program must ~~county or district shall~~ first be offered to any ~~or all other programs~~ counties or districts engaged in arthropod control at a price established by the board of commissioners owning the equipment.

(2) The alternative procedure for disposal of surplus property, as prescribed in s. 274.06, must ~~shall~~ be followed if it is determined that no other program ~~county or district~~ engaged in arthropod control has need for the equipment.

(3) All proceeds from the sale of any real or tangible personal property owned by the program and purchased using state funds ~~county or district~~ shall be deposited in the program's ~~county's or district's~~ state fund account unless otherwise specifically designated by the department.

Section 22. Section 388.341, Florida Statutes, is amended to read:

388.341 Reports of expenditures and accomplishments.—Each program receiving state aid ~~county and district participating under the provisions of this chapter~~ shall within 30 days after the end of each month submit to the department a monthly report for the preceding month of expenditures from all funds for arthropod control, and each program participating under this chapter shall provide such reports of activities and accomplishments as may be required by the department.

Section 23. Section 388.351, Florida Statutes, is amended to read:

388.351 Transfer of equipment, personnel, and supplies during an emergency.—The department, upon notifying a program ~~county or district~~ and obtaining its approval, is authorized to transfer equipment, materials, and personnel from one program ~~district~~ to another in the event of an emergency brought about by an arthropod-borne epidemic or other disaster requiring emergency control.

Section 24. Subsection (7) of section 388.361, Florida Statutes, is amended to read:

388.361 Department authority and rules; administration.—

(7) The department shall have the authority to collect, detect, suppress, and control mosquitoes and other arthropods that are determined by the State Health Officer to pose a threat to public health, or determined by the Commissioner of Agriculture to pose a threat to animal health, wherever they may occur on public or private land in this state, and to do all things necessary in the exercise of such authority. Prior to the start of treatments for the control of mosquitoes or other arthropods, the department shall consult with the mosquito control programs districts in the proposed treatment areas, the Department of Health, the Department of Environmental Protection, and the Fish and Wildlife Conservation Commission regarding the proposed locations, dates, and methods to be used.

Section 25. Subsections (2) and (3) of section 388.3711, Florida Statutes, are amended to read:

388.3711 Enforcement.—

(2) The department may issue a written warning, impose a fine; deny, suspend, or revoke any license or certification, or the disbursal of state aid; or deny participation, in accordance with the provisions of chapter 120, upon any one or more of the following grounds as may be applicable:

- (a) Violation of any rule of the department or provision of this chapter.
- (b) Violation of FIFRA or any relevant EPA rule or regulation pertaining to the use of arthropod control pesticides by the licensee.
- (c) Failure to give the department, or any authorized representative thereof, true information upon request regarding methods and materials used, work performed, or other information essential to the administration of this chapter.

(3) The department may, if it finds a violation is of such nature or circumstances that imposition of a fine, or denial, revocation, or suspension of a certification or license or disbursal of state aid would be detrimental to the public or be unnecessarily harsh under the circumstances, in its discretion, place the offending party on probation for a period of not more than 2 years. If the department determines that the terms of such probation have been violated, it may reinstitute license or certification or state aid denial, suspension, or revocation proceedings.

Section 26. Section 388.381, Florida Statutes, is amended to read:

388.381 Cooperation by programs ~~counties and district.~~—Any program conducting county or district carrying on an arthropod control program may cooperate with another county, district, or municipality in carrying out work ~~a program~~ for the control of mosquitoes and other arthropods, by agreement as to the program and reimbursement thereof, when approved by the department.

Section 27. Section 388.391, Florida Statutes, is amended to read:

388.391 Control measures in municipalities and portions of counties located outside boundaries of programs ~~districts~~.—Any program ~~district~~ whose operation is limited to a portion of the county in which it is located may perform any control measures authorized by this chapter in any municipality located in the same county or in any portions of the same county, where there is no established program ~~district~~, when requested to do so by the municipality or county, pursuant to s. 388.381.

Section 28. Section 388.401, Florida Statutes, is amended to read:

388.401 Penalty for damage to property or operations.—Whoever ~~shall~~ willfully damages ~~damage~~ any of the property of any program ~~county or district~~ created under this or other chapters, or any works constructed, maintained, or controlled by such program ~~county or district~~, or who obstructs ~~shall obstruct~~ or causes ~~cause~~ to be obstructed any of the operations of such program ~~county or district~~, or who shall knowingly or willfully violates ~~violate~~ any provisions of this chapter or any rule or regulation promulgated by any board of commissioners of any program, commits ~~county or district shall be guilty of~~ a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

Section 29. Paragraph (a) of subsection (2) of section 388.46, Florida Statutes, is amended to read:

388.46 Florida Coordinating Council on Mosquito Control; establishment; membership; organization; responsibilities.—

(2) MEMBERSHIP, ORGANIZATION, AND RESPONSIBILITIES.—

(a) *Membership*.—The Florida Coordinating Council on Mosquito Control shall be composed ~~comprised~~ of the following representatives or their authorized designees:

1. The Secretary of Environmental Protection.
2. The State Surgeon General.
3. The executive director of the Fish and Wildlife Conservation Commission.
4. The state epidemiologist.
5. The Commissioner of Agriculture.
6. The Board of Trustees of the Internal Improvement Trust Fund.
7. Representatives from:
 - a. The University of Florida, Institute of Food and Agricultural Sciences, Florida Medical Entomological Research Laboratory.
 - b. The United States Environmental Protection Agency.

c. The United States Department of Agriculture, Center of Medical, Agricultural, and Veterinary Entomology Insects Affecting Man Laboratory.

d. The United States Fish and Wildlife Service.

8. Four ~~Two~~ mosquito control directors to be nominated by the Florida Mosquito Control Association, two representatives of Florida environmental groups, and two private citizens who are property owners whose lands are regularly subject to mosquito control operations, to be appointed to 4-year terms by the Commissioner of Agriculture and serve until his or her successor is appointed.

Section 30. Paragraph (d) of subsection (7) of section 403.067, Florida Statutes, is amended to read:

403.067 Establishment and implementation of total maximum daily loads.—

(7) DEVELOPMENT OF BASIN MANAGEMENT PLANS AND IMPLEMENTATION OF TOTAL MAXIMUM DAILY LOADS.—

(d) *Enforcement and verification of basin management action plans and management strategies.*—

1. Basin management action plans are enforceable pursuant to this section and ss. 403.121, 403.141, and 403.161. Management strategies, including best management practices and water quality monitoring, are enforceable under this chapter.

2. No later than January 1, 2017:

a. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of water quality monitoring required in lieu of implementation of best management practices or other measures pursuant to sub-subparagraph (b)2.g.;

b. The department, in consultation with the water management districts and the Department of Agriculture and Consumer Services, shall initiate rulemaking to adopt procedures to verify implementation of nonagricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)1.; and

c. The Department of Agriculture and Consumer Services, in consultation with the water management districts and the department, shall initiate rulemaking to adopt procedures to verify implementation of agricultural interim measures, best management practices, or other measures adopted by rule pursuant to subparagraph (c)2.

The rules required under this subparagraph shall include enforcement procedures applicable to the landowner, discharger, or other responsible

person required to implement applicable management strategies, including best management practices or water quality monitoring as a result of noncompliance.

3. At least every 2 years, the Department of Agriculture and Consumer Services shall perform onsite inspections of each agricultural producer that enrolls in a best management practice, except those enrolled by rule in subparagraph 4., to ensure that such practice is being properly implemented. Such verification must include a collection and review of the best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2., including, but not limited to, nitrogen and phosphorus fertilizer application records, which must be collected and retained pursuant to subparagraphs (c)3., 4., and 6. The Department of Agriculture and Consumer Services shall initially prioritize the inspection of agricultural producers located in the basin management action plans for Lake Okeechobee, the Indian River Lagoon, the Caloosahatchee River and Estuary, and Silver Springs.

4. The Department of Agriculture and Consumer Services is authorized to adopt rules establishing an enrollment in best management practices by rule process that agricultural pollutant sources and agricultural producers may use in lieu of the best management practices adopted in paragraph (c) and identify best management practices for landowners of parcels which meet the following requirements:

- a. A parcel not more than 25 acres in size;
- b. A parcel designated as agricultural land use by the county in which it is located or the parcel is granted agricultural tax classification by the county property appraiser of the county in which it is located;
- c. A parcel with water use not exceeding 100,000 gallons per day on average unless the entire use is met using recycled water from wet detention treatment ponds or reuse water;
- d. A parcel where the agricultural activity on the parcel is not a vegetable crop, an agronomic crop, a nursery, or a dairy operation;
- e. A parcel not abutting an impaired water body identified in subsection (4); and
- f. A parcel not part of a larger operation that is enrolled in the Department of Agriculture and Consumer Services best management practices or conducting water quality monitoring prescribed by the department or a water management district.

Such requirements must specify design or performance criteria that, if applied, would result in compliance with appropriate water quality standards. The Department of Agriculture and Consumer Services is authorized to adopt additional eligibility criteria for landowners or producers to use enrollment by rule and to revoke enrollment by rule.

5. The Department of Agriculture and Consumer Services shall annually perform onsite inspections of 20 percent for all enrollments that meet the qualifications pursuant to subparagraph 4. by rule within basin management action plan areas, to ensure that practices are being properly implemented. Such inspections must include a collection and review of the identified best management practice documentation from the previous 2 years required by rules adopted pursuant to subparagraph (c)2. All agricultural producers enrolled by rule in a best management practice must annually submit nutrient records, including nitrogen and phosphorus application records for the previous calendar year, to the Department of Agriculture and Consumer Services as required by rules adopted pursuant to subparagraph (c)2. The Department of Agriculture and Consumer Services shall collect and retain these nutrient records pursuant to subparagraphs (c)3., 4., and 6.

Section 31. Subsection (19) is added to section 403.852, Florida Statutes, to read:

403.852 Definitions; ss. 403.850-403.864.—As used in ss. 403.850-403.864:

(19) “Water quality additive” means any chemical, additive, or substance that is used in a public water system for the purpose of:

(a) Meeting or surpassing primary or secondary drinking water standards;

(b) Preventing, reducing, or removing contaminants; or

(c) Improving water quality.

Section 32. Subsection (8) is added to section 403.859, Florida Statutes, to read:

403.859 Prohibited acts.—The following acts and the causing thereof are prohibited and are violations of this act:

(8) The use of any additive in a public water system which does not meet the definition of a water quality additive as defined in s. 403.852(19).

Section 33. Subsection (10) of section 482.111, Florida Statutes, is amended to read:

482.111 Pest control operator’s certificate.—

(10) In order to renew a certificate, the certificateholder must complete 2 hours of approved continuing education on legislation, safety, pesticide labeling, and integrated pest management and 2 hours of approved continuing education in each category of her or his certificate or must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect

~~and retain a convenience fee given by the department.~~ The department may not renew a certificate if the continuing education or examination requirement is not met.

(a) Courses or programs, to be considered for credit, must include one or more of the following topics:

1. The law and rules of this state pertaining to pest control.
2. Precautions necessary to safeguard life, health, and property in the conducting of pest control and the application of pesticides.
3. Pests, their habits, recognition of the damage they cause, and identification of them by accepted common name.
4. Current accepted industry practices in the conducting of fumigation, termites and other wood-destroying organisms pest control, lawn and ornamental pest control, and household pest control.
5. How to read labels, a review of current state and federal laws on labeling, and a review of changes in or additions to labels used in pest control.
6. Integrated pest management.

(b) The certificateholder must submit with her or his application for renewal a statement certifying that she or he has completed the required number of hours of continuing education. The statement must be on a form prescribed by the department and must identify at least the date, location, provider, and subject of the training and must provide such other information as required by the department.

(c) The department shall charge the same fee for examination as provided in s. 482.141(2).

Section 34. Subsection (1) of section 482.141, Florida Statutes, is amended to read:

482.141 Examinations.—

(1) Each individual seeking certification must satisfactorily pass an examination which must be written but ~~which~~ may include practical demonstration. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee held at least two examinations each year. An applicant may seek certification in one or more categories.

Section 35. Paragraph (b) of subsection (1) of section 482.155, Florida Statutes, is amended to read:

482.155 Limited certification for governmental pesticide applicators or private applicators.—

(1)

(b) A person seeking limited certification under this subsection must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee given or approved by the department. Each application for examination must be accompanied by an examination fee set by the department, in an amount of not more than \$150 or less than \$50; and a recertification fee of \$25 every 4 years. Until rules setting these fees are adopted by the department, the examination fee is \$50. Application for recertification must be accompanied by proof of having completed 4 classroom hours of acceptable continuing education. The limited certificate expires 4 years after the date of issuance. If the certificateholder fails to renew his or her certificate and provide proof of completion of the required continuing education units within 60 days after the expiration date, the certificateholder may be recertified only after reexamination. The department shall make available ~~provide~~ the appropriate reference material ~~and make the examination readily accessible and available to all applicants at least quarterly or as necessary in each county.~~

Section 36. Subsection (2) of section 482.156, Florida Statutes, is amended to read:

482.156 Limited certification for commercial landscape maintenance personnel.—

(2)(a) A person seeking limited certification under this section must pass an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee given by the department. Each application for examination must be accompanied by an examination fee set by rule of the department, in an amount of not more than \$150 or less than \$50. Before the department issues a limited certification under this section, each person applying for the certification must furnish proof of having a certificate of insurance which states that the employer meets the requirements for minimum financial responsibility for bodily injury and property damage required by s. 482.071(4).

(b) The department shall make available ~~provide~~ the appropriate reference materials for the examination ~~and provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee make the examination readily accessible and available to applicants at least quarterly or as necessary in each county.~~

Section 37. Subsection (2) of section 482.157, Florida Statutes, is amended to read:

482.157 Limited certification for commercial wildlife management personnel.—

(2) The department shall issue a limited certificate to an applicant who:

(a) Submits an application and examination fee of at least \$150, but not more than \$300, as prescribed by the department by rule;

(b) ~~Passes an examination that the department shall provide in person and remotely through a third-party vendor. The third-party vendor may collect and retain a convenience fee administered by the department. The department shall make available provide the appropriate study materials for the examination and make the examination readily available to applicants in each county as necessary, but not less frequently than quarterly; and~~

(c) Provides proof, including a certificate of insurance, that the applicant has met the minimum bodily injury and property damage insurance requirements in s. 482.071(4).

Section 38. Paragraph (m) is added to subsection (1) of section 482.161, Florida Statutes, to read:

482.161 Disciplinary grounds and actions; reinstatement.—

(1) The department may issue a written warning to or impose a fine against, or deny the application for licensure or licensure renewal of, a licensee, certified operator, limited certificateholder, identification cardholder, or special identification cardholder or any other person, or may suspend, revoke, or deny the issuance or renewal of any license, certificate, limited certificate, identification card, or special identification card that is within the scope of this chapter, in accordance with chapter 120, upon any of the following grounds:

(m) Issuance of a final order imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 39. Subsection (2) of section 487.044, Florida Statutes, is amended to read:

487.044 Certification; examination.—

(2) The department shall require each applicant for a certified applicator's license to demonstrate competence by a written or oral examination in which the applicant must demonstrate adequate knowledge concerning the proper use and application of restricted-use pesticides in each classification for which application for license is made. The department shall provide in-person and remote testing through a third-party vendor. A third-party vendor may collect and retain a convenience fee. The examination may be prepared, administered, and evaluated by the department. Each applicant for a certified applicator's license must shall demonstrate minimum competence as to:

- (a) The proper use of the equipment.
- (b) The environmental hazards that may be involved in applying restricted-use pesticides.
- (c) Calculating the concentration of restricted-use pesticides to be used in particular circumstances.
- (d) Identification of common pests to be controlled and the damages caused by such pests.
- (e) Protective clothing and respiratory equipment required during the handling and application of restricted-use pesticides.
- (f) General precautions to be followed in the disposal of containers, as well as the cleaning and decontamination of the equipment which the applicant proposes to use.
- (g) Applicable state and federal pesticide laws, rules, and regulations.
- (h) General safety precautions.

Section 40. Subsection (6) is added to section 487.175, Florida Statutes, to read:

487.175 Penalties; administrative fine; injunction.—

(6) Licensure may be suspended, revoked, or denied by the department, upon the issuance of a final order to a licensee imposing civil penalties under subsection 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) or a criminal conviction under subsection 14(b) of FIFRA.

Section 41. Present subsections (13) through (28) of section 496.404, Florida Statutes, are redesignated as subsections (15) through (30), respectively, and new subsections (13) and (14) are added to that section, to read:

496.404 Definitions.—As used in ss. 496.401-496.424, the term:

(13) “Foreign country of concern” has the same meaning as in s. 286.101(1)(b).

(14) “Foreign source of concern” means any of the following:

(a) The government or any official of the government of a foreign country of concern;

(b) A political party or member of a political party or any subdivision of a political party in a foreign country of concern;

(c) A partnership, an association, a corporation, an organization, or other combination of persons organized under the laws of or having its principal

place of business in a foreign country of concern, or a subsidiary of such entity;

(d) Any person who is domiciled in a foreign country of concern and is not a citizen or lawful permanent citizen of the United States;

(e) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of a foreign source of concern; or

(f) An entity in which a person, entity, or collection of persons or entities described in paragraphs (a)-(e) has a controlling interest. As used in this paragraph, the term “controlling interest” means the possession of the power to direct or cause the direction of the management or policies of an entity, whether through ownership of securities, by contract, or otherwise. A person or an entity that directly or indirectly has the right to vote 25 percent or more of the voting interest of the company or is entitled to 25 percent or more of its profits is presumed to possess a controlling interest.

Section 42. Present paragraphs (d) through (g) of subsection (2) of section 496.405, Florida Statutes, are redesignated as paragraphs (f) through (i), respectively, new paragraphs (d) and (e) are added to that subsection, subsection (11) is added to that section, and subsection (1) and paragraph (b) of subsection (7) of that section are amended, to read:

496.405 Registration statements by charitable organizations and sponsors.—

(1) A charitable organization or sponsor, unless exempted pursuant to s. 496.406, which intends to solicit contributions in or from this state by any means or have funds solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor, or that participates in a charitable sales promotion or sponsor sales promotion, must, before engaging in any of these activities, file an initial registration statement, which includes an attestation statement, and a renewal statement annually thereafter, with the department.

(a) Except as provided in paragraph (b), any changes in the information submitted on the initial registration statement or the last renewal statement must be updated annually on a renewal statement provided by the department on or before the date that marks 1 year after the date the department approved the initial registration statement as provided in this section. The department shall annually provide a renewal statement to each registrant by mail or by electronic mail at least 30 days before the renewal date.

(b) Any changes to the information submitted to the department pursuant to paragraph ~~(2)(f)~~ ~~(2)(d)~~ on the initial registration statement, which includes an attestation statement, or the last renewal statement must be reported to the department on a form prescribed by the department within 10 days after the change occurs.

(c) A charitable organization or sponsor that is required to file an initial registration statement or annual renewal statement may not, before approval of its statement by the department in accordance with subsection (7), solicit contributions or have contributions solicited on its behalf by any other person, charitable organization, sponsor, commercial co-venturer, or professional solicitor or participate in a charitable sales promotion or sponsor sales promotion.

(d) The registration of a charitable organization or sponsor may not continue in effect and shall expire without further action of the department under either of the following circumstances:

1. After the date the charitable organization or sponsor should have filed, but failed to file, its renewal statement in accordance with this section.

2. For failure to provide a financial statement within any extension period provided under s. 496.407.

(2) The initial registration statement must be submitted on a form prescribed by the department, signed by an authorized official of the charitable organization or sponsor who shall certify that the registration statement is true and correct, and include the following information or material:

(d) An attestation statement, which must be submitted on a form prescribed by the department and signed by an authorized official of the charitable organization who shall certify and attest that the charitable organization, if engaged in activities that would require registration pursuant to chapter 106, is registered with the Department of State, pursuant to chapter 106.

(e) An attestation statement on a form prescribed by the department, signed by an authorized official of the charitable organization who shall certify and attest that the charitable organization, if prohibited by applicable federal or state law, is not engaged in activities that would require registration with the Department of State pursuant to chapter 106.

(7)

(b) If a charitable organization or sponsor discloses information specified in subparagraphs ~~(2)(f)2.-7.~~ ~~(2)(d)2.-7.~~ in the initial registration statement or annual renewal statement, the time limits set forth in paragraph (a) are waived, and the department shall process such initial registration statement or annual renewal statement in accordance with the time limits set forth in chapter 120. The registration of a charitable organization or sponsor shall be automatically suspended for failure to disclose any information specified in subparagraphs ~~(2)(f)2.-7.~~ ~~(2)(d)2.-7.~~ until such time as the required information is submitted to the department.

(11) The department may investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 43. Subsection (20) is added to section 496.415, Florida Statutes, to read:

496.415 Prohibited acts.—It is unlawful for any person in connection with the planning, conduct, or execution of any solicitation or charitable or sponsor sales promotion to:

(20) Solicit or accept contributions or anything of value from a foreign source of concern.

(a) For a first violation of this subsection, this prohibited act is considered involuntary, and shall result in no punitive action from the department if the charitable organization satisfies all of the following requirements:

1. Provides the department with a solicitation or contribution form containing an attestation from such foreign source or country of concern in which the person, country, or entity falsely certifies that they are not a foreign country of concern as defined in s. 496.404(13) or a foreign source of concern as defined in s. 496.404(14);

2. Provides the department with a copy of a refund to the foreign source or country of concern within 30 days after notification by the department of the prohibited act; and

3. Provides the department with a plan of action to prevent the acceptance of contributions from a foreign country or source of concern in future solicitation activities by the charitable organization.

(b) A second or subsequent violation of this subsection is considered voluntary, and the charitable organization or sponsor is subject to the penalties specified in s. 496.419(5) at the discretion of the department.

Section 44. Section 496.417, Florida Statutes, is amended to read:

496.417 Criminal penalties.—Except as otherwise provided in ss. 496.401-496.424, and in addition to any administrative or civil penalties, any person who willfully and knowingly violates ss. 496.401-496.424 commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. For a second or subsequent conviction, such violation constitutes a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. The department may also investigate and refer a charitable organization or sponsor to the Florida Elections Commission for investigation of violations pursuant to chapters 104 and 106.

Section 45. Subsection (11) is added to section 496.419, Florida Statutes, to read:

496.419 Powers of the department.—

(11) A charitable organization or sponsor whose registration is denied or revoked for submitting a false attestation required pursuant to s. 496.405(2)(d) or (2)(e) is subject to the penalties specified in subsection (5) at the discretion of the department.

Section 46. Section 496.431, Florida Statutes, is created to read:

496.431 Honest Services Registry.—

(1) The department shall create the Honest Services Registry to provide the residents of this state with the information necessary to make an informed choice when deciding which charitable organizations to support.

(2) To be included on the Honest Services Registry, a charitable organization must, at a minimum, submit to the department an attestation statement on a form prescribed by the department, verified as provided in s. 92.525, attesting to all of the following:

(a) That the organization does not solicit or accept, directly or indirectly, contributions, funding, support, or services from a foreign source of concern.

(b) That the organization's messaging and content are not directly or indirectly produced or influenced by a foreign source of concern.

(3) The department shall publish the Honest Services Registry on the department's website.

(4) The department shall adopt rules to implement this section.

Section 47. Paragraph (j) of subsection (1) of section 500.03, Florida Statutes, is amended to read:

500.03 Definitions; construction; applicability.—

(1) For the purpose of this chapter, the term:

(j) "Cottage food product" means food that is not time or temperature controlled for safety or a potentially hazardous food as defined by department rule which is sold by a cottage food operation in accordance with s. 500.80.

Section 48. Paragraphs (a) and (b) of subsection (1) of section 500.12, Florida Statutes, are amended to read:

500.12 Food permits; building permits.—

(1)(a) A food permit from the department is required of any person or business that ~~who~~ operates a food establishment, except:

1. Persons or businesses operating minor food outlets that sell food that is commercially prepackaged, not potentially hazardous, not age restricted, and not time or temperature controlled for safety, if the shelf space for those items does not exceed 12 total linear feet and no other food is sold by the person or business minor food outlet.

2. Persons subject to continuous, onsite federal or state inspection.

3. Persons selling only legumes in the shell, either parched, roasted, or boiled.

4. Persons selling sugar cane or sorghum syrup that has been boiled and bottled on a premise located within this state. Such bottles must contain a label listing the producer's name and street address, all added ingredients, the net weight or volume of the product, and a statement that reads, "This product has not been produced in a facility permitted by the Florida Department of Agriculture and Consumer Services."

(b) Each food establishment regulated under this chapter must apply for and receive a food permit before operation begins. An application for a food permit from the department must be accompanied by a fee in an amount determined by department rule. The department shall adopt by rule a schedule of fees to be paid by each food establishment as a condition of issuance or renewal of a food permit. Such fees may not exceed \$650 and must be used solely for the recovery of costs for the services provided, except that the fee accompanying an application for a food permit for operating a bottled water plant may not exceed \$1,000 and the fee accompanying an application for a food permit for operating a packaged ice plant may not exceed \$250. The fee for operating a bottled water plant or a packaged ice plant must be set by rule of the department. Food permits are not transferable from one person or physical location to another. Food permits must be renewed in accordance with subparagraphs 1.-3. If an application for renewal of a food permit is not received by the department on or before its due date, a late fee not exceeding \$100 must be paid in addition to the food permit fee before the department may issue the food permit. The moneys collected must be deposited in the General Inspection Trust Fund.

1. A food permit issued to a new food establishment ~~on or after September 1, 2023,~~ is valid for 1 calendar year after the date of issuance and must be renewed annually on or before that date thereafter.

2. ~~Effective January 1, 2024,~~ A food permit issued before September 1, 2023, expires on the month and day the initial permit was issued to the food establishment and must be renewed annually on or before that date thereafter. The department may charge a prorated permit fee for purposes of this subparagraph.

3. The department may establish a single permit renewal date for multiple food establishments owned by the same entity ~~The owner of 100 or more permitted food establishment locations may elect to set the expiration of food permits for such establishments as December 31 of each calendar year.~~

Section 49. Section 500.166, Florida Statutes, is amended to read:

500.166 Records of interstate shipment.—For the purpose of enforcing this chapter, carriers engaged in interstate commerce and persons receiving food in interstate commerce shall retain all records for 3 years from the date of the record showing the movement in interstate commerce of any food, and the quantity, shipper and consignee thereof and, upon the request by an officer or employee duly designated by the department, permit the officer or employee to have access to and to copy all records showing the movement in interstate commerce of any food, and the quantity, shipper, and consignee thereof.

Section 50. Subsection (1) of section 500.172, Florida Statutes, is amended to read:

500.172 Embargoing, detaining, destroying of food, food processing equipment, or areas that are in violation.—

(1) When the department, or its duly authorized agent who has received appropriate education and training regarding the legal requirements of this chapter, finds or has probable cause to believe that any food, food processing equipment, food processing area, or food storage area is in violation of this chapter or any rule adopted under this chapter so as to be dangerous, unwholesome, mislabeled, fraudulent, or insanitary within the meaning of this chapter, an agent of the department may issue and enforce a stop-sale, stop-use, removal, or hold order, which order gives notice that such article, processing equipment, processing area, or storage area is or is suspected of being in violation and has been detained or embargoed and which order warns all persons not to remove, use, or dispose of such article, processing equipment, processing area, or storage area by sale or otherwise until permission for removal, use, or disposal is given by the department or the court. The department is authorized to enter into a written agreement with the owner of such food, food processing equipment, food processing area, or food storage area, or otherwise facilitate the destruction of any article found or suspected by the department to be in violation of this section. A person may not remove, use, or dispose of such detained or embargoed article, processing equipment, processing area, or storage area by sale or otherwise without such permission from or in accordance with a written agreement with the department.

Section 51. Section 500.75, Florida Statutes, is created to read:

500.75 Mushroom spores and mycelium; offenses.—It is unlawful to transport or offer to transport, import into this state, sell or offer for sale,

furnish, or give away spores or mycelium capable of producing mushrooms or other material which will contain a controlled substance, including psilocybin or psilocyn, during its lifecycle. A person who violates this section commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

Section 52. Section 500.93, Florida Statutes, is created to read:

500.93 Mislabeling of plant-based products as milk, meat, or poultry.

(1) As used in this section, the term:

(a) “Egg” or “egg product” has the same meaning as in 21 U.S.C. s. 1033 and the Egg Products Inspection Act.

(b) “FDA” means the United States Food and Drug Administration.

(c) “Meat” has the same meaning as in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act.

(d) “Milk” has the same meaning as in 21 C.F.R. s. 131.110 and the Grade “A” pasteurized milk ordinance.

(e) “Poultry” or “poultry product” has the same meaning as in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act.

(2)(a) In accordance with the established standard of identity for milk defined in 21 C.F.R. s. 131.110 and the Grade “A” pasteurized milk ordinance, the department shall adopt rules to enforce the FDA’s standard of identity for milk, as adopted in state law, to prohibit the sale of plant-based products mislabeled as milk in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as milk that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(3)(a) In accordance with the established standard of identity for meat defined in 9 C.F.R. s. 301.2 and the Federal Meat Inspection Act, and both poultry and poultry products defined in 9 C.F.R. s. 381.1 and the Poultry Products Inspection Act, the department shall adopt rules to enforce the FDA’s standard of identity for meat, poultry, and poultry products as adopted in this section, to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as meat, poultry, or poultry products which is consistent with this section by any 11 of the group of 14 states composed of Alabama,

Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(4)(a) In accordance with the established standard of identity for eggs and egg products as defined in 21 U.S.C. s. 1033 and the Egg Products Inspection Act, the department shall adopt rules to enforce the FDA's standard of identity for eggs and egg products, as adopted in state law, to prohibit the sale of plant-based products mislabeled as egg or egg products in this state.

(b) This subsection is effective upon the enactment into law of a mandatory labeling requirement to prohibit the sale of plant-based products mislabeled as egg or egg products that is consistent with this section by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia.

(5) The Department of Agriculture and Consumer Services shall notify the Division of Law Revision upon the enactment into law by any 11 of the group of 14 states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia of the mandatory labeling requirements pursuant to subsections (2) and (3).

(6) The department shall adopt rules to implement this section.

(7) This section may not be construed to limit the department's authority to enforce laws and regulations.

Section 53. Section 501.135, Florida Statutes, is repealed.

Section 54. Subsection (1) of section 501.912, Florida Statutes, is amended to read:

501.912 Definitions.—As used in ss. 501.91-501.923:

(1) “Antifreeze” means any substance or preparation, including, but not limited to, coolant, antifreeze-coolant, antifreeze and summer coolant, or summer coolant, that is sold, distributed, or intended for use:

(a) As the cooling liquid, or to be added to the cooling liquid, in the cooling system of ~~internal combustion engines~~ of motor vehicles to prevent freezing of the cooling liquid or to lower its freezing point; or

(b) To raise the boiling point of water, aid in vehicle component cooling, or for the prevention of engine overheating, whether or not the liquid is used as a year-round cooling system fluid.

Section 55. Section 525.19, Florida Statutes, is created to read:

525.19 Petroleum registration.—

(1) The department shall create an annual petroleum registration program for petroleum owners or operators and shall adopt rules detailing the requirements for such registration that include, at minimum:

- (a) The name of the petroleum owner or operator;
 - (b) The address of the petroleum owner or operator;
 - (c) The phone number of the petroleum owner or operator;
 - (d) The e-mail address of the petroleum owner or operator;
 - (e) Requirements for the transfer switch;
 - (f) Fuel and petroleum infrastructure; and
 - (g) Fuel and petroleum inventory and delivery information.
- (2) The registration program must be free for all registrants.

(3) The department has the authority to require registrants to provide updates related to the status of infrastructure, inventory, and delivery information during a state of emergency as declared by an executive order issued by the Governor.

Section 56. Section 526.147, Florida Statutes, is created to read:

526.147 Florida Retail Fuel Transfer Switch Modernization Grant Program.—

(1)(a) There is created, subject to appropriation, the Florida Retail Fuel Transfer Switch Modernization Grant Program within the Department of Agriculture and Consumer Services.

(b) The grant program shall provide grant funds, not to exceed \$10,000 per retail fuel facility, to be used for installation and equipment costs related to installing or modernizing transfer switch infrastructure at retail fuel facilities to allow for the continuity of fueling operations under generated power.

(c) The department shall award funds based upon the following criteria:

1. Up to \$10,000, of costs for transfer switch purchase and installation for retail fuel locations in fiscally constrained counties as designated under s. 218.67(1).

2. Up to \$5,000, of costs for transfer switch purchase and installation for all other retail fuel locations.

(d) Retail fuel facilities which are awarded grant funds must comply with s. 526.143 and must install a transfer switch capable of operating all

fuel pumps, dispensing equipment, life safety systems, and payment acceptance equipment using an alternative generated power source.

(e) Before being awarded funding from the department, retail fuel facilities must provide documentation on transfer switch installation and required generator sizing to the department.

(f) Marinas and fueling facilities with fewer than four fueling positions are excluded from being awarded funding through this program.

(g) Fueling facilities subject to s. 526.143(2) are excluded from being awarded funding through this program.

(2) The department, in consultation with the Division of Emergency Management, shall adopt rules to implement and administer this section, including establishing grant application processes for the Florida Retail Fuel Transfer Switch Modernization Grant Program. The rules must include application deadlines and establish the supporting documentation necessary to be provided to the department.

Section 57. Section 531.48, Florida Statutes, is amended to read:

531.48 Declarations of unit price on random packages.—In addition to the declarations required by s. 531.47, any package being one of a lot containing random weights of the same commodity must and ~~bearing the total selling price of the package shall bear on the outside of the package a plain and conspicuous declaration of the price per single unit of weight and the total retail price of the package, as defined by department rule.~~

Section 58. Section 531.49, Florida Statutes, is amended to read:

531.49 Advertising packages for sale.—Whenever A packaged commodity is advertised ~~in any manner with the retail price stated, there shall be~~ closely and conspicuously associated with the retail price must have a declaration of quantity as is required by law or rule to appear on the package.

Section 59. Subsection (10) of section 564.06, Florida Statutes, is amended to read:

564.06 Excise taxes on wines and beverages.—

(10) Fifty percent of all revenues collected from the excise taxes imposed by this section on wine produced by manufacturers in this state from products grown in the state must be deposited into the Florida Wine Viticulture Trust Fund established pursuant to s. 599.012.

Section 60. Present subsections (44), (45), and (46) of section 570.07, Florida Statutes, are redesignated as subsections (47), (48), and (49), respectively, and new subsections (44), (45), and (46) are added to that section, to read:

570.07 Department of Agriculture and Consumer Services; functions, powers, and duties.—The department shall have and exercise the following functions, powers, and duties:

(44)(a) To foster and encourage the employment and retention of qualified veterinary pathologists. The department may reimburse the educational expenses of qualified veterinary pathologists who enter into an agreement with the department to retain employment for a specified period of time.

(b) The department shall adopt rules to administer this subsection.

(45) Subject to appropriation, to extend state and national Future Farmers of America opportunities to any public school student enrolled in agricultural education, at little or no cost to the student or school district, and to support statewide Future Farmers of America programming that helps such students develop their potential for premier leadership, personal growth, and career success.

(46)(a) Notwithstanding ss. 287.042 and 287.057, to use contracts procured by another agency.

(b) As used in this subsection, the term “agency” has the same meaning as provided in s. 287.012.

Section 61. Subsection (2) of section 570.544, Florida Statutes, is amended to read:

570.544 Division of Consumer Services; director; powers; processing of complaints; records.—

(2) The director shall supervise, direct, and coordinate the activities of the division and shall, under the direction of the department, enforce the provisions of ss. 366.94 and ss. 604.15-604.34 and chapters 177, 472, 496, 501, 507, 525, 526, 527, 531, 534, 535, 539, 559, 616, 692, 817, and 849.

Section 62. Section 570.546, Florida Statutes, is created to read:

570.546 Licensing.—

(1) The department is authorized to:

(a) Create a process for the bulk renewal of licenses which will allow licensees the ability, upon request, to submit all license applications of the same type, notwithstanding any provisions of law applicable to each application process.

(b) Create a process that will allow licensees, upon request, to align the expiration dates of licenses within a statutory program.

(c) Change the expiration dates for current licensees for the purpose of reducing large numbers of license expirations that occur during the same month.

(2) The department shall prorate any licensing fee for which the term of the license was reduced for the purposes of alignment.

(3) The department shall adopt rules to implement this section.

Section 63. Section 570.694, Florida Statutes, is created to read:

570.694 Florida Aquaculture Foundation.—

(1) The Florida Aquaculture Foundation is established as a direct-support organization within the Department of Agriculture and Consumer Services. The purpose of the foundation is to:

(a) Conduct programs and activities related to the assistance, promotion, and furtherance of aquaculture and aquaculture producers in this state.

(b) Identify and pursue methods to provide statewide resources and materials for these programs.

(2) The foundation shall be governed by s. 570.691.

(3) The department is authorized to appoint an advisory committee adjunct to the foundation pursuant to s. 570.232.

Section 64. Section 570.822, Florida Statutes, is amended to read:

570.822 Agriculture and Aquaculture Producers ~~Emergency~~ Natural Disaster Recovery Loan Program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Bona fide farm operation” means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 or on sovereign submerged land that is leased to the applicant by the department pursuant to s. 597.010 and that produces agricultural products within the definition of agriculture under s. 570.02.

(b) “~~Declared emergency natural disaster~~” means ~~an emergency a natural disaster~~ for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) “Department” means the Department of Agriculture and Consumer Services.

(d) “Essential physical property” means fences; equipment; structural production facilities, such as shade houses and greenhouses; or other agriculture or aquaculture facilities or infrastructure.

(e) “Program” means the Agriculture and Aquaculture Producers Emergency Natural Disaster Recovery Loan Program.

(2) USE OF LOAN FUNDS; LOAN TERMS.—

(a) The program is established within the department to make loans to agriculture and aquaculture producers that have experienced damage or destruction from a declared emergency ~~natural disaster~~. Loan funds may be used to restore, repair, or replace essential physical property or remove vegetative debris from essential physical property, or restock aquaculture. A structure or building constructed using loan proceeds must comply with storm-hardening standards for nonresidential farm buildings as defined in s. 604.50(2). The department shall adopt such standards by rule.

(b) The department may make a low-interest or interest-free loan to an eligible applicant. The maximum amount that an applicant may receive during the application period for a loan is \$500,000. An applicant may not receive more than one loan per application period and no more than two loans per year or no more than five loans in any 3-year period. A loan term is 10 years.

(3) ELIGIBLE APPLICANTS.—To be eligible for the program, an applicant must:

(a) Own or lease a bona fide farm operation that is located in a county named in a declared emergency ~~natural disaster~~ and that was damaged or destroyed as a result of such declared emergency ~~natural disaster~~.

(b) Maintain complete and acceptable farm records, pursuant to criteria published by the department, and present them as proof of production levels and bona fide farm operations.

(4) LOAN APPLICATION AND AGREEMENT.—

(a) Requests for loans must be made by application to the department. Upon a determination that funding for loans is available, the department shall publicly notice an application period for the declared emergency ~~natural disaster~~, beginning within 60 days after the date of the declared emergency ~~natural disaster~~ and running up to 1 year after the date of the declared emergency ~~natural disaster~~ or until all available loan funds are exhausted, whichever occurs first. The application period may be renewed upon a determination from the department and pursuant to an active declared emergency.

(b) An applicant must demonstrate the need for financial assistance and an ability to repay or meet a standard credit rating determined by the department.

(c) Loans must be made pursuant to written agreements specifying the terms and conditions agreed to by the approved applicant and the

department. The loan agreement must specify that the loan is due upon sale if the property or other collateral for the loan is sold.

(d) An approved applicant must agree to stay in production for the duration of the loan. A loan is not assumable.

(5) **LOAN SECURITY REQUIREMENTS.**—All loans must be secured by a lien, subordinate only to any mortgage held by a financial institution as defined in s. 655.005, on property or other collateral as set forth in the loan agreement. The specific type of collateral required may vary depending upon the loan purpose, repayment ability, and the particular circumstances of the applicant. The department shall record the lien in public records in the county where the property is located and, in the case of personal property, perfect the security interest by filing appropriate Uniform Commercial Code forms with the Florida Secured Transaction Registry as required pursuant to chapter 679.

(6) **LOAN REPAYMENT.**—

(a) A loan is due and payable in accordance with the terms of the loan agreement.

(b) The department shall defer payments for the first 3 years of the loan. After 3 years, the department shall reduce the principal balance annually through the end of the loan term such that the original principal balance is reduced by 30 percent. If the principal balance is repaid before the end of the 10th year, the applicant may not be required to pay more than 70 percent of the original principal balance. The approved applicant must continue to be actively engaged in production in order to receive the original principal balance reductions and must continue to meet the loan agreement terms to the satisfaction of the department.

(c) An approved applicant may make payments on the loan at any time without penalty. Early repayment is encouraged as other funding sources or revenues become available to the approved applicant.

(d) All repayments of principal and interest, if applicable, received by the department in a fiscal year must be returned to the loan fund and made available for loans to other applicants in the next application period.

(e) The department may periodically review an approved applicant to determine whether he or she continues to be in compliance with the terms of the loan agreement. If the department finds that an applicant is no longer in production or has otherwise violated the loan agreement, the department may seek repayment of the full original principal balance outstanding, including any interest or costs, as applicable, and excluding any applied or anticipated original principal balance reductions.

(f) The department may defer or waive loan payments if at any time during the repayment period of a loan, the approved applicant experiences a

significant hardship such as crop loss from a weather-related event or from impacts from a natural disaster or declared emergency.

(7) ADMINISTRATION.—

(a) The department shall create and maintain a separate account in the General Inspection Trust Fund as a fund for the program. All repayments must be returned to the loan fund and made available as provided in this section. Notwithstanding s. 216.301, funds appropriated for the loan program are not subject to reversion. The department shall manage the fund, establishing loan practices that must include, but are not limited to, procedures for establishing loan interest rates, uses of funding, application procedures, and application review procedures. The department is authorized to contract with a third-party administrator to administer the program and manage the loan fund. A contract for a third-party administrator that includes management of the loan fund must, at a minimum, require maintenance of the loan fund to ensure that the program may operate in a revolving manner.

(b) The department shall coordinate with other state agencies and other entities to ensure to the greatest extent possible that agriculture and aquaculture producers in this state have access to the maximum financial assistance available following a declared emergency ~~natural disaster~~. The coordination must endeavor to ensure that there is no duplication of financial assistance between the loan program and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which could render the approved applicant ineligible for other financial assistance.

(8) PUBLIC RECORDS EXEMPTION.—

(a) The following information held by the department pursuant to its administration of the program is exempt from s. 119.07(1) and s. 24(a), Art. I of the State Constitution:

1. Tax returns.
2. Credit history information, credit reports, and credit scores.

(b) This subsection does not prohibit the disclosure of information held by the department pursuant to its administration of the program in an aggregated and anonymized format.

(c) This subsection is subject to the Open Government Sunset Review Act in accordance with s. 119.15 and shall stand repealed on October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

(9) RULES.—The department shall adopt rules to implement this section.

(10) **REPORTS.**—By December 1, 2024, and each December 1 thereafter, the department shall provide a report on program activities during the previous fiscal year to the President of the Senate and the Speaker of the House of Representatives. The report must include information on noticed application periods, the number and value of loans awarded under the program for each application period, the number and value of loans outstanding, the number and value of any loan repayments received, and an anticipated repayment schedule for all loans.

(11) **SUNSET.**—This section expires July 1, 2043, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 65. Section 570.823, Florida Statutes, is created to read:

570.823 Silviculture emergency recovery program.—

(1) DEFINITIONS.—As used in this section, the term:

(a) “Bona fide farm operation” means a farm operation engaged in a good faith commercial agricultural use of land on land classified as agricultural pursuant to s. 193.461 that produces agricultural products within the definition of agriculture under s. 570.02.

(b) “Declared emergency” means an emergency for which a state of emergency is declared pursuant to s. 252.36 or s. 570.07(21).

(c) “Department” means the Department of Agriculture and Consumer Services.

(d) “Program” means the silviculture emergency recovery program.

(2) USE OF GRANT FUNDS; GRANT TERMS.—

(a) The silviculture emergency recovery program is established within the department to administer a grant program to assist timber landowners whose timber land was damaged as a result of a declared emergency. Grants provided to eligible timber landowners must be used for:

1. Timber stand restoration, including downed tree removal on land which will retain the existing trees on site which are lightly or completely undamaged;

2. Site preparation, and tree replanting; or

3. Road and trail clearing on private timber lands to provide emergency access and facilitate salvage operations.

(b) Only timber land located on lands classified as agricultural lands under s. 193.461 are eligible for the program.

(c) The department shall coordinate with state agencies and other entities to ensure to the greatest extent possible that timber landowners

have access to the maximum financial assistance available following a specified declared emergency. The coordination must endeavor to ensure that there is no duplication of financial assistance between these funds and other funding sources, such as any federal or other state programs, including public assistance requests to the Federal Emergency Management Agency or financial assistance from the United States Department of Agriculture, which would render the approved applicant ineligible for other financial assistance.

(d) The department is authorized to adopt rules to implement this section, including emergency rules. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 66. Section 570.831, Florida Statutes, is created to read:

570.831 Florida beef marketing program.—The Cattle Enhancement Board, Inc., in coordination with the department, shall, subject to appropriation, establish a Florida beef marketing program to conduct research designed to expand the uses of beef and beef products and strengthen the market position of Florida's cattle industry through marketing campaigns and promotions within this state and the nation.

Section 67. Subsections (2) and (5) of section 581.1843, Florida Statutes, are amended to read:

581.1843 Citrus nursery stock propagation and production and the establishment of regulated areas around citrus nurseries.—

(2) Effective January 1, 2007, it is unlawful for any person to propagate for sale or movement any citrus nursery stock that was not propagated or grown on a site and within a protective structure approved by the department and that is ~~not at least 1 mile away from commercial citrus groves. A citrus nursery registered with the department prior to April 1, 2006, shall not be required to comply with the 1-mile setback from commercial citrus groves while continuously operating at the same location for which it was registered.~~ However, the nursery shall be required to propagate citrus within a protective structure approved by the department. Effective January 1, 2008, it ~~is~~ shall be unlawful to distribute any citrus nursery stock that was not produced in a protective structure approved by the department.

(5) ~~The department shall establish regulated areas around the perimeter of commercial citrus nurseries that were established on sites after April 1, 2006, not to exceed a radius of 1 mile. The planting of citrus in an established regulated area is prohibited. The planting of citrus within a 1-mile radius of commercial citrus nurseries that were established on sites prior to April 1, 2006, must be approved by the department. Citrus plants planted within a~~

regulated area prior to the establishment of the regulated area may remain in the regulated area unless the department determines the citrus plants to be infected or infested with citrus canker or citrus greening. The department shall require the removal of infected or infested citrus, nonapproved planted citrus, and citrus that has sprouted by natural means in regulated areas. The property owner shall be responsible for the removal of citrus planted without proper approval. Notice of the removal of citrus trees, by immediate final order of the department, shall be provided to the owner of the property on which the trees are located. ~~An immediate final order issued by the department under this section shall notify the property owner that the citrus trees, which are the subject of the immediate final order, must be removed and destroyed unless the property owner, no later than 10 days after delivery of the immediate final order, requests and obtains a stay of the immediate final order from the district court of appeal with jurisdiction to review such requests. The property owner shall not be required to seek a stay from the department of the immediate final order prior to seeking a stay from the district court of appeal.~~

Section 68. Sections 593.101, 593.102, 593.103, 593.104, 593.105, 593.106, 593.107, 593.108, 593.109, 593.11, 593.111, 593.112, 593.113, 593.114, 593.1141, 593.1142, 593.115, 593.116, and 593.117, Florida Statutes, are repealed.

Section 69. Subsection (11) of section 595.404, Florida Statutes, is amended to read:

595.404 School food and other nutrition programs; powers and duties of the department.—The department has the following powers and duties:

(11) To adopt and implement an appeal process by rule, as required by federal regulations, for applicants and participants under the programs implemented pursuant to this chapter, notwithstanding ss. 120.569, 120.57-120.595, and 120.68 ss. 120.569 and 120.57-120.595.

Section 70. Section 599.002, Florida Statutes, is amended to read:

599.002 Florida Wine Viticulture Advisory Council.—

(1) There is created within the Department of Agriculture and Consumer Services the Florida Wine Viticulture Advisory Council, to be composed ~~consist~~ of eight members as follows: the president of the Florida Wine and Grape Growers Association ~~Florida Grape Growers' Association~~ or a designee thereof; a representative from the Institute of Food and Agricultural Sciences; a representative from the viticultural science program at Florida Agricultural and Mechanical University; and five additional commercial members, to be appointed for a 2-year term each by the Commissioner of Agriculture, including a wine producer, a fresh fruit producer, a nonwine product (juice, jelly, pie fillings, etc.) producer, and a viticultural nursery operator.

(2) The meetings, powers and duties, procedures, and recordkeeping of the Florida Wine Viticulture Advisory Council shall be pursuant to s. 570.232.

(3) The primary responsibilities of the Florida Wine Viticulture Advisory Council are to submit to the Commissioner of Agriculture, annually, the industry's recommendations for wine and viticultural research, promotion, and education and, as necessary, the industry's recommendations for revisions to the State Wine Viticulture Plan.

Section 71. Section 599.003, Florida Statutes, is amended to read:

599.003 State Wine Viticulture Plan.—

(1) The Commissioner of Agriculture, in consultation with the Florida Wine Viticulture Advisory Council, shall develop and coordinate the implementation of the State Wine Viticulture Plan, which shall identify problems and constraints of the wine and viticulture industry, propose possible solutions to those problems, and develop planning mechanisms for the orderly growth of the industry, including:

(a) Criteria for wine and viticultural research, service, and management priorities.

(b) Additional proposed legislation that may be required.

(c) Plans and goals to improve research and service capabilities at Florida Agricultural and Mechanical University and the University of Florida in their efforts to address current and future needs of the industry.

(d) The potential for viticulture products in terms of market and needs for development.

(e) Evaluation of wine policy alternatives, including, but not limited to, continued improvement in wine quality, blending considerations, promotion and advertising, labeling and vineyard designations, and development of production and marketing strategies.

(f) Evaluation of production and fresh fruit policy alternatives, including, but not limited to, setting minimum grades and standards, promotion and advertising, development of production and marketing strategies, and setting minimum standards on types and quality of nursery plants.

(g) Evaluation of policy alternatives for nonwine processed products, including, but not limited to, setting minimum quality standards and development of production and marketing strategies.

(h) Research and service priorities for further development of the wine and viticulture industry.

(i) The identification of state agencies and public and private institutions concerned with research, education, extension, services, planning, promotion, and marketing functions related to wine and viticultural development and the delineation of contributions and responsibilities.

(j) Business planning, investment potential, financial risks, and economics of production and utilization.

(2) A revision and update of the State Wine Viticulture Plan must shall be submitted biennially to the President of the Senate, the Speaker of the House of Representatives, and the chairs of appropriate committees of the Senate and House of Representatives, and a progress report and budget request must shall be submitted annually.

Section 72. Paragraph (a) of subsection (2) and subsection (3) of section 599.004, Florida Statutes, are amended, and paragraph (d) is added to subsection (2) of that section, to read:

599.004 Florida Farm Winery Program; registration; logo; fees.—

(2)(a) The department, in coordination with the Florida Wine Viticulture Advisory Council, shall develop and designate by rule a Florida Farm Winery logo, emblem, and directional sign to guide the public to certified Florida Farm Wineries ~~Winery~~ tourist attractions. The logo and emblem of certified Florida Farm Winery signs must shall be uniform.

(d) Wineries that fail to recertify annually or pay the licensing fee required in paragraph (c) are subject to having the signs referenced in paragraph (b) removed and will be responsible for all costs incurred by the Department of Transportation in connection with the removal.

(3) All fees collected, except as otherwise provided by this section, shall be deposited into the Florida Wine Viticulture Trust Fund and used to develop consumer information on the native characteristics and proper use of wines.

Section 73. Section 599.012, Florida Statutes, is amended to read:

599.012 Florida Wine Viticulture Trust Fund; creation.—

(1) There is established the Florida Wine Viticulture Trust Fund within the Department of Agriculture and Consumer Services. The department shall use the moneys deposited in the trust fund pursuant to subsection (2) to do all the following:

(a) Develop and coordinate the implementation of the State Viticulture Plan.

(b) Promote viticulture products manufactured from products grown in the state.

(c) Provide grants for viticultural research.

(2) Fifty percent of the revenues collected from the excise taxes imposed under s. 564.06 on wine produced by manufacturers in this state from products grown in the state will be deposited in the Florida Wine Viticulture Trust Fund in accordance with that section.

Section 74. Subsection (1) of section 616.12, Florida Statutes, is amended to read:

616.12 Licenses upon certain shows; distribution of fees; exemptions.

(1) Each person who operates any traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel~~, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession, including a concession operating in a tent, enclosure, or other temporary structure, within the grounds of, and in connection with, any annual public fair held by a fair association shall pay the license taxes provided by law. However, if the association satisfies the requirements of this chapter, including securing the required fair permit from the department, the license taxes and local business tax authorized in chapter 205 are waived and the department shall issue a tax exemption certificate. The department shall adopt the proper forms and rules to administer this section, including the necessary tax exemption certificate, showing that the fair association has met all requirements and that the traveling show, exhibition, amusement enterprise, carnival, vaudeville, exhibit, ~~minstrel~~, rodeo, theatrical, game or test of skill, riding device, dramatic repertoire, other show or amusement, or concession is exempt.

Section 75. Section 687.16, Florida Statutes, is created to read:

687.16 Florida Farmer Financial Protection Act.—

(1) SHORT TITLE.—This section may be cited as the “Florida Farmer Financial Protection Act.”

(2) DEFINITIONS.—As used in this section, the term:

(a) “Agriculture producer” means a person or company authorized to do business in this state and engaged in the production of goods derived from plants or animals, including, but not limited to, the growing of crops, silviculture, animal husbandry, or the production of livestock or dairy products.

(b) “Agritourism activity” has the same meaning as provided in s. 570.86.

(c) “Commissioner” means the Commissioner of Agriculture.

(d) “Company” means a for-profit organization, association, corporation, partnership, joint venture, sole proprietorship, limited partnership, limited liability partnership, or limited liability company, including a wholly owned

subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations authorized to do business in this state.

(e) “Denies or restricts” means refusing to provide services, terminating existing services, or restricting or burdening the scope or nature of services offered or provided.

(f) “Discriminate in the provision of financial services” means to deny or restrict services and thereby decline to provide financial services.

(g) “ESG factor” means any factor or consideration that is collateral to or not reasonably likely to affect or impact financial risk and includes the promotion, furtherance, or achievement of environmental, social, or political goals, objectives, or outcomes, which may include the agriculture producer’s greenhouse gas emissions, use of fossil-fuel derived fertilizer, or use of fossil-fuel powered machinery.

(h) “Farm” means the land, buildings, support facilities, machinery, and other appurtenances used in the production of farm or aquaculture products.

(i) “Financial institution” means a company defined under s. 655.005(1)(h) and (i), which has total assets of more than \$100 million. A financial institution includes any affiliate as defined in s. 655.005(1)(a) or subsidiary company as defined in s. 655.005(1)(x), even if such affiliate or subsidiary company is also a financial institution.

(j) “Financial service” means any product or service that is of a financial nature and is offered by a financial institution.

(3) FINANCIAL DISCRIMINATION; AGRICULTURAL PRODUCERS.

(a) A financial institution may not discriminate in the provision of financial services to an agriculture producer based, in whole or in part, upon an ESG factor.

(b) If a financial institution has made any ESG commitment related to agriculture, there is an inference that the institution’s denial or restriction of a financial service to an agriculture producer violates paragraph (a).

(c) A financial institution may overcome the inference in paragraph (b) by demonstrating that its denial or restriction of a financial service was based solely on documented risk analysis, and not on any ESG factor.

(4) ENFORCEMENT; COMPENSATORY DAMAGES.—The Attorney General, in consultation with the Office of Financial Regulation, is authorized to enforce subsection (3). Any violation of subsection (3) constitutes an unfair trade practice under part II of chapter 501 and the Attorney General is authorized to investigate and seek remedies as provided in general law. Actions for damages may be sought by an aggrieved party.

Section 76. Paragraph (a) of subsection (3) of section 741.0305, Florida Statutes, is amended to read:

741.0305 Marriage fee reduction for completion of premarital preparation course.—

(3)(a) All individuals electing to participate in a premarital preparation course shall choose from the following list of qualified instructors:

1. A psychologist licensed under chapter 490.
2. A clinical social worker licensed under chapter 491.
3. A marriage and family therapist licensed under chapter 491.
4. A mental health counselor licensed under chapter 491.
5. An official representative of a religious institution which is recognized under s. 496.404 ~~s. 496.404(23)~~, if the representative has relevant training.
6. Any other provider designated by a judicial circuit, including, but not limited to, school counselors who are certified to offer such courses. Each judicial circuit may establish a roster of area course providers, including those who offer the course on a sliding fee scale or for free.

Section 77. Paragraph (h) of subsection (2), subsection (3), paragraph (c) of subsection (6), and subsection (10) of section 790.06, Florida Statutes, are amended to read:

790.06 License to carry concealed weapon or concealed firearm.—

(2) The Department of Agriculture and Consumer Services shall issue a license if the applicant:

(h) Demonstrates competence with a firearm by any one of the following:

1. Completion of any hunter education or hunter safety course approved by the Fish and Wildlife Conservation Commission or a similar agency of another state;
2. Completion of any National Rifle Association firearms safety or training course;
3. Completion of any firearms safety or training course or class available to the general public offered by a law enforcement agency, junior college, college, or private or public institution or organization or firearms training school, using instructors certified by the National Rifle Association, Criminal Justice Standards and Training Commission, or the Department of Agriculture and Consumer Services;

4. Completion of any law enforcement firearms safety or training course or class offered for security guards, investigators, special deputies, or any division or subdivision of a law enforcement agency or security enforcement;

5. Presents evidence of equivalent experience with a firearm through participation in organized shooting competition or United States military service;

6. Is licensed or has been licensed to carry a concealed weapon or concealed firearm in this state or a county or municipality of this state, unless such license has been revoked for cause; or

7. Completion of any firearms training or safety course or class conducted by a state-certified or National Rifle Association certified firearms instructor;

A photocopy of a certificate of completion of any of the courses or classes; an affidavit from the instructor, school, club, organization, or group that conducted or taught such course or class attesting to the completion of the course or class by the applicant; or a copy of any document that shows completion of the course or class or evidences participation in firearms competition shall constitute evidence of qualification under this paragraph. A person who conducts a course pursuant to subparagraph 2., subparagraph 3., or subparagraph 7., or who, as an instructor, attests to the completion of such courses, must maintain records certifying that he or she observed the student safely handle and discharge the firearm in his or her physical presence and that the discharge of the firearm included live fire using a firearm and ammunition as defined in s. 790.001;

(3)(a) The Department of Agriculture and Consumer Services shall deny a license if the applicant has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence constituting a misdemeanor, unless 3 years have elapsed since probation or any other conditions set by the court have been fulfilled or the record has been sealed or expunged. The Department of Agriculture and Consumer Services shall revoke a license if the licensee has been found guilty of, had adjudication of guilt withheld for, or had imposition of sentence suspended for one or more crimes of violence within the preceding 3 years. The department shall, upon notification by a law enforcement agency, a court, clerk's office, or the Florida Department of Law Enforcement and ~~subsequent written verification~~, temporarily suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime that would disqualify such person from having a license under this section, until final disposition of the case. The department shall suspend a license or the processing of an application for a license if the licensee or applicant is issued an injunction that restrains the licensee or applicant from committing acts of domestic violence or acts of repeat violence. The department shall notify the licensee or applicant suspended under this section of his or her right to a hearing pursuant to chapter 120. If the criminal case or injunction results in a nondisqualifying

disposition and the applicant or licensee is otherwise eligible, the suspension shall end. The department must issue an order confirming the end of the suspension within 90 days after the applicant or licensee's submission to the department of a copy of the final resolution of the criminal case or injunction. The copy provided to the department must be sent through electronic or certified mail to a location that shall be specified on the notice of suspension received by the licensee or applicant. If the criminal case or injunction results in a disqualifying disposition, the suspension must remain in effect and the department must proceed with denial or revocation proceedings pursuant to chapter 120.

(b) This subsection may not be construed to limit, restrict, or inhibit the constitutional right to bear arms and carry a concealed weapon in this state. The Legislature finds it a matter of public policy and public safety that it is necessary to ensure that potentially disqualifying information about an applicant or licensee is investigated and processed in a timely manner by the department pursuant to this section. The Legislature intends to clarify that suspensions pursuant to this section are temporary, and the department has the duty to make an eligibility determination and issue a license in the time frame prescribed in this subsection.

(6)

(c) The Department of Agriculture and Consumer Services shall, within 90 days after the date of receipt of the items listed in subsection (5):

1. Issue the license; or

2. Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsection (2) or subsection (3). If the Department of Agriculture and Consumer Services denies the application, it shall notify the applicant in writing, stating the ground for denial and informing the applicant of any right to a hearing pursuant to chapter 120.

3. In the event the result of the criminal history screening identifies department receives criminal history information related to a crime that may disqualify the applicant but does not contain with no final disposition of the crime or lacks sufficient information to make an eligibility determination on a crime which may disqualify the applicant, the time limitation prescribed by this paragraph may be extended for up to an additional 45 days after the receipt of the information suspended until receipt of the final disposition or proof of restoration of civil and firearm rights. The department may make a request for information to the jurisdiction where the criminal history information originated but must issue a license if it does not obtain a disposition or sufficient information to make an eligibility determination within the additional 45 days if the applicant is otherwise eligible. The department may take any action authorized in this section if it receives disqualifying criminal history information during the additional 45-day review period or after issuance of a license.

(10) A license issued under this section must ~~shall~~ be temporarily suspended as provided for in subparagraph (6)(c)3., or revoked pursuant to chapter 120 if the license was issued in error or if the licensee:

- (a) Is found to be ineligible under the criteria set forth in subsection (2);
- (b) Develops or sustains a physical infirmity which prevents the safe handling of a weapon or firearm;
- (c) Is convicted of a felony which would make the licensee ineligible to possess a firearm pursuant to s. 790.23;
- (d) Is found guilty of a crime under chapter 893, or similar laws of any other state, relating to controlled substances;
- (e) Is committed as a substance abuser under chapter 397, or is deemed a habitual offender under s. 856.011(3), or similar laws of any other state;
- (f) Is convicted of a second violation of s. 316.193, or a similar law of another state, within 3 years after a first conviction of such section or similar law of another state, even though the first violation may have occurred before the date on which the application was submitted;
- (g) Is adjudicated an incapacitated person under s. 744.331, or similar laws of any other state; or
- (h) Is committed to a mental institution under chapter 394, or similar laws of any other state.

Notwithstanding s. 120.60(5), service of a notice of the suspension or revocation of a concealed weapon or concealed firearm license must be given by either certified mail, return receipt requested, to the licensee at his or her last known mailing address furnished to the Department of Agriculture and Consumer Services, or by personal service. If a notice given by certified mail is returned as undeliverable, a second attempt must be made to provide notice to the licensee at that address, by either first-class mail in an envelope, postage prepaid, addressed to the licensee at his or her last known mailing address furnished to the department, or, if the licensee has provided an e-mail address to the department, by e-mail. Such mailing by the department constitutes notice, and any failure by the licensee to receive such notice does not stay the effective date or term of the suspension or revocation. A request for hearing must be filed with the department within 21 days after notice is received by personal delivery, or within 26 days after the date the department deposits the notice in the United States mail (21 days plus 5 days for mailing). The department shall document its attempts to provide notice, and such documentation is admissible in the courts of this state and constitutes sufficient proof that notice was given.

Section 78. Subsection (2) of section 812.0151, Florida Statutes, is amended to read:

812.0151 Retail fuel theft.—

(2)(a) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Breaches a retail fuel dispenser or accesses any internal portion of a retail fuel dispenser; or

2. Possesses any device constructed for the purpose of fraudulently altering, manipulating, or interrupting the normal functioning of a retail fuel dispenser.

(b) A person commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she willfully, knowingly, and without authorization:

1. Physically tampers with, manipulates, removes, replaces, or interrupts any mechanical or electronic component located on within the internal or external portion of a retail fuel dispenser; or

2. Uses any form of electronic communication to fraudulently alter, manipulate, or interrupt the normal functioning of a retail fuel dispenser.

(c) A person commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, if he or she:

1. Obtains fuel as a result of violating paragraph (a) or paragraph (b); ~~or~~

2. Modifies a vehicle's factory installed fuel tank or possesses any item used to hold fuel which was not fitted to a vehicle or conveyance at the time of manufacture with the intent to use such fuel tank or item to hold or transport fuel obtained as a result of violating paragraph (a) or paragraph (b); or

3. Possesses or uses any form of a payment instrument that can be used, alone or in conjunction with another access device, to authorize a fuel transaction or obtain fuel, including, but not limited to, a plastic payment card with a magnetic stripe or a chip encoded with account information or both, with the intent to defraud the fuel retailer, the authorized payment instrument financial account holder, or the banking institution that issued the payment instrument financial account.

Section 79. Section 812.136, Florida Statutes, is created to read:

812.136 Mail theft.—

(1) As used in this section, unless the context otherwise requires:

(a) "Mail" means any letter, postal card, parcel, envelope, package, bag, or any other sealed article addressed to another, along with its contents.

(b) "Mail depository" means a mail box, letter box, mail route, or mail receptacle of a postal service, an office of a postal service, or mail carrier of a postal service, or a vehicle of a postal service or any other authorized receptacle.

(c) "Postal service" means the United States Postal Service or its contractors, or any commercial courier that delivers mail.

(2) Any of the following acts constitutes mail theft:

(a) Knowingly removing mail from a mail depository or taking mail from a mail carrier of a postal service with an intent to either temporarily or permanently:

1. Deprive the intended recipient of such mail of his or her right to the mail.

2. Appropriate the mail to his or her own use or the use of any person not entitled to the use of such mail.

(b) Knowingly obtaining custody of mail by fraud or deception with an intent to either temporarily or permanently:

1. Deprive the intended recipient of such mail of his or her right to the mail.

2. Appropriate the mail to his or her own use or the use of any person not entitled to the use of the mail.

(c) Selling, receiving, possessing, transferring, buying, or concealing mail in violation of paragraph (a) or paragraph (b) of this subsection, while knowing or having reason to know the mail was obtained illegally.

(3) Any of the following constitutes theft of or unauthorized reproduction of a mail depository key or lock:

(a) Knowingly obtaining or using, or endeavoring to obtain or use, any key or lock used by a postal service for a mail depository with the intent to either temporarily or permanently:

1. Deprive the owner of such key or lock of his or her right to such key or lock.

2. Appropriate the key or lock to his or her own use or the use of any person not entitled to the use of such key or lock.

(b) Knowingly and unlawfully making, forging, or counterfeiting any such key or possessing any such key or lock adopted by a postal service with the intent to unlawfully or improperly use, sell, or otherwise dispose of the key or lock, or to cause the key or lock to be unlawfully or improperly used, sold, or otherwise disposed.

(c) Selling, receiving, possessing, transferring, buying, or concealing a key or lock obtained in violation of paragraph (a) or paragraph (b) while knowing or having reason to know such key or lock was obtained illegally.

(4)(a) Except as provided in paragraph (b), a violation of this section is a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(b) A second or subsequent violation of this section is a felony of the third degree, punishable as provided in s. 775.082 or s. 775.084.

Section 80. Paragraph (i) of subsection (4) of section 934.50, Florida Statutes, is amended, and a new paragraph (q) is added to that subsection, to read:

934.50 Searches and seizure using a drone.—

(4) EXCEPTIONS.—This section does not prohibit the use of a drone:

~~(i) By a person or an entity engaged in a business or profession licensed by the state, or by an agent, employee, or contractor thereof, if the drone is used only to perform reasonable tasks within the scope of practice or activities permitted under such person's or entity's license. However, this exception does not apply to a profession in which the licensee's authorized scope of practice includes obtaining information about the identity, habits, conduct, movements, whereabouts, affiliations, associations, transactions, reputation, or character of any society, person, or group of persons.~~

(q) By a local governmental entity, or a person under contract with or acting under the direction of such entity, for the purpose of managing and eradicating plant or animal diseases or activities consistent with chapters 369, 388, and 487.

Section 81. Section 1013.373, Florida Statutes, is created to read:

1013.373 Educational facilities used for agricultural education.—

(1) Notwithstanding any other provision of law, a local government may not adopt any ordinance, regulation, rule, or policy to prohibit, restrict, regulate, or otherwise limit any activities of public educational facilities and auxiliary facilities constructed by a board for agricultural education, for Future Farmers of America or 4-H activities, or the storage of any animal or equipment therein.

(2) Lands used for agricultural education or for Future Farmers of America or 4-H activities are considered agricultural lands pursuant to s. 193.461 and subject to s. 823.14.

Section 82. For the purpose of incorporating the amendment made by this act to section 110.205, Florida Statutes, in a reference thereto,

paragraph (a) of subsection (5) of section 295.07, Florida Statutes, is reenacted to read:

295.07 Preference in appointment and retention.—

(5) The following positions are exempt from this section:

(a) Those positions that are exempt from the state Career Service System under s. 110.205(2); however, all positions under the University Support Personnel System of the State University System as well as all Career Service System positions under the Florida College System and the School for the Deaf and the Blind, or the equivalent of such positions at state universities, Florida College System institutions, or the School for the Deaf and the Blind, are not exempt.

Section 83. For the purpose of incorporating the amendment made by this act to section 388.271, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 189.062, Florida Statutes, is reenacted to read:

189.062 Special procedures for inactive districts.—

(1) The department shall declare inactive any special district in this state by documenting that:

(a) The special district meets one of the following criteria:

1. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has taken no action for 2 or more years;

2. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government notifies the department in writing that the district has not had a governing body or a sufficient number of governing body members to constitute a quorum for 2 or more years;

3. The registered agent of the district, the chair of the governing body of the district, or the governing body of the appropriate local general-purpose government fails to respond to an inquiry by the department within 21 days;

4. The department determines, pursuant to s. 189.067, that the district has failed to file any of the reports listed in s. 189.066;

5. The district has not had a registered office and agent on file with the department for 1 or more years;

6. The governing body of a special district provides documentation to the department that it has unanimously adopted a resolution declaring the

special district inactive. The special district is responsible for payment of any expenses associated with its dissolution;

7. The district is an independent special district or a community redevelopment district created under part III of chapter 163 that has reported no revenue, no expenditures, and no debt under s. 189.016(9) or s. 218.32 for at least 5 consecutive fiscal years beginning no earlier than October 1, 2018. This subparagraph does not apply to a community development district established under chapter 190 or to any independent special district operating pursuant to a special act that provides that any amendment to chapter 190 to grant additional powers constitutes a power of that district; or

8. For a mosquito control district created pursuant to chapter 388, the department has received notice from the Department of Agriculture and Consumer Services that the district has failed to file a tentative work plan and tentative detailed work plan budget as required by s. 388.271.

Section 84. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, paragraph (b) of subsection (3) of section 482.072, Florida Statutes, is reenacted to read:

482.072 Pest control customer contact centers.—

(3)

(b) Notwithstanding any other provision of this section:

1. A customer contact center licensee is subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center.

2. A pest control business licensee may be subject to disciplinary action under s. 482.161 for a violation of this section or a rule adopted under this section committed by a person who solicits pest control services or provides customer service in a customer contact center operated by a licensee if the licensee participates in the violation.

Section 85. For the purpose of incorporating the amendment made by this act to section 482.161, Florida Statutes, in a reference thereto, section 482.163, Florida Statutes, is reenacted to read:

482.163 Responsibility for pest control activities of employee.—Proper performance of pest control activities by a pest control business employee is the responsibility not only of the employee but also of the certified operator in charge, and the certified operator in charge may be disciplined pursuant to the provisions of s. 482.161 for the pest control activities of an employee. A licensee may not automatically be considered responsible for violations

made by an employee. However, the licensee may not knowingly encourage, aid, or abet violations of this chapter.

Section 86. For the purpose of incorporating the amendment made by this act to section 487.044, Florida Statutes, in a reference thereto, section 487.156, Florida Statutes, is reenacted to read:

487.156 Governmental agencies.—All governmental agencies shall be subject to the provisions of this part and rules adopted under this part. Public applicators using or supervising the use of restricted-use pesticides shall be subject to examination as provided in s. 487.044.

Section 87. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in a reference thereto, subsection (2) of section 496.4055, Florida Statutes, is reenacted to read:

496.4055 Charitable organization or sponsor board duties.—

(2) The board of directors, or an authorized committee thereof, of a charitable organization or sponsor required to register with the department under s. 496.405 shall adopt a policy regarding conflict of interest transactions. The policy shall require annual certification of compliance with the policy by all directors, officers, and trustees of the charitable organization. A copy of the annual certification shall be submitted to the department with the annual registration statement required by s. 496.405.

Section 88. For the purpose of incorporating the amendment made by this act to section 496.405, Florida Statutes, in references thereto, subsections (2) and (4) of section 496.406, Florida Statutes, are reenacted to read:

496.406 Exemption from registration.—

(2) Before soliciting contributions, a charitable organization or sponsor claiming to be exempt from the registration requirements of s. 496.405 under paragraph (1)(d) must submit annually to the department, on forms prescribed by the department:

(a) The name, street address, and telephone number of the charitable organization or sponsor, the name under which it intends to solicit contributions, the purpose for which it is organized, and the purpose or purposes for which the contributions to be solicited will be used.

(b) The tax exempt status of the organization.

(c) The date on which the organization's fiscal year ends.

(d) The names, street addresses, and telephone numbers of the individuals or officers who have final responsibility for the custody of the contributions and who will be responsible for the final distribution of the contributions.

(e) A financial statement of support, revenue, and expenses and a statement of functional expenses that must include, but not be limited to, expenses in the following categories: program, management and general, and fundraising. In lieu of the financial statement, a charitable organization or sponsor may submit a copy of its Internal Revenue Service Form 990 and all attached schedules or Internal Revenue Service Form 990-EZ and Schedule O.

(4) Exemption from the registration requirements of s. 496.405 does not limit the applicability of other provisions of this section to a charitable organization or sponsor.

Section 89. For the purpose of incorporating the amendment made by this act to section 500.12, Florida Statutes, in a reference thereto, paragraph (a) of subsection (1) of section 500.80, Florida Statutes, is reenacted to read:

500.80 Cottage food operations.—

(1)(a) A cottage food operation must comply with the applicable requirements of this chapter but is exempt from the permitting requirements of s. 500.12 if the cottage food operation complies with this section and has annual gross sales of cottage food products that do not exceed \$250,000.

Section 90. For the purpose of incorporating the amendment made by this act to section 500.172, Florida Statutes, in a reference thereto, subsection (6) of section 500.121, Florida Statutes, is reenacted to read:

500.121 Disciplinary procedures.—

(6) If the department determines that a food offered in a food establishment is labeled with nutrient claims that are in violation of this chapter, the department shall retest or reexamine the product within 90 days after notification to the manufacturer and to the firm at which the product was collected. If the product is again found in violation, the department shall test or examine the product for a third time within 60 days after the second notification. The product manufacturer shall reimburse the department for the cost of the third test or examination. If the product is found in violation for a third time, the department shall exercise its authority under s. 500.172 and issue a stop-sale or stop-use order. The department may impose additional sanctions for violations of this subsection.

Section 91. For the purpose of incorporating the amendment made by this act to section 790.06, Florida Statutes, in a reference thereto, section 790.061, Florida Statutes, is reenacted to read:

790.061 Judges and justices; exceptions from licensure provisions.—A county court judge, circuit court judge, district court of appeal judge, justice of the supreme court, federal district court judge, or federal court of appeals judge serving in this state is not required to comply with the provisions of s. 790.06 in order to receive a license to carry a concealed weapon or firearm, except that any such justice or judge must comply with the provisions of s.

790.06(2)(h). The Department of Agriculture and Consumer Services shall issue a license to carry a concealed weapon or firearm to any such justice or judge upon demonstration of competence of the justice or judge pursuant to s. 790.06(2)(h).

Section 92. Except as otherwise expressly provided in this act, this act shall take effect July 1, 2025.

Approved by the Governor May 15, 2025.

Filed in Office Secretary of State May 15, 2025.