

REGULAR MEETING  
APALACHICOLA CITY COMMISSION  
TUESDAY, APRIL 2, 2024 – 4:00PM  
FORMER APALACHICOLA MUNICIPAL LIBRARY  
74 6<sup>TH</sup> STREET, APALACHICOLA, FLORIDA 32320

**AMENDED AGENDA**

You are welcome to comment on any matter under consideration by the Apalachicola City Commission when recognized to do so by the Mayor. Once recognized please rise to the podium, state your name for the record and adhere to the three-minute time limit for public comment. Comments may also be sent by email to the City Manager or to Commissioners.

- I. Call to Order**
  - Invocation
  - Pledge of Allegiance
- II. Agenda Adoption**
- III. Presentation: Tim Center, Director Capital Area Community Action Agency**
- IV. Public Comment**
- V. New Business**
  - 1. FEMA Scipio Creek Marina Award
  - 2. FEMA Bodiford Park Award
  - 3. Grant Administration Continuing Services Awards
- VI. Unfinished Business**
  - 1. State Park Service Pavilion and Restroom Project
  - 2. Business License Committee Rates/Categories
  - 3. 1<sup>st</sup> Reading- Ordinance 2024-01- Business License
  - 4. Tasks previously directed by the City Commission
- VII. Mayor and Commissioner Comments**
- VIII. City Manager Communications - Report Attached**
- IX. Finance Director Communications - Report Attached**
- X. Attorney Communications**
  - Access Ordinance

**XI. Consent Agenda**

**Commission Meeting Minutes Adoption – January 16, 2024, Regular Meeting; February 6, 2024, Regular Meeting; March 5, 2024 Regular Meeting; March 14, 2024 Special Meeting;**

**Planning & Zoning Minutes; January 8, 2024 Regular Meeting; February 12, 2024 Regular Meeting**

**XII. Department Reports – Included in Agenda Packet**

**Adjournment**

Any person who desires to appeal any decision at this meeting will need a record of the proceeding and for this purpose, may need to ensure that a verbatim record of the proceeding is made which includes testimony and evidence upon which the appeal is based. Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office 48 hours in advance of the meeting.

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: April 2, 2024**

**SUBJECT:** Bid Award- Scipio Creek Dock Repair

**AGENDA INFORMATION:**

**Agenda Location:** New Business  
**Item Number:** 1  
**Department:** Grants  
**Contact:** Sarah Bourque  
**Presenter:** Sarah Bourque

**BRIEF SUMMARY:** An ITB advertising the Scipio Creek Dock Repair Project funded by FEMA was posted and closed on 1/4/2024. After confirmation from FEMA that this work falls under the scope and within the allocated funds, this project is ready to award.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** - Motion to award the Scipio Creek Dock Repair Project to Coastline Clearing for \$74,090.00

**FUNDING SOURCE:** FEMA

**ATTACHMENTS:** Available by request at City Hall

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Staff recommends approval

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: April 2, 2024**

**SUBJECT:**                **Bid Award- Bodiford Park Dock Repair**

**AGENDA INFORMATION:**

**Agenda Location:**    **New Business**  
**Item Number:**        **2**  
**Department:**        **Grants**  
**Contact:**              **Sarah Bourque**  
**Presenter:**           **Sarah Bourque**

**BRIEF SUMMARY:** An ITB advertising the Bodiford Park Dock Repair Project funded by FEMA was posted and closed on 1/4/2024. After confirmation from FEMA that this work falls under the scope and within allocated funds, this project is ready to award.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** - Motion to award the Bodiford Park Dock Repair Project to Coastline Clearing for \$53,824.00

**FUNDING SOURCE:** FEMA

**ATTACHMENTS:** Available by request at City Hall.

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Staff recommends approval

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: April 2, 2024**

**SUBJECT:**                   Awards for Grant Administration Continuing Services

**AGENDA INFORMATION:**

**Agenda Location:**     New Business  
**Item Number:**         3  
**Department:**         Grants  
**Contact:**             Sarah Bourque  
**Presenter:**           Sarah Bourque

**BRIEF SUMMARY:** An RFQ for the Continuing Services for Grant Administration Project was posted and due by 2/29/2024. Seven firms responded to the RFQ. After scoring and review, the City Manager selected the following five firms for contracts (to be drafted by City Attorney):

- Ovid Solutions
- Gouras & Associates
- Bay Media
- Anchor CEI
- Halff

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** - Motion to approve the five selected firms for grant administration continuing services contracts

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** Available by request at City Hall

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Staff recommends approval

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: April 2, 2024**

**SUBJECT:**                   **Proposed Chapman Botanical Gardens Improvements**

**AGENDA INFORMATION:**

**Agenda Location:**    **Unfinished Business**  
**Item Number:**       **1**  
**Department:**       **Administration**  
**Contact:**           **Commissioner Elliott**  
**Presenter:**         **Commissioner Elliott**

**BRIEF SUMMARY:**

At the City Commission's Regular Meeting on February 6<sup>th</sup>, 2024, DEP shared a presentation of planned improvements to the Chapman Botanical Gardens which it leases from the City of Apalachicola. After receiving community feedback, DEP presented an amended plan at the City Commission's Regular Meeting on March 5<sup>th</sup>, 2024 to reduce the size of the pavilion, alter aesthetics to appear more historical, and reposition the proposed restrooms as to not remove two live oak trees. The item was tabled to be brought back before the Commission in April for a decision.

If the City of Apalachicola chooses to deny DEP's proposal, this funding could be distributed to other State Parks. DEP's proposed improvements go hand in hand with the rehabilitation currently underway at the Orman House, and would serve not only as a boon for the historical tourism, but for the enhancement of amenities that can be regularly enjoyed by residents and their families.

The resources the State provides to these parks is unmatched by the City alone. It is in the best interest of the City of Apalachicola to continue pursuing a strong working relationship with DEP as a partner in environmental protection and historical preservation and approve the much needed improvements proposed to the Chapman Botanical Gardens.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:**   Final discussion and action on approval or denial of Chapman Botanical Gardens proposal as of 3/5/24

**FUNDING SOURCE:**

**ATTACHMENTS:**

**STAFF'S COMMENTS AND RECOMMENDATIONS:**

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: April 2, 2024**

**SUBJECT:**        **Occupational License Tax Ordinance Amendment**

**AGENDA INFORMATION:**

**Agenda Location:**    **Unfinished Business**  
**Item Number:**        **2**  
**Department:**        **Administration**  
**Presenter:**          **Cutler Edwards, Sheneidra Cummings, P.J. Erwin**

**BRIEF SUMMARY:** Our Occupational License Tax Ordinance and Fee Schedule was last revised in September 2005. The Occupational Classification System and Rate Structure need updating to reflect current and applicable occupations as well as bring the tax rates to appropriate amounts.

F.S. State Statute 205.0535 states that a municipality must establish an equity study commission, appointed by the City Commission to initiate a revision of the Occupational License Tax Ordinance and update fees. Each member of the study commission must be a representative of the business community within the City of Apalachicola. The task of the study commission is to recommend a revised classification system and rate structure. F.S. Statute 205.0535 does not state the size of the study commission.

The City Commission voted on November 7, 2024 to approve the committee and task City Staff to find volunteers in seven different business categories. On January 9, 2024, the City Commission approved Cutler Edwards, Chase Galloway, Clayton Mathis, Kristin Willis, Andrea Pendleton, Elinor Mount-Simmons and Kathy Robinson to serve as members on this committee.

During the months of February and March, committee members met to discuss the current categories of occupations/businesses and rates assessed for each designation. They are bringing to the Commission today their recommended list of categories and rates for approval beginning with the 2024-2025 fiscal year.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Approve the Business License Ad Hoc Committee's recommendations for business/occupational license categories and new rate structure.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:**

1. Occupational License Rates & Categories Recommendations
2. Ordinance No. 2005-11
3. F.S. Statute Chapter 205.0535

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Approve the committee's recommendations.



|   |       |
|---|-------|
| <b>COMMUNICATION &amp; MEDIA</b>            |       |
| Telecommunications Companies                | \$425 |
| Newspaper and Publishing Companies          | \$185 |
| Other: Communication & Media                | \$100 |
|   |       |
| <b>CONTRACTORS (DBPR LICENSED)</b>          |       |
| Building Contractor                         | \$100 |
| Cement/Concrete Contractor                  | \$100 |
| Electrician (Contractor)                    | \$100 |
| HVAC (Mechanical) Contractor                | \$100 |
| Painters - Contractor                       | \$100 |
| Pile Driving or Divers                      | \$100 |
| Pool & Spa Contractor                       | \$100 |
| Plumbers (Contractor)                       | \$100 |
| Roofing Contractor                          | \$100 |
| Sheet Metal Contractor                      | \$100 |
| Solar (Contractor)                          | \$100 |
| Other: Contractors                          | \$100 |
|   |       |
| <b>HEALTH, WILLNESS &amp; PERSONAL CARE</b> |       |
| Chiropractors/Osteopaths Businesses         | \$100 |
| Dancing Schools/Halls                       | \$35  |
| Day care centers                            | \$30  |
| Day Spa                                     | \$100 |
| Dental Offices                              | \$100 |
| Dry Cleaners                                | \$80  |
| Fitness Centers                             | \$80  |
| Hair, Nail & Beauty Salons                  | \$25  |
| Laundry and Linen Services                  | \$100 |

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|--|--|
| Massage Therapist Studio/Shop                          | \$100  |
| Medical Offices/Services                               | \$100  |
| Music Schools  | \$30   |
| Optometrists Offices                                   | \$100  |
| Psychologists Offices                                  | \$100  |
| Tailoring Shops  | \$40   |
| Veterinary Services                                    | \$100  |
| Other: Health, Wellness, and Personal Care             | \$75   |
|  |  |
| <b>HOSPITALITY, LODGING &amp; ENTERTAINMENT</b>        |  |
| Amusement Parks (permanent)                            | \$375  |
| Bed and Breakfasts                                     | \$12.00 per unit   |
| Beer and Wine Bars (no food) (includes branding items) | \$100  |
| Boarding Rooms (Houses)                                | \$12.00 per unit   |
| Bowling Alleys   | \$20   |
| Circus, Carnivals, and Fairs (transient)               | \$300  |
| Cooking Schools  | \$40   |
| Hotels   | \$12.00 per unit   |
| Marinas (Slips, Storage, Dry & Wet)                    | \$10.00 per unit   |
| Monthly Vacation Rentals (Residential Zones)           | \$25.00 per unit   |
| Moving Pictures/Performance Theaters                   | \$175  |
| Motels   | \$12.00 per unit   |
| Restaurants (no alcohol – includes branding items)     | \$50   |
| Restaurants with beer & wine (includes branding items) | \$75   |
| Restaurants with full bar (includes branding items)    | \$100  |
| Rinks, Skating, Bicycle or Other                       | \$50   |
| Short-term Vacation Rentals (Commercial & O/R Zones)   | \$25.00 per unit   |
| Video Game Rooms (Permanent)                           | \$50   |
| Other: Hospitality, Lodging and Entertainment          | \$75.00 unless multiple units, which would be \$10.00 per unit |
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| <b>MANUFACTURING &amp; INDUSTRIAL SERVICES</b>     |               |
| Cement or Artificial Stone Manufacturing Companies | \$100         |
| Electronics Sales and/or Repair Businesses         | \$100         |
| Electrical Energy Companies, distribution of       | \$400         |
| Ice Manufacturing Companies                        | \$75          |
| Machine & Fixture Installation Companies           | \$100         |
| Machine and/or Welding Shops                       | \$100         |
| Other: Manufacturing and Industrial Services       | \$100         |
|  |               |
| <b>PROFESSIONAL &amp; BUSINESS SERVICES</b>        |               |
| Title Companies                                    | \$100         |
| Accounting Service Businesses                      | \$100         |
| Advertising and Marketing Agencies                 | \$100         |
| Apartment Managing Companies                       | \$10 per unit |
| Architectural Services                             | \$100         |
| Auctioneering Companies                            | \$100         |
| Auditing Companies                                 | \$100         |
| Banks  | \$375         |
| Bonding Companies                                  | \$100         |
| Building and Loan Associations                     | \$100         |
| Claims and Collecting Agencies                     | \$100         |
| Consulting Services                                | \$100         |
| Court Reporter Services                            | \$100         |
| Employment Agencies (formerly Labor Recruiter)     | \$100         |
| Express Courier Services                           | \$130         |
| Forestry & Arborist Services                       | \$100         |
| Fish & Wildlife Guide Services                     | \$80          |
| Insurance Agency or Company                        | \$80          |
| Investment and Wealth Brokerage Firms              | \$100         |
| Legal Offices                                      | \$100         |
| Printing & Office Supplies                         | \$75          |

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|---|-------|
| Real Estate Offices                                 | \$100 |
| Surveyors/Civil Engineers Offices                   | \$100 |
| Other: Professional and Business Services           | \$100 |
|   |       |
| <b>REPAIR &amp; MAINTENANCE SERVICES</b>            |       |
| Automotive Parts & Repair Shops                     | \$75  |
| Cabinet Makers or Carpenter Shops                   | \$75  |
| Car Wash Businesses                                 | \$75  |
| Boat Maintenance & Repair Shops                     | \$75  |
| Exterminating Businesses                            | \$75  |
| Handyman (e.g. carpentry, repair, etc.) Services    | \$60  |
| Janitorial/Carpet Services/Cleaning Services        | \$60  |
| Landscaping and Yard Maintenance Businesses         | \$60  |
| Monument Companies                                  | \$75  |
| Piano and Organ Tuning Services                     | \$40  |
| Repair and/or Service Shops, etc.                   | \$75  |
| Undertakers & Embalming & Funeral Director Services | \$125 |
| Woodyards or Woodworking Businesses                 | \$75  |
| Other: Repair & Maintenance                         | \$75  |
|   |       |
|   |       |
| <b>RETAIL SERVICES</b>                              |       |
| Art Galleries                                       | \$50  |
| Bicycle Renting/Repair                              | \$50  |
| Boutiques   | \$50  |
| Butcher Shops (Retail)                              | \$50  |
| Convenience Stores                                  | \$50  |
| Craft Shop (Arts & Crafts)                          | \$50  |
| Gift Shops  | \$50  |
| Florist Shops                                       | \$50  |
| Furniture Shops                                     | \$50  |

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| Gas Stations (Retail)                          | \$100 |
| Gas & Oil Dealers (Retail)                     | \$100 |
| Grocery Stores                                 | \$100 |
| Jewelry Shop                                   | \$50  |
| Motorcycles or Motorbikes Shops                | \$50  |
| Plant Nursery                                  | \$50  |
| Pawn Shops                                     | \$80  |
| Pharmacy                                       | \$120 |
| Photography Studio                             | \$50  |
| Seafood (Retail)                               | \$60  |
| Shoe Shop                                      | \$50  |
| Sign Shops                                     | \$50  |
| Vending Machine Businesses                     | \$50  |
| Other: Retail                                  | \$50  |
|  |       |
| <b>TRANSPORTATION &amp; LOGISTICS</b>          |       |
| Automobile Dealers                             | \$100 |
| Dredging Companies                             | \$185 |
| Electric Charging Stations Companies           | \$50  |
| Trucklines & Companies                         | \$400 |
| Taxis, Car Service, Limo Businesses            | \$50  |
| Truck & Car Rental Businesses                  | \$75  |
| Other: Transportation & Logistics              | \$75  |
|  |       |
|  |       |
| <b>WHOLESALE AND DISTRIBUTION</b>              |       |
| Beer, Wine & Spirits Production & Distribution | \$185 |
| Bottling Companies                             | \$100 |
| Seafood & Fish – Wholesale                     | \$100 |
| Gasoline and Oil – Wholesale                   | \$185 |
| Other: Wholesale and Distribution              | \$100 |

ORDINANCE NO. 2005-11

AN ORDINANCE AMENDING PRIOR ORDINANCE NO. 92-9 (88-5) (80-11) (72-4) ADOPTED BY THE CITY COMMISSION OF APALACHICOLA FLORIDA; PROVIDING A NEW SCHEDULE FOR THE PAYMENT AND ENFORCEMENT OF OCCUPATIONAL LICENSE TAX ON BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS WITHIN THE CITY OF APALACHICOLA, FIXING THE AMOUNTS THEREOF; PROVIDING PENALTIES FOR FAILURE TO PAY THE SAME; AND PROVIDING FOR AN EFFECTIVE DATE. "PERSON" MEANS THE SAME AS DEFINED IN CHAPTER 205 F.S.

Be it ordained by the City Commission of the City of Apalachicola, Florida.

Whereas, this ordinance is adopted in accordance with and as provided by Chapter 72-306 General Laws of Florida.

**Section 1. Application:**

It shall be unlawful for any person or entity to carry on, conduct or engage in any business, trade, occupation or profession within the City, without having first completed the application for an occupational license, paid the required tax fee and obtained the required license from the City Clerk of the City of Apalachicola, Florida.

- A) New business applicants shall first complete the application for an occupational license and it shall be verified that the business, trade, occupation or profession is located within the City on property zoned in accordance with the provisions of the Apalachicola Land Development Code, Ordinance No. 91-7. Such verification shall be in the form of a Certificate of Occupancy issued by the Building Inspector prior to the issuance of an Occupational License by the City Clerk. Failure to produce a Certificate of Occupancy will result in denial of an occupational license except for those persons or entities conducting or engaging in a service, trade, profession or any type of business or occupation within the City of Apalachicola, but not having a permanent structure for conducting business within the City of Apalachicola.
- B) Those businesses wishing to renew a current issued license may renew their license by paying the required tax fee when due. An additional completed application or Certificate of Occupancy will not be required for renewal of license already on record with the City Clerk.
- C) If an Occupational license is issued and the location of the business office or establishment is not zoned in accord to the City's Land Development Code, the license shall be revoked and the fee returned to the applicant. Final determination of zoning requirements shall be the responsibility of the City building inspector.

## **Section 2. Dates Due:**

All licenses shall be sold by the City Clerk of the City of Apalachicola, Florida beginning September 1 of each year and shall be due and payable on or before September 30 of each year and shall expire on September 30 of the succeeding year. Any person, firm, or corporation who shall commence any business, trade, occupation or profession or any other activity mentioned in said schedule for which a license per annum is required may purchase a license for the remainder of the licensed year if commencing after the first day of April at one-half the price required to be paid, and all licenses shall expire on the 30<sup>th</sup> day of September.

No license shall be issued for more than 1 year and all licenses shall expire on October 1 of each year, except as provided by state law.

## **Section 3. Appropriation of Proceeds of Tax:**

The proceeds of the tax hereby levied are hereby appropriated to the general fund account of the City of Apalachicola, Florida.

## **Section 4. Transfer of License:**

Any occupational license may be transferred to a new owner when there is a bona-fide sale of the business upon payment of a transfer fee of \$15.00, presentation of the original license, evidence of the sale and a Certificate of Occupancy approved by the Building Inspector.

## **Section 5. Delinquent Taxes:**

Those licenses not renewed by October 1 of each year shall be considered delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each month of delinquency thereafter until paid. The total delinquency penalty shall not exceed 25 percent of the occupational license fee for the delinquent establishment. (ch. 205.053) (1) F.S.

## **Section 6. Penalty:**

Any person engaging in or managing any business, occupation, or profession without first obtaining a local occupational license, if required hereunder, shall be subject to a penalty of 25 percent of the license determined to be due, or imprisoned not more than 30 days for each offense.

## **Section 7. Enforcement:**

It is hereby made the duty of the City Clerk on or before the tenth day of December of each year to deliver a list of all persons who are delinquent in the payment of

occupational license taxes to the Chief of Police who shall issue warrants of arrest to be served on such delinquents chargin violation of license tax ordinances.

#### **Section 8. Exemptions:**

Those exemptions allowed by the City of Apalachicola are allowed to persons under state law or by county ordinance. (ch. 205 F.S.)

#### **Section 9. Charitable Organization:**

The requirements of those organizations for occasional sales of fund-raising projects are the same as provided by state law. (ch. 205-192 F.S.)

#### **Section 10. Dispute over Category of Business or Occupational License Fee:**

If any person or entity engaging in any occupation or business for profit within the City of Apalachicola disagrees as to which category their business is in or the fee assessed for an occupational license, the City Clerk with assistance from the Building Inspector shall investigate their type of business or occupation and make the final determination of the appropriate category and/or fee.

#### **Section 11. Posting License:**

Every license issued under the provisions of this article shall be posted at the place of business for which the license was issued in a convenient and conspicuous place.

#### **Section 12. Exemptions; Motor Vehicles:**

Vehicles used by any person licensed under this chapter for sale and delivery of tangible personal property at either wholesale or retail from his place of business on which a license is paid shall not be construed to be separate places of business and no license may be levied on such vehicles or the operators thereof as salesman or otherwise by this municipality, any other law to the contrary notwithstanding. (ch. 205.063 F.S.)

#### **Section 13. License Tax Schedule:**

The amount of license tax levied and imposed upon every person that shall engage in or manage any of the following businesses, professions, privileges or occupations is hereby fixed, graded and determined beginning October 1, 1988 at the following amounts:

- 1) ABSTRACTORS OF TITLE, including companies, agents, firms or persons other than licensed attorneys, engaged in the business of making abstracts of title from public records. \$85.94



|    |   |          |
|----|---|----------|
| 2) | ADVERTISING AGENTS per year or fraction thereof   | \$85.94  |
| 3) | ADVERTISING AND/OR SIGN SHOPS   |          |
|    | (1) By painting on wall, fence, advertising business other than that of owner of wall or fence.   | \$171.88 |
|    | (2) Billposters and sign lackers.   | \$17.19  |
| 4) | AGENCIES:   |          |
|    | (1) Commercial or persons giving information as to credit rating or standing of individuals or firms, per year  | \$51.56  |
|    | (2) Rental or collecting, per year  | \$51.56  |
|    | (3) Corporations  | \$85.94  |
|    | (4) Soliciting business for out of town enterprises where display rooms are maintained and merchandise kept on hand as samples for display purposes only, provided however, the occupational license tax hereby imposed shall not apply to establishments regularly and continuously engaged in the sale of merchandise customarily carried on hand as a part of the regular stock of such establishment. | \$351.57 |
|    | (5) Soliciting business for foreign concerns not otherwise provided for per year or fraction thereof  | \$85.94  |
|    | (6) Agents redeeming coupons (see Soap Coupons)   | \$34.38  |
| 5) | AMUSEMENT PARKS, per year   | \$343.75 |
| 6) | APARTMENTS:   |          |
|    | (1) 2-5 UNITS   | \$68.75  |
|    | (2) each additional unit  | \$13.75  |
| 7) | AUDITING COMPANIES OR INDIVIDUALS, per year or fraction thereof.  | \$85.94  |
| 8) | AUTOMOBILE DEALERS OR SALES AGENTS:   |          |
|    | (1) Per year or fraction thereof  | \$171.88 |
|    | (2) Automobile dealers or sales agents, automobile accessories and automobile garage or repair shop, and dealers in gasoline and oils and auto painting, when combined under one ownership and operation, per year  | \$171.88 |
|    | (3) Automobile garage and/or repair and paint shop  | \$60.13  |
|    | (4) Automobile painters, itinerant  | \$85.94  |
|    | (5) Automobile parking and automobile trailer parking lots  | \$85.94  |
|    | (6) Automobile wrecking or dismantling for salvage  | \$85.94  |

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| 9)  | BAKERIES operated by steam or other power, per year   | \$85.94  |
| 10) | BANKS OR BANKERS  | \$343.75 |
| 11) | BARBERSHOPS:  |          |
|     | (1) One chair   | \$20.63  |
|     | (2) Each additional chair   | \$6.88   |
| 12) | BEAUTY PARLORS  |          |
|     | (1) One operator  | \$25.75  |
|     | (2) Each additional operator  | \$17.19  |
| 13) | BICYCLES, renting or repairing per year   | \$34.38  |
| 14) | BILLIARD/ POOL AND SIMILAR TABLES,<br>or places where charges are made for playing<br>pool or billiards, for each table, per year.  | \$17.19  |
| 15) | BOARDING AND ROOMING HOUSES, HOTEL OR<br>MOTEL, ETC., having available accommodations<br>for more than three guests, whether occupied or not,<br>per room, per year   | \$3.44   |
| 16) | BONDING COMPANIES   | \$85.94  |
| 17) | BOTTLING COMPANIES, including canned drink<br>Manufacturers, per year   | \$171.88 |
| 18) | BOWLING ALLEYS, each alley, per year  | \$17.19  |
| 19) | BROKERS, those who carry stock on hand and who<br>sell to registered wholesale merchants only and act<br>as intermediary between buyer and seller for the<br>consideration of a brokerage or commission from<br>either for the sale of stocks, bonds, merchandise, etc. | \$85.94  |
| 20) | BUILDING AND LOAN ASSOCIATIONS, per year  | \$85.94  |
| 21) | BUSINESSES: PROFESSIONAL  |          |
|     | (1) Dentist   | \$85.94  |
|     | (2) Lawyer  | \$85.94  |
|     | (3) Physician/Surgeon   | \$137.50 |
|     | (4) Optometrist   | \$85.94  |
|     | (5) Chiropractor/Osteopath  | \$137.50 |
|     | (6) Psychologist  | \$85.94  |

|      |   |          |
|------|---|----------|
| (7)  | Certified Public Accountant   | \$85.94  |
| (8)  | Veterinarian  | \$85.94  |
| (9)  | Court Reporter  | \$85.94  |
| (10) | Architect   | \$85.94  |
| (11) | Auctioneer  | \$85.94  |
| (12) | Forester  | \$85.94  |
| (13) | Surveyor/Civil Engineer   | \$85.94  |
| (14) | Chiropodist, per year   | \$85.94  |
| (22) | BUS STATIONS, concessions (see Merchants)   |          |
| (23) | BUSINESS FIRMS OTHER THAN MERCHANTS.<br>All types and forms of businesses of every kind whatsoever<br>not otherwise covered in this article, nor covered in<br>separate peddlers ordinances | \$85.94  |
| (24) | CABINET MAKERS OR CARPENTER SHOPS   | \$85.94  |
| (25) | CAR WASH  | \$68.75  |
| (26) | CEMENT OR ARTIFICIAL STONE MANUFACTURERS,<br>per year   | \$85.94  |
| (27) | CIRCUS OR CARNIVAL PARADES  | \$386.69 |
| (28) | CIRCUS, held under one tent where one admission<br>is charged, per year   | \$468.75 |
| (29) | CLAIMS AND COLLECTING AGENCIES,<br>other than lawyers   | \$85.94  |
| (30) | CONTRACTORS:  |          |
|      | (1) Building, painting, remodeling, roofing   | \$85.94  |
|      | (2) Resident with one or more subcontractors<br>(subcontractors may obtain licenses under<br>respective classification)   | \$85.94  |
|      | (3) Contractors paving or cement works<br>(including delivering cement)   | \$85.94  |
|      | (4) Electricians or electrical contractors  | \$85.94  |
|      | (5) Plumbers, including pipe fitters and contractors<br>Selling of fixtures or conducting shop  | \$85.94  |

|      |  |          |
|------|--|----------|
|      | (6) Contractors, not otherwise provided for  | \$85.94  |
| (31) | CRAFT SHOP   | \$55.00  |
| (32) | DANCING SCHOOLS/HALLS  | \$34.38  |
| (33) | DAY CARE CENTERS   | \$41.25  |
| (34) | DREDGEING COMPANIES  | \$171.88 |
| (35) | DRY CLEANERS, STEAM CLEANERS AND CLOTHES PRESSERS, OR EITHER, HAT BLOCKING AND DRYERS OR EITHER  | \$68.75  |
| (36) | ELECTRICAL ENERGY, distribution of   | \$386.69 |
| (37) | ELECTRONICS SELLS AND/OR REPAIR  | \$85.94  |
| (38) | EXPRESS COMPANIES  | \$128.88 |
| (39) | EXTERMINATORS  | \$68.75  |
| (40) | FLORISTS, or dealers in flowers  | \$51.56  |
| (41) | FAIRS AND RIDES DEVICES, each, per week  | \$17.19  |
| (42) | FOOD VENDORS, STANDS OR MOBILE UNITS<br>(ON PRIVATE PROPERTY ONLY)<br>(applicants should not be issued an occupational license in these categories until approval is obtained from the City's Planning and Zoning Board) | \$68.75  |
| (43) | FRUIT, VEGETABLE, WARES, ETC.<br>STANDS, MOBILE UNITS OR TRUCKS,<br>selling not in connection with licensed merchants<br>(ON PRIVATE PROPERTY ONLY)  | \$51.56  |
| (44) | FURNITURE DEALERS (not under Merchant classification)  | \$137.50 |
| (45) | GAMES, such as shuffleboard, throwing balls at figures and the like, per day   | \$34.38  |
| (46) | GASOLINE AND OIL:<br>(1) Wholesale   | \$171.88 |

|      |   |          |
|------|---|----------|
| (2)  | Retail dealers  |          |
|      | (a) One pump on private property  | \$34.38  |
|      | (b) Two-four pumps on private property  | \$60.19  |
|      | (c) Five or more pumps on private property  | \$85.94  |
| (3)  | Dealers in propane, butane or any other form of gas for heating, lighting, etc., per year | \$85.94  |
| (47) | ICE CREAM MANUFACTURERS:  |          |
|      | (1) Wholesaling   | \$85.94  |
|      | (2) Retailing   | \$171.88 |
| (48) | ICE MANUFACTURERS   | \$85.94  |
| (49) | INSTALLING OF MACHINES, FIXTURES AND/OR EQUIPMENT, not otherwise covered in this article  | \$85.94  |
| (50) | INSURANCE AGENCY AND/OR COMPANY   |          |
|      | (1) Insurance agencies  | \$68.75  |
|      | (2) Insurance companies, each company represented   | \$68.75  |
| (51) | JANITORIAL/CARPET SERVICES  | \$68.75  |
| (52) | JEWELERS, repairing/sales and/or watch repair (also see Merchants for stock)              | \$85.94  |
| (53) | LABOR RECRUITERS, inducing laborers to leave the city or county for employment            | \$976.56 |
| (54) | LANDSCAPING AND YARD MAINTENANCE  | \$85.94  |
| (55) | LAUNDRY AND/ OR LINEN SERVICE   | \$85.94  |
| (56) | MACHINE AND/OR WELDING SHOPS  | \$85.94  |
| (57) | MANUFACTURING, not otherwise covered  | \$85.94  |
| (58) | MARINE WAYS   | \$51.56  |
| (59) | MASSUERS, each person, per year or fraction thereof                                       | \$85.94  |
| (60) | MERCHANTS, STOREKEEPERS AND WHOLESALE DEALERS, to include antique and                     |          |

second hand shops, in accordance with the value of the stock of goods as follows:

|     |  |          |
|-----|--|----------|
| (1) | Stock of less than \$1,000.00                  | \$51.56  |
| (2) | Stock of \$1,000.00 and less than \$5,000.00   | \$68.75  |
| (3) | Stock of \$5,000.00 and less than \$20,000.00  | \$85.94  |
| (4) | Stock of \$20,000.00 and less than \$40,000.00 | \$120.31 |
| (5) | Stock of \$40,000.00 and up                    | \$171.88 |

Provided that all persons applying for license under this Classification, shall make affidavit before the City Clerk as Ex. Officio Tax Collector as to the value of the stock of goods for which license is applied for, and such affidavit shall be made and filed among the city records prior to the issuance of any license.

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| (61) | MONUMENT COMPANIES   | \$68.75  |
| (62) | MOTORCYCLES OR MOTORBIKES, agents or dealers or shops for repairs  | \$51.56  |
| (63) | MOVING PICTURES/PERFORMANCE THEATERS   | \$171.88 |
| (64) | MUSIC TEACHERS   | \$34.38  |
| (65) | NEWSPAPERS:  |          |
|      | (1) Published six days a week or more often  | \$171.88 |
|      | (2) Weekly, and publishers of magazines or similar publications, other than those published by a department of the state             | \$85.94  |
| (66) | NURSERY STOCK, agents or dealers, per year or fraction thereof   | \$51.56  |
| (67) | PAWN SHOP  | \$68.75  |
| (68) | PAINTERS OF SIGNS, ARTISTS   | \$34.38  |
| (69) | PEDDLERS (Must have approved special exception)<br>A peddler is one who offers merchandise along streets from door to door. The word | \$386.69 |

"peddler" shall not include the following:

- (a) Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.
- (b) Sheriffs, constables, bona fide assignees receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law.
- (c) Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor.
- (d) Solicitations, sales or distributions made by charitable educational or religious organizations which have their principal place of activity within this City.

When approved as a special exception, peddlers shall present the approved special exception application to the City Clerk prior to the issuance of an occupational license.

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| (70) | PHARMACY (not to be classified as Merchant)  | \$103.13 |
| (71) | PHOTOGRAPHERS  | \$85.94  |
| (72) | PIANO AND ORGAN TUNERS, etc., per year or fraction thereof   | \$25.75  |
| (73) | PILE DRIVING OR DRIVERS, per unit  | \$85.94  |
| (74) | PRINTING/OFFICE SUPPLY   | \$55.00  |
| (75) | RADIO STATIONS   | \$55.00  |
| (76) | REAL ESTATE BROKERS  | \$85.94  |
| (77) | REAL ESTATE SALESMEN, and those making a business of dealing in real estate, whether selling their own or not, as defined by state law other than real estate brokers. | \$85.94  |
| (78) | REPAIR AND/OR SERVICE SHOPS:   |          |
|      | (1) Bicycles and small motors  | \$34.38  |
|      | (2) Boats and boat motors  | \$85.94  |
|      | (3) Radio, television & electronics, including installation.   | \$85.94  |

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| (79) | RESTAURANTS (including lounges or bars):   |          |
|      | (1) One to fifteen chairs or stools  | \$42.94  |
|      | (2) Sixteen to twenty-five chairs or stools  | \$68.75  |
|      | (3) Over twenty-five chairs or stools  | \$85.94  |
|      | (4) Restaurant w/ lounge or bar add an additional  | \$34.38  |
|      | (5) Lounge or Bar only (no food served)  | \$85.94  |
|      | (6) If dancing is permitted add an additional  | \$34.38  |
| (80) | RINKS, SKATING, BICYCLE OR OTHER   | \$85.94  |
| (81) | SHOE SHOP  | \$55.00  |
| (82) | SHOOTING GALLERIES, when located in a permanent structure or location  | \$85.94  |
| (83) | SIDESHOWS, each, with circus, per day  | \$51.56  |
| (84) | TAILORS  | \$34.38  |
| (85) | TAXIDERMISTS   | \$34.38  |
| (86) | TELEPHONE COMPANIES  | \$386.69 |
| (87) | TELEVISION CABLE COMPANIES   | \$309.38 |
| (88) | TELEVISION STATIONS  | \$68.75  |
| (89) | TRUCK LINES OR COMPANIES   | \$386.69 |
| (90) | TRUCKS FOR HIRE,(\$75.00 per truck)<br>(Each truck operated other than as a qualified carrier,<br>per year)  | \$103.13 |
| (91) | UNDERTAKERS, EMBALMERS AND/OR<br>FUNERAL DIRECTORS   | \$128.88 |
| (92) | VEHICLES FOR HIRE, VEHICLE RENTALS   |          |
|      | (1) All persons engaging in or carrying on the business of renting or hiring to the general public automobiles or other motor vehicles, either with or without drivers, shall pay a license tax in the sum of \$20.00 and in addition thereto, when more than one vehicle is used in such business, the sum of \$10.00 on each such vehicle exceeding one. |          |



(2) All person engaging in or carrying on the business of renting or hiring motor vehicles either with or without drivers, shall furnish the City and file in the office of the City Clerk a personal bond secured by a cash deposit or with at least two sufficient sureties to be approved by the City Clerk or a surety company authorized to do business in the State in the following amount: \$625.00 where not more than one vehicle is used in such business; \$1,250.00 where two vehicles are used in such business; and an additional \$375.00 for each vehicle exceeding two vehicles used in such business; provided, however, the total amount of any bond required of any one such business shall not exceed the sum of \$2,000.00. The bond shall be conditioned to indemnify passengers and the general public receiving personal injuries or suffering property damage by any act of negligence of the obligor or any of his agents, servants or employees in the operation or conduct of said business, and said bond shall be payable to the City and shall be for the benefit of and subject to action thereon by any person who shall have sustained an actionable injury protected thereby. No license shall be issued to engage or continue in such business until such bond has been filed and approved, and no such bond so accepted shall be cancelled by any company issuing the same except upon such notice being given by the company issuing such bond and no such bond shall be revoked unless a new bond is filed and accepted before the date of the cancellation of the bond; provided, however, the applicant for a license may file in lieu of the bond a policy of liability insurance with some casualty company or insurance company authorized to do business in the state with liability limits of \$10,000.00 for one person injured and a \$20,000.00 limit for injuries of two or more persons and a property damage limit of \$500.00. When any cash deposit is made the City shall pay six percent interest on said during the time such deposit is maintained.

(3) At the time of the issuance by the City Clerk of a license to engage in or carry on the business of renting or hiring motor vehicles in the City, the City Clerk shall furnish to such person to whom a license is issued a metal tag or plate for every vehicle used in the conduct of the business for which a license is issued, which metal tag or plate shall have stamped thereon the motor number of the automobile for which issued, together with the state automobile license tag number issued to said vehicle, which metal tag or plate shall be furnished without cost to the operator of said vehicle. It shall be the duty of the operator of such motor vehicle used for hire to have said metal tag or plate firmly attached to the vehicle for which it is issued so that the same shall be in plain view and subject to inspection by any police officer of the City. Such metal

tag or plate so issued shall not be transferable and it shall be unlawful to operate said vehicle for hire within the City without having said metal tag or plate attached thereto.

- (4) Any person who shall carry on, conduct or continue the operation of the business of renting or hiring to the general public automobiles or other motor vehicles, either with or without drivers, without filing such bond or insurance policy or having the same on file or without having attached to the vehicle used in the operation of such business the metal tag or plate issued to any vehicle used in such business as provided for in this section shall be guilty of a violation of the Code.

(93) **VENDING MACHINES**

- (1) Each person who may operate or place for public use any vending machine or mechanical device designed to operate by the insertion into such machine of a coin or metal disk or slug for the purpose of dispensing merchandise, producing or reproducing music, musical sounds or noises and/or produce picture or pictures, prints or writings, or which is operated for amusement only, or as a game of skill and amusement, each separate machine used in the City, per year \$42.94
- (2) The above classification shall not apply to the following machines which are separately taxed: i.e. vending peanut machines, chewing gum machines, popcorn machines drink machines.

- (94) **VIDEO SHOPS/SALES & RENTALS** \$55.00
- (95) **VIDEO GAME ROOMS (per game)** \$13.75
- (96) **WHOLESALE, RETAIL OR WHOESALE AND RETAIL FISH AND SEAFOOD DEALERS** \$85.94
- (97) **WOODYARDS OR PERSONS SELLING WOOD** \$34.38

**Section 14. License Purchase Required;**

Every contractor, person or entity carrying on, conducting or engaging in any service, trade or profession or any type business or occupation within the City of Apalachicola shall first purchase an occupational license from the City Clerk of the City of Apalachicola.

**Section 15. Compliance:**

The issuance of an occupational license by the City of Apalachicola does not constitute a waiver or release of compliance with applicable federal, state and local laws.

**Section 16. Conflict:**

All ordinances and resolutions in conflict with any of the provisions of this ordinance are hereby repealed.

**Section 17. State Law:**

If any part of this ordinance shall be held invalid, it shall not affect the remaining portions hereof. Any section not in agreement with State Law is hereby amended to comply with same.

The above Ordinance was read for the first reading on the 13th day of September, 2005 and read for the second reading following an advertised public hearing and adopted by the City Commission of the City of Apalachicola, this 27th day of September, 2005.

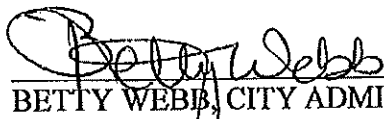
Voting Aye: Commissioner Davis and Elliott

Voting Nay: Mayor Pro-Tem Johnson

FOR THE CITY COMMISSION OF THE  
CITY OF APALACHICOLA

  
BOYD W. HOWZE, JR., MAYOR

ATTEST:

  
BETTY WEBB, CITY ADMINISTRATOR

Select Year: 2023 ▼

## The 2023 Florida Statutes (including Special Session C)

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Title XIV  
TAXATION AND FINANCE

Chapter 205  
LOCAL BUSINESS TAXES  
CHAPTER 205  
LOCAL BUSINESS TAXES

[View Entire Chapter](#)

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- 205.023 Requirement to report status of fictitious name registration.
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- 205.043 Conditions for levy; municipalities.
- 205.044 Municipal business tax measured by gross receipts may continue.
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- 205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.
- 205.065 Exemption; nonresident persons regulated by the Department of Business and Professional Regulation.
- 205.066 Exemptions; employees.
- 205.067 Exemptions; broker associates and sales associates.
- 205.162 Exemption allowed certain disabled persons, the aged, and widows with minor dependents.
- 205.191 Religious tenets; exemption.
- 205.192 Charitable, etc., organizations; occasional sales, fundraising; exemption.
- 205.193 Mobile home setup operations; local business tax receipt prohibited; exception.
- 205.194 Prohibition of local business tax receipt without exhibition of state license or registration.
- 205.196 Pharmacies and pharmacists.
- 205.1965 Assisted living facilities.
- 205.1967 Prerequisite for issuance of pest control business tax receipt.
- 205.1969 Health studios; consumer protection.
- 205.1971 Sellers of travel; consumer protection.
- 205.1973 Telemarketing businesses; consumer protection.
- 205.1975 Household moving services; consumer protection.

**205.013 Short title.**—This chapter shall be known and may be cited as the “Local Business Tax Act.”

**History.**—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 1, ch. 2006-152.

**205.022 Definitions.**—When used in this chapter, the following terms and phrases shall have the meanings ascribed to them in this section, except when the context clearly indicates a different meaning:

(1) “Business,” “profession,” and “occupation” do not include the customary religious, charitable, or educational activities of nonprofit religious, nonprofit charitable, and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

(a) “Charitable institutions” means only nonprofit corporations operating physical facilities in this state at which are provided charitable services, a reasonable percentage of which are without cost to those unable to pay.

(b) “Educational institutions” means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Schools, the Department of Education, or the Florida Council of Independent Schools. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and eligible for exemption.

(c) “Religious institutions” means churches and ecclesiastical or denominational organizations or established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on, and also means church cemeteries.

(2) “Classification” means the method by which a business or group of businesses is identified by size or type, or both.

(3) “Enterprise zone” means an area designated as an enterprise zone pursuant to s. 290.0065. This subsection expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

(4) “Independent contractor” has the same meaning as provided in s. 440.02(18)(d)1.a. and b.

(5) “Local business tax” means the fees charged and the method by which a local governing authority grants the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. It does not mean any fees or licenses paid to any board, commission, or officer for permits, registration, examination, or inspection. Unless otherwise provided by law, these are deemed to be regulatory and in addition to, but not in lieu of, any local business tax imposed under the provisions of this chapter.

(6) “Local governing authority” means the governing body of any county or incorporated municipality of this state.

(7) “Person” means any individual, firm, partnership, joint adventure, syndicate, or other group or combination acting as a unit, association, corporation, estate, trust, business trust, trustee, executor, administrator, receiver, or other fiduciary, and includes the plural as well as the singular.

(8) “Receipt” means the document that is issued by the local governing authority which bears the words “Local Business Tax Receipt” and evidences that the person in whose name the document is issued has complied with the provisions of this chapter relating to the business tax.

(9) “Taxpayer” means any person liable for taxes imposed under the provisions of this chapter; any agent required to file and pay any taxes imposed hereunder; and the heirs, successors, assignees, and transferees of any such person or agent.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 5, ch. 82-75; s. 31, ch. 84-356; s. 50, ch. 91-45; s. 69, ch. 94-136; s. 18, ch. 2005-287; s. 2, ch. 2006-152; s. 1, ch. 2011-78; s. 52, ch. 2023-8.

**205.023 Requirement to report status of fictitious name registration.**—As a prerequisite to receiving a local business tax receipt under this chapter or transferring a business license under s. 205.033(2) or s. 205.043(2), the applicant or new owner must present to the county or municipality that has jurisdiction to issue or transfer the receipt either:

(1) A copy of the applicant’s or new owner’s current fictitious name registration, issued by the Division of Corporations of the Department of State; or

(2) A written statement, signed by the applicant or new owner, which sets forth the reason that the applicant or new owner need not comply with the Fictitious Name Act.

History.—s. 1, ch. 94-87; s. 3, ch. 2006-152.

**205.0315 Ordinance adoption after October 1, 1995.**—Beginning October 1, 1995, a county or municipality that has not adopted a business tax ordinance or resolution may adopt a business tax ordinance. The business tax rate structure and classifications in the adopted ordinance must be reasonable and based upon the rate structure and classifications prescribed in ordinances adopted by adjacent local governments that have implemented s. 205.0535. If no adjacent local government has implemented s. 205.0535, or if the governing body of the county or municipality finds that

the rate structures or classifications of adjacent local governments are unreasonable, the rate structure or classifications prescribed in its ordinance may be based upon those prescribed in ordinances adopted by local governments that have implemented s. 205.0535 in counties or municipalities that have a comparable population.

History.—s. 1, ch. 93-180; s. 4, ch. 2006-152.

**205.032 Levy; counties.**—The governing body of a county may levy, by appropriate resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. However, the governing body must first give at least 14 days' public notice between the first and last reading of the resolution or ordinance by publishing a notice in a newspaper of general circulation within its jurisdiction as defined by law. The public notice must contain the proposed classifications and rates applicable to the business tax.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 2, ch. 93-180; s. 5, ch. 2006-152.

**205.033 Conditions for levy; counties.**—

(1) The following conditions are imposed on the authority of a county governing body to levy a business tax:

(a) The tax must be based upon reasonable classifications and must be uniform throughout any class.

(b) Unless the county implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate provided by this chapter in effect for the year beginning October 1, 1971; however, beginning October 1, 1980, the county governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, the increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to licenses or receipts granted to any utility franchised by the county for which a franchise fee is paid.

(c) A receipt is not valid for more than 1 year, and all receipts expire on September 30 of each year, except as otherwise provided by law.

(2) Any receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual business tax, but not less than \$3 nor more than \$25, and presentation of the original receipt and evidence of the sale.

(3) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another location in the same county upon payment of a transfer fee of up to 10 percent of the annual business tax, but not less than \$3 nor more than \$25.

(4) The revenues derived from the business tax, exclusive of the costs of collection and any credit given for municipal business taxes, shall be apportioned between the unincorporated area of the county and the incorporated municipalities located therein by a ratio derived by dividing their respective populations by the population of the county. This subsection does not apply to counties that have established a new rate structure under s. 205.0535.

(5) The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days following the month of receipt. This subsection does not apply to counties that have established a new rate structure under s. 205.0535.

(6)(a) Each county, as defined in s. 125.011(1), or any county adjacent thereto may levy and collect, by an ordinance enacted by the governing body of the county, an additional business tax up to 50 percent of the appropriate business tax imposed under subsection (1).

(b) Subsections (4) and (5) do not apply to any revenues derived from the additional tax imposed under this subsection. Proceeds from the additional business tax must be placed in a separate interest-earning account, and the governing body of the county shall distribute this revenue, plus accrued interest, each fiscal year to an organization or agency designated by the governing body of the county to oversee and implement a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

(c) An ordinance that levies an additional business tax under this subsection may not be adopted after January 1, 1995.

(7) Notwithstanding any other provisions of this chapter, the revenue received from a county business tax may be used for overseeing and implementing a comprehensive economic development strategy through advertising, promotional activities, and other sales and marketing techniques.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 1, ch. 77-55; s. 54, ch. 80-274; s. 1, ch. 82-72; s. 1, ch. 85-209; s. 1, ch. 86-298; s. 3, ch. 93-180; s. 12, ch. 97-95; s. 6, ch. 2006-152.

**205.042 Levy; municipalities.**—The governing body of an incorporated municipality may levy, by appropriate resolution or ordinance, a business tax for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction. However, the governing body must first give at least 14 days' public notice between the first and last reading of the resolution or ordinance by publishing the notice in a newspaper of general circulation within its jurisdiction as defined by law. The notice must contain the proposed classifications and rates applicable to the business tax. The business tax may be levied on:

(1) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.

(2) Any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.

(3) Any person who does not qualify under subsection (1) or subsection (2) and who transacts any business or engages in any occupation or profession in interstate commerce, if the business tax is not prohibited by s. 8, Art. I of the United States Constitution.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 4, ch. 93-180; s. 7, ch. 2006-152.

**205.043 Conditions for levy; municipalities.**—

(1) The following conditions are imposed on the authority of a municipal governing body to levy a business tax:

(a) The tax must be based upon reasonable classifications and must be uniform throughout any class.

(b) Unless the municipality implements s. 205.0535 or adopts a new business tax ordinance under s. 205.0315, a business tax levied under this subsection may not exceed the rate in effect in the municipality for the year beginning October 1, 1971; however, beginning October 1, 1980, the municipal governing body may increase business taxes authorized by this chapter. The amount of the increase above the tax rate levied on October 1, 1971, for taxes levied at a flat rate may be up to 100 percent for business taxes that are \$100 or less; 50 percent for business taxes that are between \$101 and \$300; and 25 percent for business taxes that are more than \$300. Beginning October 1, 1982, an increase may not exceed 25 percent for taxes levied at graduated or per unit rates. Authority to increase business taxes does not apply to receipts or licenses granted to any utility franchised by the municipality for which a franchise fee is paid.

(c) A receipt is not valid for more than 1 year and all receipts expire on September 30 of each year, except as otherwise provided by law.

(2) Any business receipt may be transferred to a new owner, when there is a bona fide sale of the business, upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$25, and presentation of the original receipt and evidence of the sale.

(3) Upon written request and presentation of the original receipt, any receipt may be transferred from one location to another location in the same municipality upon payment of a transfer fee of up to 10 percent of the annual tax, but not less than \$3 nor more than \$25.

(4) If the governing body of the county in which the municipality is located has levied a business tax or subsequently levies such a tax, the collector of the county tax may issue the receipt and collect the tax thereon.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 1, ch. 77-55; s. 55, ch. 80-274; s. 2, ch. 82-72; s. 5, ch. 93-180; s. 8, ch. 2006-152.

**205.044 Municipal business tax measured by gross receipts may continue.**—Notwithstanding the creation of s. 205.055 and the repeal of s. 205.171 by chapters 2018-80 and 2018-118, Laws of Florida, a municipality that imposes a business tax on merchants which is measured by gross receipts from the sale of merchandise or services, or both, may continue to impose such tax and may, by ordinance, revise the definition of the term "merchant." However, the municipality may not revise the rate of the tax measured by gross sales.

History.—s. 3, ch. 2018-80; s. 26, ch. 2018-118.

**205.045 Transfer of administrative duties.**—The governing body of a municipality that levies a business tax may request that the county in which the municipality is located issue the municipal receipt and collect the tax thereon. The governing body of a county that levies a business tax may request that municipalities within the county issue the county receipt and collect the tax thereon. Before any local government may issue receipts on behalf of another local government, appropriate agreements must be entered into by the affected local governments.

**205.053 Business tax receipts; dates due and delinquent; penalties.—**

(1) All business tax receipts shall be sold by the appropriate tax collector beginning July 1 of each year, are due and payable on or before September 30 of each year, and expire on September 30 of the succeeding year. If September 30 falls on a weekend or holiday, the tax is due and payable on or before the first working day following September 30. Provisions for partial receipts may be made in the resolution or ordinance authorizing such receipts. Receipts that are not renewed when due and payable are delinquent and subject to a delinquency penalty of 10 percent for the month of October, plus an additional 5 percent penalty for each subsequent month of delinquency until paid. However, the total delinquency penalty may not exceed 25 percent of the business tax for the delinquent establishment.

(2) Any person who engages in or manages any business, occupation, or profession without first obtaining a local business tax receipt, if required, is subject to a penalty of 25 percent of the tax due, in addition to any other penalty provided by law or ordinance.

(3) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorneys' fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.

History.—s. 1, ch. 72-306; s. 1, ch. 73-144; s. 40, ch. 83-204; s. 7, ch. 93-180; s. 10, ch. 2006-152; s. 1, ch. 2007-97.

**1205.0532 Revocation or refusal to renew; doing business with Cuba.—**Any local governing authority issuing a business tax receipt to any individual, business, or entity under this chapter may revoke or refuse to renew such receipt if the individual, business, or entity, or parent company of such individual, business, or entity, is doing business with Cuba.

History.—s. 4, ch. 93-218; s. 11, ch. 2006-152.

<sup>1</sup>Note.—Section 6, ch. 93-218, provides that "[t]he Governor may waive the requirements of this act in the event that there is a collapse of the existing regime in Cuba and there is a need for immediate aid to Cuba prior to the convening of the Legislature or for humanitarian reasons as a result of a national disaster on the Island of Cuba."

**205.0535 Reclassification and rate structure revisions.—**

(1) By October 1, 2008, any municipality that has adopted by ordinance a local business tax after October 1, 1995, may by ordinance reclassify businesses, professions, and occupations and may establish new rate structures, if the conditions specified in subsections (2) and (3) are met. A person who is engaged in the business of providing local exchange telephone service or a pay telephone service in a municipality or in the unincorporated area of a county and who pays the business tax under the category designated for telephone companies or a pay telephone service provider certified pursuant to s. 364.3375 is deemed to have but one place of business or business location in each municipality or unincorporated area of a county. Pay telephone service providers may not be assessed a business tax on a per-instrument basis.

(2) Before adopting a reclassification and revision ordinance, the municipality or county must establish an equity study commission and appoint its members. Each member of the study commission must be a representative of the business community within the local government's jurisdiction. Each equity study commission shall recommend to the appropriate local government a classification system and rate structure for business taxes.

(3)(a) After the reclassification and rate structure revisions have been transmitted to and considered by the appropriate local governing body, it may adopt by majority vote a new business tax ordinance. Except that a minimum tax of up to \$25 is permitted, the reclassification may not increase the tax by more than the following: for receipts costing \$150 or less, 200 percent; for receipts costing more than \$150 but not more than \$500, 100 percent; for receipts costing more than \$500 but not more than \$2,500, 75 percent; for receipts costing more than \$2,500 but not more than \$10,000, 50 percent; and for receipts costing more than \$10,000, 10 percent; however, in no case may the tax on any receipt be increased more than \$5,000.

(b) The total annual revenue generated by the new rate structure for the fiscal year following the fiscal year during which the rate structure is adopted may not exceed:

1. For municipalities, the sum of the revenue base and 10 percent of that revenue base. The revenue base is the sum of the business tax revenue generated by receipts issued for the most recently completed local fiscal year or the amount of revenue that would have been generated from the authorized increases under s. 205.043(1)(b), whichever is greater, plus any revenue received from the county under s. 205.033(4).



2. For counties, the sum of the revenue base, 10 percent of that revenue base, and the amount of revenue distributed by the county to the municipalities under s. 205.033(4) during the most recently completed local fiscal year. The revenue base is the business tax revenue generated by receipts issued for the most recently completed local fiscal year or the amount of revenue that would have been generated from the authorized increases under s. 205.033(1)(b), whichever is greater, but may not include any revenues distributed to municipalities under s. 205.033(4).

(c) In addition to the revenue increases authorized by paragraph (b), revenue increases attributed to the increases in the number of receipts issued are authorized.

(4) After the conditions specified in subsections (2) and (3) are met, municipalities and counties may, every other year thereafter, increase or decrease by ordinance the rates of business taxes by up to 5 percent. However, an increase must be enacted by at least a majority plus one vote of the governing body.

(5) This chapter does not prohibit a municipality or county from decreasing or repealing any business tax authorized under this chapter. By majority vote, the governing body of a county or municipality may adopt an ordinance repealing a local business tax or establishing new rates that decrease local business taxes and do not result in an increase in local business taxes for a taxpayer. Such ordinances are not subject to subsections (2) and (3).

(6) A receipt may not be issued unless the federal employer identification number or social security number is obtained from the person to be taxed.

History.—s. 8, ch. 93-180; s. 60, ch. 98-419; s. 12, ch. 2006-152; s. 2, ch. 2007-97; s. 7, ch. 2014-38.

**205.0536 Distribution of county revenues.**—A county that establishes a new rate structure under s. 205.0535 shall retain all business tax revenues collected from businesses, professions, or occupations whose places of business are located within the unincorporated portions of the county. Any business tax revenues collected by a county that establishes a new rate structure under s. 205.0535 from businesses, professions, or occupations whose places of business are located within a municipality, exclusive of the costs of collection, must be apportioned between the unincorporated area of the county and the incorporated municipalities located therein by a ratio derived by dividing their respective populations by the population of the county. As used in this section, the term “population” means the latest official state estimate of population certified under s. 186.901. The revenues so apportioned shall be sent to the governing authority of each municipality, according to its ratio, and to the governing authority of the county, according to the ratio of the unincorporated area, within 15 days after the month of receipt.

History.—s. 9, ch. 93-180; s. 13, ch. 2006-152.

**205.0537 Vending and amusement machines.**—The business premises where a coin-operated or token-operated vending machine that dispenses products, merchandise, or services or where an amusement or game machine is operated must assure that any required municipal or county business tax receipt for the machine is secured. The term “vending machine” does not include coin-operated telephone sets owned by persons who are in the business of providing local exchange telephone service and who pay the business tax under the category designated for telephone companies in the municipality or county or a pay telephone service provider certified pursuant to s. 364.3375. The business tax for vending and amusement machines must be assessed based on the highest number of machines located on the business premises on any single day during the previous receipted year or, in the case of new businesses, be based on an estimate for the current year. Replacement of one vending machine with another machine during a receipted year does not affect the tax assessment for that year, unless the replacement machine belongs to a business tax classification that requires a higher tax rate. For the first year in which a municipality or county assesses a business tax on vending machines, each business owning machines located in the municipality or county must notify the municipality or county, upon request, of the location of such machines. Each business owning machines must provide notice of the provisions of this section to each affected business premises where the machines are located. The business premises must secure the receipt if it is not otherwise secured.

History.—s. 10, ch. 93-180; s. 14, ch. 2006-152.

**205.054 Business tax; partial exemption for engaging in business or occupation in enterprise zone.**—

(1) Notwithstanding the provisions of s. 205.033(1)(a) or s. 205.043(1)(a), the governing body of a county or municipality may authorize by appropriate resolution or ordinance, adopted pursuant to the procedure established in s. 205.032 or s. 205.042, the exemption of 50 percent of the business tax levied for the privilege of engaging in or managing

any business, profession, or occupation in the respective jurisdiction of the county or municipality when such privilege is exercised at a permanent business location or branch office located in an enterprise zone.

(2) Such exemption applies to each classification for which a business tax receipt is required in the jurisdiction. Classifications shall be the same in an enterprise zone as elsewhere in the jurisdiction. Each county or municipal business tax receipt issued with the exemption authorized in this section shall be in the same general form as the other county or municipal business tax receipts and shall expire at the same time as those other receipts expire as fixed by law. Any receipt issued with the exemption authorized in this section is nontransferable. The exemption authorized in this section does not apply to any penalty authorized in s. 205.053.

(3) Each tax collecting authority of a county or municipality which provides the exemption authorized in this section shall issue to each person who may be entitled to the exemption a receipt pursuant to the provisions contained in this section. Before a receipt with such exemption is issued to an applicant, the tax collecting authority must, in each case, be provided proof that the applicant is entitled to such exemption. Such proof shall be made by means of a statement filed under oath with the tax collecting authority, which statement indicates that the permanent business location or branch office of the applicant is located in an enterprise zone of a jurisdiction which has authorized the exemption permitted in this section.

(4) Any receipt obtained with the exemption authorized in this subsection by the commission of fraud upon the issuing authority is void. Any person who has fraudulently obtained such exemption and thereafter engages, under color of the receipt, in any business, profession, or occupation requiring the business tax receipt is subject to prosecution for engaging in a business, profession, or occupation without having the required receipt under the laws of the state.

(5) If an area nominated as an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, the governing body of a county or municipality may enact the appropriate ordinance or resolution authorizing the exemption permitted in this section; however, such ordinance or resolution will not be effective until such area is designated pursuant to s. 290.0065.

(6) This section expires on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act; and a receipt may not be issued with the exemption authorized in this section for any period beginning on or after that date.

History.—s. 32, ch. 84-356; s. 46, ch. 87-224; s. 70, ch. 94-136; s. 19, ch. 2005-287; s. 15, ch. 2006-152.

#### **205.055 Exemptions; veterans, spouses of veterans and certain servicemembers, and low-income persons.—**

(1) The following persons are entitled to an exemption from a business tax and any fees imposed under this chapter:

(a) A veteran of the United States Armed Forces who was honorably discharged upon separation from service, or the spouse or unremarried surviving spouse of such a veteran.

(b) The spouse of an active duty military servicemember who has relocated to the county or municipality pursuant to a permanent change of station order.

(c) A person who is receiving public assistance as defined in s. 409.2554.

(d) A person whose household income is below 130 percent of the federal poverty level based on the current year's federal poverty guidelines.

(2) A person must complete and sign, under penalty of perjury, a Request for Fee Exemption to be furnished by the local governing authority and provide written documentation in support of his or her request for an exemption under subsection (1).

(3) If a person who is exempt under subsection (1) owns a majority interest in a business with fewer than 100 employees, the business is exempt. Such person must complete and sign, under penalty of perjury, a Request for Fee Exemption to be furnished by the local governing authority and provide written documentation in support of his or her request for an exemption for the business under this subsection.

History.—s. 1, ch. 2018-80; s. 24, ch. 2018-118.

**205.063 Exemptions; motor vehicles.—**Vehicles used by any person receipted under this chapter for the sale and delivery of tangible personal property at wholesale or retail from his or her place of business on which a business tax is paid may not be construed to be separate places of business, and a business tax may not be levied on such vehicles or the operators thereof as salespersons or otherwise by a county or incorporated municipality, any other law to the contrary notwithstanding.

History.—s. 3, ch. 72-306; s. 1, ch. 73-144; s. 1056, ch. 95-147; s. 16, ch. 2006-152.

**205.064 Farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, and tropical fish farm products; certain exemptions.—**

(1) A local business tax receipt is not required of any person for the privilege of engaging in the selling of farm, aquacultural, grove, horticultural, floricultural, tropical piscicultural, or tropical fish farm products, or products manufactured therefrom, except intoxicating liquors, wine, or beer, when such products were grown or produced by such person in the state.

(2) A wholesale farmers' produce market may pay a tax of not more than \$200 for a receipt that will entitle the market's stall tenants to engage in the selling of agricultural and horticultural products therein, in lieu of such tenants being required to obtain individual local business tax receipts to so engage.

History.—s. 1, ch. 74-271; s. 2, ch. 87-367; s. 17, ch. 2006-152; ss. 3, 9, ch. 2011-7; HJR 7103, 2011 Regular Session.

**205.065 Exemption; nonresident persons regulated by the Department of Business and Professional Regulation.**  
—If any person engaging in or managing a business, profession, or occupation regulated by the Department of Business and Professional Regulation has paid a business tax for the current year to the county or municipality in the state where the person's permanent business location or branch office is maintained, no other local governing authority may levy a business tax, or any registration or regulatory fee equivalent to the business tax, on the person for performing work or services on a temporary or transitory basis in another municipality or county. Work or services performed in a place other than the county or municipality where the permanent business location or branch office is maintained may not be construed as creating a separate business location or branch office of that person for the purposes of this chapter. Any properly licensed contractor asserting an exemption under this section who is unlawfully required by the local governing authority to pay a business tax, or any registration or regulatory fee equivalent to a business tax, has standing to challenge the propriety of the local government's actions, and the prevailing party in such a challenge is entitled to recover a reasonable attorney's fee.

History.—s. 32, ch. 92-203; s. 11, ch. 94-218; s. 1484, ch. 95-147; s. 6, ch. 99-254; s. 18, ch. 2006-152.

**205.066 Exemptions; employees.—**

(1) An individual who engages in or manages a business, profession, or occupation as an employee of another person is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual acting in the capacity of an independent contractor is not an employee.

(2) An employee may not be held liable by any local governing authority for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by any local governing authority to apply for an exemption from a local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.

(3) A principal or employer who is required to obtain a local business tax receipt may not be required by a local governing authority to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.

(4) The exemption provided in this section does not apply to a business tax imposed on individual employees by a municipality or county pursuant to a resolution or ordinance adopted before October 13, 2010. Municipalities or counties that, before October 13, 2010, had a classification system that was in compliance with the requirements of this chapter and that actually resulted in individual employees paying a business tax may continue to impose such a tax in that manner.

History.—s. 2, ch. 2011-78; s. 2, ch. 2012-102.

**205.067 Exemptions; broker associates and sales associates.—**

(1) An individual licensed and operating as a broker associate or sales associate under chapter 475 is not required to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt.

(2) An individual exempt under this section may not be held liable by any local governing authority for the failure of a principal or employer to apply for an exemption from a local business tax, pay a local business tax, or obtain a local business tax receipt. An individual exempt under this section may not be required by any local governing authority to apply for an exemption from a local business tax, otherwise prove his or her exempt status, or pay any tax or fee related to a local business tax.

(3) A principal or employer who is required to obtain a local business tax receipt may not be required by a local governing authority to provide personal or contact information for individuals exempt under this section in order to obtain a local business tax receipt.

History.—s. 1, ch. 2012-102.

**205.162 Exemption allowed certain disabled persons, the aged, and widows with minor dependents.—**

(1) All disabled persons physically incapable of manual labor; widows with minor dependents, and persons 65 years of age or older, with not more than one employee or helper, and who use their own capital only, not in excess of \$1,000, may engage in any business or occupation in counties in which they live without being required to pay a business tax. The exemption provided by this section shall be allowed only upon the certificate of the county physician, or other reputable physician, that the applicant claiming the exemption is disabled, the nature and extent of the disability being specified therein, and in case the exemption is claimed by a widow with minor dependents, or a person over 65 years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a receipt which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon.

(2) Neither this nor any other law exempts any person from the payment of any amount required by law for the issuance of a license to sell intoxicating liquors or malt and vinous beverages.

History.—s. 1, ch. 67-433; s. 1, ch. 85-159; s. 19, ch. 2006-152.

**205.191 Religious tenets; exemption.—**This chapter does not require a business tax receipt for practicing the religious tenets of any church.

History.—s. 1, ch. 67-433; s. 21, ch. 2006-152.

**205.192 Charitable, etc., organizations; occasional sales, fundraising; exemption.—**A business tax receipt is not required of any charitable, religious, fraternal, youth, civic, service, or other similar organization that makes occasional sales or engages in fundraising projects that are performed exclusively by the members, and the proceeds derived from the activities are used exclusively in the charitable, religious, fraternal, youth, civic, and service activities of the organization.

History.—s. 1, ch. 70-400; s. 22, ch. 2006-152.

**205.193 Mobile home setup operations; local business tax receipt prohibited; exception.—**A county, municipality, or other unit of local government may not require a licensed mobile home dealer or a licensed mobile home manufacturer, or an employee of a dealer or manufacturer, who performs setup operations as defined in s. 320.822 to be a business tax receipt holder to engage in such operations. However, such dealer or manufacturer must obtain a local receipt for his or her permanent business location or branch office, which receipt shall not require for its issuance any conditions other than those required by chapter 320.

History.—s. 1, ch. 79-120; s. 1058, ch. 95-147; s. 23, ch. 2006-152.

**205.194 Prohibition of local business tax receipt without exhibition of state license or registration.—**

(1) Any person applying for or renewing a local business tax receipt to practice any profession or engage in or manage any business or occupation regulated by the Department of Business and Professional Regulation, the Florida Supreme Court, or any other state regulatory agency, including any board or commission thereof, must exhibit an active state certificate, registration, or license, or proof of copy of the same, before such local receipt may be issued. Online renewals may provide for electronic certification by an applicant to meet this requirement.

(2) This section shall not apply to s. 489.113, s. 489.117, s. 489.119, s. 489.131, s. 489.511, s. 489.513, s. 489.521, or s. 489.537.

History.—s. 34, ch. 85-175; s. 1, ch. 85-278; s. 12, ch. 94-218; s. 24, ch. 2006-152; s. 3, ch. 2011-78.

**205.196 Pharmacies and pharmacists.—**A state, county, or municipal licensing agency may not issue a business tax receipt to operate a pharmacy unless the applicant produces a current permit issued by the Board of Pharmacy; however, no such receipt is required to practice the profession of pharmacy.

History.—s. 2, ch. 79-226; s. 25, ch. 2006-152.

**205.1965 Assisted living facilities.**—A county or municipality may not issue a business tax receipt for the operation of an assisted living facility pursuant to chapter 429 without first ascertaining that the applicant has been licensed by the Agency for Health Care Administration to operate such facility at the specified location or locations. The Agency for Health Care Administration shall furnish to local agencies responsible for issuing business tax receipts sufficient instructions for making the required determinations.

History.—s. 16, ch. 87-371; s. 3, ch. 95-210; s. 20, ch. 99-8; s. 26, ch. 2006-152; s. 9, ch. 2006-197.

**205.1967 Prerequisite for issuance of pest control business tax receipt.**—A municipality or county may not issue a business tax receipt to any pest control business regulated under chapter 482 unless a current license has been procured from the Department of Agriculture and Consumer Services for each of its business locations in that municipality or county. Upon presentation of the requisite licenses from the department and the required fee, a business tax receipt shall be issued by the municipality or county in which application is made.

History.—s. 1, ch. 59-454; s. 1, ch. 65-295; ss. 19, 35, ch. 69-106; s. 3, ch. 76-168; s. 375, ch. 77-147; s. 1, ch. 77-457; ss. 2, 3, ch. 81-318; ss. 14, 15, ch. 82-229; ss. 31, 59, ch. 92-203; s. 27, ch. 2006-152.

Note.—Former s. 482.081.

**205.1969 Health studios; consumer protection.**—A county or municipality may not issue or renew a business tax receipt for the operation of a health studio pursuant to ss. 501.012-501.019, unless such business exhibits a current license, registration, or letter of exemption from the Department of Agriculture and Consumer Services.

History.—s. 4, ch. 93-116; s. 28, ch. 2006-152; s. 20, ch. 2014-147.

**205.1971 Sellers of travel; consumer protection.**—A county or municipality may not issue or renew a business tax receipt to engage in business as a seller of travel pursuant to part XI of chapter 559 unless such business exhibits a current registration or letter of exemption from the Department of Agriculture and Consumer Services.

History.—s. 3, ch. 93-107; s. 7, ch. 95-314; s. 29, ch. 2006-152.

**205.1973 Telemarketing businesses; consumer protection.**—A county or municipality may not issue or renew a business tax receipt for the operation of a telemarketing business under ss. 501.604 and 501.608, unless such business exhibits a current license or registration from the Department of Agriculture and Consumer Services or a current affidavit of exemption.

History.—s. 3, ch. 93-235; s. 30, ch. 2006-152.

**205.1975 Household moving services; consumer protection.**—A county or municipality may not issue or renew a business tax receipt for the operation of a mover or moving broker under chapter 507 unless the mover or broker exhibits a current registration from the Department of Agriculture and Consumer Services.

History.—s. 16, ch. 2006-4; s. 17, ch. 2007-5.

**APALACHICOLA CITY COMMISSION  
REQUEST FOR BOARD ACTION  
Meeting Date: April 2, 2024**

**SUBJECT:**        **Occupational License Tax Ordinance Amendment**

**AGENDA INFORMATION:**

**Agenda Location:**    **Unfinished Business**  
**Item Number:**        **3**  
**Department:**        **Administration**  
**Presenter:**          **Travis Wade, Sheneidra Cummings, P.J. Erwin, Dan Hartman**

**BRIEF SUMMARY:** Our Occupational License Tax Ordinance and Fee Schedule was last revised in September 2005. The Occupational Classification System and Rate Structure need updating to reflect current and applicable occupations as well as bring the tax rates to appropriate amounts.

F.S. State Statute 205.0535 states that a municipality must establish an equity study commission, appointed by the City Commission to initiate a revision of the Occupational License Tax Ordinance and update fees. Each member of the study commission must be a representative of the business community within the City of Apalachicola. The task of the study commission is to recommend a revised classification system and rate structure. F.S. Statute 205.0535 does not state the size of the study commission.

The City Commission voted on November 7, 2024 to approve the committee and task City Staff to find volunteers in seven different business categories. On January 9, 2024, the City Commission approved Cutler Edwards, Chase Galloway, Clayton Mathis, Kristin Willis, Andrea Pendleton, Elinor Mount-Simmons and Kathy Robinson to serve as members on this committee.

During the months of February and March, committee members met to discuss the current categories of occupations/businesses and rates assessed for each designation. The committee has presented its recommendation for approval of the list of categories and rates to begin with the 2024-2025 fiscal year. Assuming the Commission votes with a majority vote in favor of implementing these new rates and categories, we are submitting for consideration an amended business/occupational license ordinance.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** Approve business/occupational license Ordinance 2024-01.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:**

1. Ordinance No. 2024-01

**STAFF'S COMMENTS AND RECOMMENDATIONS:** Staff recommends approval of Ordinance 2024-01.

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**ORDINANCE 2024-01**

**AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, AMENDING ORDINANCE 2005-11, (92-9), (88-5), (80-11), (72-4), ADOPTED BY THE CITY COMMISSION OF APALACHICOLA FLORIDA; PROVIDING FOR NEW CATEGORIES FOR OCCUPATIONAL, BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATION; PROVIDING A NEW SCHEDULE FOR THE PAYMENT AND ENFORCEMENT OF OCCUPATIONAL LICENSE TAX ON BUSINESSES, TRADES, OCCUPATIONS, PROFESSIONS AND AGENCIES AND CORPORATIONS WITHIN THE CITY OF APALACHICOLA, FIXING THE AMOUNTS THEREOF; TO AMEND PART II – CODE, SUBPART A, GENERAL ORDINANCES, CHAPTER 22 – LICENSES AND BUSINESS REGULATIONS, ARTICLE II, BUSINESS TAX RECEIPTS, SECTION 22-20 TO 22-31; PROVIDING PENALTIES FOR FAILURE TO PAY THE SAME; PROVIDING FOR TRANSFER OF LICENSE FEE; PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES AND PROVIDING FOR AN EFFECTIVE DATE.**

**FINDINGS:**

WHEREAS, the City of Apalachicola is a Florida Municipality duly incorporated, with all the rights and powers as provided in s. 2(b), Art. VIII of the State Constitution.

WHEREAS the current code provisions applicable to the categories and rates for the local business tax in the City are in need of update. Clarification, revision and additional categories for the local business tax have been deemed necessary, and the need for adjusting the rates for each category for businesses located in the City.

WHEREAS, the City of Apalachicola has determined that it is in the public interest to adopt amendments to its General Ordinances pertaining to Business Tax Receipts consistent with applicable Florida Law; and

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA, that:



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NOTE: ~~Struck-through~~ language is language proposed to be deleted, Underlined language is amended language, and \*\*\* represents sections that have been skipped and that remain unchanged.

## Section 1:

### ARTICLE II. BUSINESS TAX RECEIPTS

#### Sec. 22-20. Application.

- (a) The city levies an occupational license tax for the privilege of engaging in or managing any business, profession, or occupation with the city of Apalachicola. The occupational/business license tax is levied on:
  - (1) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any business within the city.
  - (2) Any person who maintains a permanent business location or branch office within the city, for the privilege of engaging in or managing any profession or occupation within the city.
  - (3) Any person who does not qualify under subsection (1) or subsection (2) of this section and who transacts any business or engages in any occupation or profession in interstate commerce, if the license tax is not prohibited by section 8, article 1 of the United States Constitution.
- (b) It shall be unlawful for any person or entity to carry on, conduct or engage in any business, trade, occupation or profession within the city, without having first completed the application for a business tax receipt, paid the required tax fee and obtained the required business tax receipt from the city clerk. New business applicants shall first complete the application for a business tax receipt and it shall be verified that the business, trade, occupation or profession is located within the city on property zoned in accordance with the provisions of the Apalachicola Land Development Code. ~~Such verification shall be in the form of a certificate of occupancy issued by the building inspector prior to the issuance of a business tax receipt by the city clerk. Failure to produce a certificate of occupancy will result in denial of a business tax receipt except for those persons or entities conducting or engaging in a service, trade, profession or any type of business or occupation within the city, but not having a permanent structure for conducting business within the city.~~
- (c) Those businesses wishing to renew a current issued business tax receipt may renew their business tax receipts by paying the required tax fee when due. An additional completed application or certificate of occupancy will not be required for renewal of a business tax receipt already on record with the city clerk.
- (d) If a business tax receipt is issued and the location of the business office or establishment is not zoned in accord to the city's land development code, the business tax receipt shall be revoked and the fee returned to the applicant. Final determination of zoning requirements shall be the responsibility of the city planning office.

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(Ord. No. 88-5, § 1, 9-22-1988; Ord. No. 92-9, § 1, 10-6-1992; Ord. No. 2005-11, § 1, 9-27-2005)

#### **Sec. 22-21. Dates due.**

- (a) All business tax receipts shall be sold by the city clerk beginning July 1 of each year and shall be due and payable on or before September 30 of each year and shall expire on September 30 of the succeeding year. Any person, firm, or corporation who shall commence any business, trade, occupation or profession or any other activity mentioned in said schedule for which a business tax receipt per annum is required may purchase a business tax receipt for the remainder of the paid year if commencing after April 1 at one-half the price required to be paid, and all business tax receipts shall expire on September 30.
- (b) No business tax receipt shall be issued for more than one year, and all business tax receipts shall expire on October 1 of each year, except as provided by state law.

(Ord. No. 88-5, § 2, 9-22-1988; Ord. No. 92-9, § 2, 10-6-1992; Ord. No. 2005-11, § 2, 9-27-2005)

#### **Sec. 22-22. Appropriation of proceeds of tax.**

The proceeds of the tax hereby levied are hereby appropriated to the general fund account of the city.

(Ord. No. 88-5, § 3, 9-22-1988; Ord. No. 92-9, § 3, 10-6-1992; Ord. No. 2005-11, § 3, 9-27-2005)

#### **Sec. 22-23. Transfer of license.**

Any business tax receipt may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee ~~as established by the city, of ten percent of the annual license tax, but not less than \$3.00 or more than \$25.00, and presentation of the original license and evidence of the sale.~~ ~~presentation of the original business tax receipt, evidence of the sale and a certificate of occupancy approved by the building inspector.~~ **of ten percent of the annual license tax, but not less than \$3.00 or more than \$25.00, and presentation of the original license and evidence of the sale.**

(Ord. No. 88-5, § 4, 9-22-1988; Ord. No. 92-9, § 4, 10-6-1992; Ord. No. 2005-11, § 4, 9-27-2005)

#### **Sec. 22-24. Delinquent taxes.**

Those business tax receipts not renewed by October 1 of each year shall be considered delinquent and subject to a delinquency penalty of ten percent for the month of October, plus an additional five percent penalty for each month of delinquency thereafter until paid. The total delinquency penalty shall not exceed 25 percent of the business tax receipt for the delinquent establishment.

(Ord. No. 88-5, § 5, 9-22-1988; Ord. No. 92-9, § 5, 10-6-1992; Ord. No. 2005-11, § 5, 9-27-2005)

#### **Sec. 22-25. Penalty.**

- (a) Any person engaging in or managing any business, occupation, or profession without first obtaining a local business tax receipt, if required hereunder, shall be subject to a penalty of 25 percent of the license determined to be due.



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- (b) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required business tax within 150 days after the initial notice of tax due, and who does not obtain the required receipt is subject to civil actions and penalties, including court costs, reasonable attorney fees, additional administrative costs incurred as a result of collection efforts, and a penalty of up to \$250.00.

(Ord. No. 88-5, §§ 6, 7, 9-22-1988; Ord. No. 92-9, §§ 6, 7, 10-6-1992; Ord. No. 2005-11, §§ 6, 7, 9-27-2005)

#### **Sec. 22-26. Charitable organizations.**

The requirements of those organizations for occasional sales of fundraising projects are the same as provided by F.S. § 205.192.

(Ord. No. 88-5, § 9, 9-22-1988; Ord. No. 92-9, § 9, 10-6-1992; Ord. No. 2005-11, § 9, 9-27-2005)

#### **Sec. 22-27. Dispute over category of business or occupational license fee.**

If any person or entity engaging in any occupation or business for profit within the city disagrees as to which category his business is in or the fee assessed for a business tax receipt, the city clerk, with assistance from the building inspector, shall investigate his type of business or occupation and make the final determination of the appropriate category and/or fee.

(Ord. No. 88-5, § 10, 9-22-1988; Ord. No. 92-9, § 10, 10-6-1992; Ord. No. 2005-11, § 10, 9-27-2005)

#### **Sec. 22-28. Posting license.**

Every business tax receipt issued under the provisions of this article shall be posted at the place of business for which the business tax receipt was issued in a convenient and conspicuous place.

(Ord. No. 88-5, § 11, 9-22-1988; Ord. No. 92-9, § 11, 10-6-1992; Ord. No. 2005-11, § 11, 9-27-2005)

#### **Sec. 22-29. Business tax schedule.**

The amount of business tax levied and imposed upon every person that shall engage in or manage any of the businesses, professions, privileges or occupations is hereby fixed, graded and determined beginning October 1, ~~1988~~ 2024, at the following amounts:

| Business  | Tax Levied |
|---|------------|
| <del>(1) Abstractors of title, including companies, agents, firms or persons other than licensed attorneys, engaged in the business of making abstracts of title from public records.</del> | \$85.94    |
| <del>(2) Advertising agents, per year or fraction thereof.</del>  | \$85.94    |
| <del>(3) Advertising and/or sign shops:</del>   |            |
| <del>a. By painting on the wall, fence, or advertising business other than that of the owner of the wall or fence.</del>  | \$171.88   |
| <del>b. Billposters and sign lacquerers.</del>  | \$17.19    |

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| (4) Agencies:   |          |
| a. Commercial agencies or persons giving information as to credit ratings or standings of individuals or firms, per year.   | \$51.56  |
| b. Rental or collecting, per year.  | \$51.56  |
| c. Corporations.  | \$85.94  |
| d. Soliciting business for out-of-town enterprises where display rooms are maintained and merchandise kept on hand as samples for display purposes only; provided, however, the business tax hereby imposed shall not apply to establishments regularly and continuously engaged in the sale of merchandise customarily carried on hand as a part of the regular stock of such establishment. | \$351.57 |
| e. Soliciting business for foreign concerns not otherwise provided for per year or fraction thereof.  | \$85.94  |
| f. Agents redeeming coupons.  | \$34.38  |
| (5) Amusement parks, per year.  | \$343.75 |
| (6) Apartments:   |          |
| a. Two to five units.   | \$68.75  |
| b. Each additional unit.  | \$13.75  |
| (7) Auditing companies or individuals, per year or fraction thereof.  | \$85.94  |
| (8) Automobile dealers or sales agents:   |          |
| a. Per year, or fraction thereof.   | \$171.88 |
| b. Automobile dealers or sales agents, automobile accessories and automobile garage or repair shop, and dealers in gasoline and oils and auto painting, when combined under one ownership and operation, per year.  | \$171.88 |
| c. Automobile garage and/or repair and paint shop.  | \$60.13  |
| d. Automobile painters, itinerant.  | \$85.94  |
| e. Automobile parking and automobile trailer parking lots.  | \$85.94  |
| f. Automobile wrecking or dismantling for salvage.  | \$85.94  |
| (9) Bakeries operated by steam or other power, per year.  | \$85.94  |
| (10) Banks or bankers.  | \$343.75 |
| (11) Barbershops:   |          |
| a. One chair.   | \$20.63  |
| b. Each additional chair.   | \$6.88   |
| (12) Beauty parlors:  |          |

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| a. One operator.   | \$25.75            |
| b. Each additional operator.   | \$17.19            |
| (13) Bicycles, renting or repairing, per year.   | \$34.38            |
| (14) Billiard/pool and similar tables, or places where charges are made for playing pool or billiards, for each table, per year.   | \$17.19            |
| (15) Boardinghouses and roominghouses, hotels or motels, etc., having available accommodations for more than three guests, whether occupied or not, per room, per year.  | \$3.44             |
| (16) Bonding companies.  | \$85.94            |
| (17) Bottling companies, including canned drink manufacturers, per year.   | \$171.88           |
| (18) Bowling alleys, each alley, per year.   | \$17.19            |
| (19) Brokers, those who carry stock on hand and who sell to registered wholesale merchants only and act as intermediary between buyer and seller for the consideration of a brokerage or commission from either for the sale of stocks, bonds, merchandise, etc. | \$85.94            |
| (20) Building and loan associations, per year.   | \$85.94            |
| (21) Businesses – professional:  |                    |
| a. Dentists.   | \$85.94            |
| b. Lawyers.  | \$85.94            |
| c. Physicians/surgeons.  | \$137.50           |
| d. Optometrists.   | \$85.94            |
| e. Chiropractors/osteopaths.   | \$137.50           |
| f. Psychologists.  | \$85.94            |
| g. Certified public accountants.   | \$85.94            |
| h. Veterinarians.  | \$85.94            |
| i. Court reporters.  | \$85.94            |
| j. Architects.   | \$85.94            |
| k. Auctioneers.  | \$85.94            |
| l. Foresters.  | \$85.94            |
| m. Surveyors/civil engineers.  | \$85.94            |
| n. Chiropodists, per year.   | \$85.94            |
| (22) Bus stations, concessions   | {see<br>merchants} |
| (23) Business firms other than merchants. All types and forms of   | \$85.94            |

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| businesses of every kind whatsoever not otherwise covered in this article, nor covered in separate peddlers ordinances.   |          |
| (24) Cabinet makers or carpenter shops.   | \$85.94  |
| (25) Car washes.  | \$68.75  |
| (26) Cement or artificial stone manufacturers, per year.  | \$85.94  |
| (27) Circuses or carnival parades.  | \$386.69 |
| (28) Circuses, held under one tent where one admission is charged, per year.  | \$468.75 |
| (29) Claims and collecting agencies, other than lawyers.  | \$85.94  |
| (30) Contractors:   |          |
| a. Building, painting, remodeling, and roofing.   | \$85.94  |
| b. Residents with one or more subcontractors (subcontractors may obtain licenses under respective classification).  | \$85.94  |
| c. Contractors, paving or cement works (including delivering cement).   | \$85.94  |
| d. Electricians or electrical contractors.  | \$85.94  |
| e. Plumbers, including pipe fitters and contractors, selling of fixtures or conducting shop.  | \$85.94  |
| f. Contractors, not otherwise provided for.   | \$85.94  |
| (31) Craft shops.   | \$55.00  |
| (32) Dancing schools/halls.   | \$34.38  |
| (33) Day care centers.  | \$41.25  |
| (34) Dredging companies.  | \$171.88 |
| (35) Dry cleaners, steam cleaners and clothes pressers, or either, hat blocking and dryers, or either.  | \$68.75  |
| (36) Electrical energy, distribution.   | \$386.69 |
| (37) Electronics sales and/or repairs.  | \$85.94  |
| (38) Express companies.   | \$128.88 |
| (39) Exterminators.   | \$68.75  |
| (40) Florists or dealers in flowers.  | \$51.56  |
| (41) Fairs and rides, devices, each, per week.  | \$17.19  |
| (42) Food vendors, stands or mobile units (on private property only) (applicants should not be issued a business tax receipt in these categories until approval is obtained from the city's planning and zoning board). | \$68.75  |
| (43) Fruits, vegetables, wares, etc., stands, mobile units or trucks,   | \$51.56  |

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| selling not in connection with licensed merchants (on private property only).   |          |
| (44) Furniture dealers (not under merchant classification).   | \$137.50 |
| (45) Games, such as shuffleboard, throwing balls at figures and the like, per day.  | \$34.38  |
| (46) Gasoline and oil:  |          |
| a. Wholesale.   | \$171.88 |
| b. Retail dealers:  |          |
| 1. One pump on private property.  | \$34.38  |
| 2. Two to four pumps on private property.   | \$60.19  |
| 3. Five or more pumps on private property.  | \$85.94  |
| c. Dealers in propane, butane or any other form of gas for heating, lighting, etc., per year.                                     | \$85.94  |
| (47) Ice cream manufacturers:   |          |
| a. Wholesaling.   | \$85.94  |
| b. Retailing.   | \$171.88 |
| (48) Ice manufacturers.   | \$85.94  |
| (49) Installing of machines, fixtures and/or equipment, not otherwise covered in this article.                                    | \$85.94  |
| (50) Insurance agencies and/or companies:   |          |
| a. Insurance agencies.  | \$68.75  |
| b. Insurance companies, each company represented.   | \$68.75  |
| (51) Janitorial/carpet services.  | \$68.75  |
| (52) Jewelers, repairing/sales and/or watch repair (also see merchants for stock).  | \$85.94  |
| (53) Labor recruiters, inducing laborers to leave the city or county for employment.  | \$976.56 |
| (54) Landscaping and yard maintenance.  | \$85.94  |
| (55) Laundry and/or linen services.   | \$85.94  |
| (56) Machine and/or welding shops.  | \$85.94  |
| (57) Manufacturing, not otherwise covered.  | \$85.94  |
| (58) Marine ways.   | \$51.56  |
| (59) Masseurs, each person, per year or fraction thereof.   | \$85.94  |
| (60) Merchants, storekeepers and wholesale dealers, to include antique and second hand shops, in accordance with the value of the |          |

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| stock of goods as follows:   |          |
| a. Stock of less than \$1,000.00.  | \$51.56  |
| b. Stock of \$1,000.00 and less than \$5,000.00.   | \$68.75  |
| c. Stock of \$5,000.00 and less than \$20,000.00.  | \$85.94  |
| d. Stock of \$20,000.00 and less than \$40,000.00.   | \$120.31 |
| e. Stock of \$40,000.00 and up.  | \$171.88 |
| Provided that all persons applying for a business tax receipt under this classification shall make affidavit before the city clerk, as the ex-officio tax collector, as to the value of the stock of goods for which a business tax receipt is applied for, and such affidavit shall be made and filed among the city records prior to the issuance of any business tax receipt.   |          |
| (61) Monument companies.   | \$68.75  |
| (62) Motorcycles or motorbikes, agents or dealers or shops for repairs.  | \$51.56  |
| (63) Moving pictures/performance theaters.   | \$171.88 |
| (64) Music teachers.   | \$34.38  |
| (65) Newspapers:   |          |
| a. Published six days a week or more often.  | \$171.88 |
| b. Weekly, and publishers of magazines or similar publications, other than those published by a department of the state.   | \$85.94  |
| (66) Nursery stock, agents or dealers, per year or fraction thereof.   | \$51.56  |
| (67) Pawn shops.   | \$68.75  |
| (68) Painters of signs, artists.   | \$34.38  |
| (69) Peddlers (must have approved special exception).<br>A peddler is one who offers merchandise along streets from door to door.<br>The term "peddler" shall not include the following:<br>a. Sales made to dealers or permanent merchants by commercial travelers selling in the usual course of business.<br>b. Sheriffs, constables, bona fide assignees receivers or trustees in bankruptcy or other public officers selling goods, wares and merchandise according to law.<br>c. Bona fide residents of the state selling fruits, vegetables, dressed meats, fowl or farm products which were produced on land within the state, owned or controlled by such vendor. | \$386.69 |

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| d. Solicitations, sales or distributions made by charitable, educational or religious organizations which have their principal places of activity within this city.<br>When approved as a special exception, peddlers shall present the approved special exception application to the city clerk prior to the issuance of a business tax receipt. |          |
| (70) Pharmacies (not to be classified as merchants).  | \$103.13 |
| (71) Photographers.   | \$85.94  |
| (72) Piano and organ tuners, etc., per year or fraction thereof.  | \$25.75  |
| (73) Pile driving or drivers, per unit.   | \$85.94  |
| (74) Printing/office supply.  | \$55.00  |
| (75) Radio stations.  | \$55.00  |
| (76) Real estate brokers.   | \$85.94  |
| (77) Real estate salespersons, and those making businesses of dealing in real estate, whether selling their own or not, as defined by state law other than real estate brokers.   | \$85.94  |
| (78) Repair and/or service shops:   |          |
| a. Bicycles and small motors.   | \$34.38  |
| b. Boats and boat motors.   | \$85.94  |
| c. Radios, televisions and electronics, including installation.   | \$85.94  |
| (79) Restaurants (including lounges or bars):   |          |
| a. One to 15 chairs or stools.  | \$42.94  |
| b. 16 to 25 chairs or stools.   | \$68.75  |
| c. Over 25 chairs or stools.  | \$85.94  |
| d. Restaurants with lounges or bars, add an additional —  | \$34.38  |
| e. Lounges or bars only (no food served).   | \$85.94  |
| f. If dancing is permitted, add an additional —   | \$34.38  |
| (80) Rinks — skating, bicycle or other.   | \$85.94  |
| (81) Shoe shops.  | \$55.00  |
| (82) Shooting galleries, when located in permanent structures or locations.   | \$85.94  |
| (83) Sideshows, each, with circuses, per day.   | \$51.56  |
| (84) Tailors.   | \$34.38  |
| (85) Taxidermists.  | \$34.38  |
| (86) Telephone companies.   | \$386.69 |

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| (87) Television cable companies.   | \$309.38 |
| (88) Television stations.  | \$68.75  |
| (89) Truck lines or companies.   | \$386.69 |
| (90) Trucks for hire (\$75.00 per truck).  | \$103.13 |
| (Each truck operated other than as a qualified carrier, per year)  |          |
| (91) Undertakers, embalmers and/or funeral directors.  | \$128.88 |
| (92) Vehicles for hire, vehicle rentals:   |          |
| a. All persons engaging in or carrying on the business of renting or hiring to the general public automobiles or other motor vehicles, either with or without drivers, shall pay a business tax in the sum of \$20.00 and in addition thereto, when more than one vehicle is used in such business, the sum of \$10.00 on each such vehicle exceeding one.   |          |
| b. All persons engaging in or carrying on the business of renting or hiring motor vehicles either with or without drivers, shall furnish the city and file in the office of the city clerk a personal bond secured by a cash deposit or with at least two sufficient sureties to be approved by the city clerk or a surety company authorized to do business in the state in the following amount: \$625.00 where not more than one vehicle is used in such business; \$1,250.00 where two vehicles are used in such business; and an additional \$375.00 for each vehicle exceeding two vehicles used in such business; provided, however, the total amount of any bond required of any one such business shall not exceed the sum of \$2,000.00. The bond shall be conditioned to indemnify passengers and the general public receiving personal injuries or suffering property damage by any act of negligence of the obligor or any of his agents, servants or employees in the operation or conduct of said business, and said bond shall be payable to the city and shall be for the benefit of and subject to action thereon by any person who shall have sustained an actionable injury protected thereby. No business tax receipt shall be issued to engage or continue in such business until such bond has been filed and approved, and no such bond so accepted shall be cancelled by any company issuing the same except upon such notice being given by the company issuing such bond and no such bond shall be revoked unless a new bond is filed and accepted before the date of the cancellation of the bond; provided, however, the applicant for a business tax receipt may file in lieu of the bond a policy of liability insurance with some casualty company or insurance company authorized to do business in the state with liability limits of \$10,000.00 for one person injured and a \$20,000.00 limit for injuries of two or more persons and a property damage limit of \$500.00. When any cash deposit is made, the city shall pay six percent interest on said during the time such deposit is maintained. |          |
| c. Any person who shall carry on, conduct or continue the operation of the business of   |          |

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| <del>renting or hiring to the general public automobiles or other motor vehicles, either with or without drivers, without filing such bond or insurance policy or having the same one file or without having attached to the vehicle used in the operation of such business the metal tag or plate issued to any vehicle used in such business, as provided for in this section, shall be guilty of a violation of this Code.</del>   |                    |
| <del>(93) Vending machines:</del>   |                    |
| <del>a. Each person who may operate or place for public use any vending machine or mechanical device designed to operate by the insertion into such machine of a coin or metal disk or slug for the purpose of dispensing merchandise, producing or reproducing music, musical sounds or noises and/or produce picture or pictures, prints or writings, or which is operated for amusement only, or as a game of skill and amusement, each separate machine used in the city, per year.</del> | <del>\$42.94</del> |
| <del>b. The above classification shall not apply to the following machines which are separately taxed: vending peanut machines, chewing gum machines, popcorn machines, and drink machines.</del>   |                    |
| <del>(94) Video shops/sales and rentals.</del>  | <del>\$55.00</del> |
| <del>(95) Video game rooms (per game).</del>  | <del>\$13.75</del> |
| <del>(96) Wholesale, retail or wholesale and retail fish and seafood dealers.</del>   | <del>\$85.94</del> |
| <del>(97) Wood yards or persons selling wood.</del>   | <del>\$34.38</del> |

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(Ord. No. 88-5, § 13, 9-22-1988; Ord. No. 92-9, § 13, 10-6-1992; Ord. No. 2005-11, § 13, 9-27-2005)

**Sec. 22-30. ~~Business tax receipt purchase required.~~**

~~Every contractor, person or entity carrying on, conducting or engaging in any service, trade or profession or any type business or occupation within the city shall first purchase a business tax receipt from the city clerk.~~

(Ord. No. 88-5, § 14, 9-22-1988; Ord. No. 92-9, § 14, 10-6-1992; Ord. No. 2005-11, § 14, 9-27-2005)

**~~Sec. 22-31. Compliance.~~**

The issuance of a business tax receipt by the city does not constitute a waiver or release of compliance with applicable federal, state and local laws.

(Ord. No. 88-5, § 15, 9-22-1988; Ord. No. 92-9, § 15, 10-6-1992; Ord. No. 2005-11, § 15, 9-27-2005)

**Secs. 22-321—22-50. Reserved.**

Section 2.        Severability Clause.    If any portion of this ordinance is declared invalid or unenforceable, then to the extent it is possible to do so without destroying the overall intent and effect of this ordinance, the portion deemed invalid or unenforceable, shall be severed here from and the remainder of this Ordinance shall continue in full force and effect as if it were enacted without including the portion found to be invalid or unenforceable.

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

Section 4.        This ordinance shall take effect upon approval by the City Commission.

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**PASSED FIRST READING ON: \_\_\_\_\_**

**PASSED SECOND READING ON: \_\_\_\_\_**

**CITY OF APALACHICOLA**

**BY: \_\_\_\_\_**  
**Brenda Ash, Mayor**

**ATTEST:**

\_\_\_\_\_  
**SHENEIDRA CUMMINGS**  
**CITY CLERK**

**APALACHICOLA CITY COMMISSION**  
**REQUEST FOR BOARD ACTION**  
**Meeting Date: April 2, 2024**

**SUBJECT:** Tasks previously directed by the City Commission

**AGENDA INFORMATION:**

**Agenda Location:** Unfinished Business

**Item Number:**4

**Department:** Governing Body

**Contact:** Commissioner George, Manager Wade, Dan Hartman

**Presenter:** Commissioner George, Manager Wade, Dan Hartman

**BRIEF SUMMARY:** At the March 5, 2024, meeting, Commissioner George presented a list of tasks which have previously been directed by the city commission which remain unresolved. City Manager Wade and Attorney Dan Hartman were asked to prepare a report for the April 2<sup>nd</sup> meeting, reporting the status and action plan for each task. The report has been prepared and ready for discussion.

**RECOMMENDED MOTION AND REQUESTED ACTIONS:** The city commission may accept the report and plan of action or make a motion to request a different plan of action and/or set deadlines.

**FUNDING SOURCE:** N/A

**ATTACHMENTS:** Report prepared by Manager Wade titled Concerns Raised by Commissioner George

**STAFF'S COMMENTS AND RECOMMENDATIONS:** None.

# **REPORT**

## **Concerns Raised by Commissioner George**

### **Tasks Previously Directed by The Commission:**

1. Municode corrections and ordinance to adopt new city code.

**Solution/Status:** Corrections have been made and staff with Municode has acknowledged their oversight. Verify items are added to Municode after submittal.

2. Encroachment ordinance.

**Status:** City attorney is drafting. Goal is to circulate a draft before April 2024 meeting. It would not be an action item for April meeting.

3. Consultant for building, planning & zoning, and code enforcement policies and procedures.

**Status/Solution:** At the August 23, 2023, City Workshop to discuss Building Dept, Planning, Permitting, and Code Enforcement, the Commission appointed Commissioner George to work with the City Manager, City Attorney and staff in developing a checklist which would be presented to the Commission at the October meeting. There was no direction to hire a consultant.

Commissioner George to work with staff to develop the checklist.

4. Gibson complex parking requirements resolution

The Gibson has provided a parking plan that complies with the requirements of the Building Code. The former Building Official accepted the parking plan after the permit was issued.

**Solution/Status:** They will not receive a Certificate of Occupancy prior to the completion of the parking lot to be constructed. The additional parking plan has been approved. Planning staff is providing Gibson owner with a total number of parking spots required for entire complex under current code. Gibson owner has been advised that the addition will not receive a certificate of occupancy until parking plan has been approved.

5. Procurement policy revision to include levels of authority for purchases.

**Solution:** Commissioner(s) with suggestions for revisions should submit them to staff to be presented to the Commission at an upcoming meeting.

stations were antiquated and slow, and that those models were not being installed anymore. Duke removed the stations.

**Solution:** The stations have been removed.

11. Workforce housing proposal for city property lot rentals.

**Status:** It is my recollection that the Commission granted my request to develop certain lots for mobile homes/workforce housing due to the recent (at that time) candidate who declined a job offer (WWTP Operator) due to lack of housing, and not a direction to do so. Also, we received a grant for a workforce housing study that would include all vacant City lots.

**Solution:** Include the lots in the workforce housing study and what the recommendation will be for the best use for those lots. This will be presented and discussed at the Commission level.



## **City Manager Updates**

**WWTP Construction Update** – Dewberry is working to complete the 60% report which should be completed in the next couple of months.

**Leslie Street Update** – 90% plans will be submitted on March 22, 2024.

**Avenues Stormwater Project**—Surveys are being scheduled currently.

**Status of Leases on City-Owned Properties**—See attached...

### **City of Apalachicola Leases for Space:**

Project Impact: There is no written agreement/lease for the space. The program is city-grant funded. Project Impact pays \$500/month for electricity usage.

Food Pantry: There is no written agreement/lease for the space. I have no knowledge of how this came about or who negotiated the use of the space, as it was done before I was hired, and I can find no records related to it.

Bring Me A Book: The lease for this space was executed on August 15, 2023, for a three-year term. They pay \$125/month for the space.

Moving Education Institute: There is currently no executed lease for this space. At the April 11, 2023, Regular Meeting the Commission agreed to a 90-day lease for \$200/month. During the Commission meeting discussion was held in which the members stated that they wished to be credited for expenses related to improvements to the building. I have asked several times for a list of those expenses but have not received that list. Currently MEI has not paid any rent although they still occupy that space.

Forgotten Coast Fitness Center: The lease for this space was executed on July 1, 2023, for a five-year term. The rent is currently \$800/month and will increase to \$1,000/month in July 2024.

FAMU: The lease for this space on the second floor of the Community Center was executed on May 1, 2023, for a 3-year term. The rent is \$786.60/month.

North Florida African American Corridor Project: There is currently no executed agreement for this space at the HCA Building. The

original lease agreement was signed by me and awaiting a signature by a member of the NFAACP at City Hall. The original copy was removed from City Hall, and I am told is currently located in a vehicle that is being repaired in New Orleans.

Matchbox: The lease for this space (the Gym and room 10 of the field house) was executed on February 2, 2021, for a 5-year term. This was a renewal of an earlier lease agreement. There is no rental fee, but all maintenance and repairs have been paid by the tenants.

Head Start/6<sup>th</sup> Street Rec Center: There is no current written lease for the space. However, during the August 8, 2023, Regular Meeting, the Commission authorized the Capital Area Community Action Agency use of the building for 12 months with the agreement that the Director provides an update on the group's search for a new location in six months.

Holy Family: I have a draft lease agreement and am working with Val Webb to finalize it for the Elder Care Community Council of Franklin County (ECCC) to continue using the building. It will be presented to the Commission as soon as it is completed.

CITY OF APALACHICOLA  
FINANCE DEPARTMENT REPORT  
March 2024

1. Processed payroll for March pay periods.
2. Processed retirement and insurance payments for March.
3. The Finance Clerk does an amazing job at issuing purchase orders, posting deposits, running accounts payable, and providing any information requested by various departments.
4. Assisting the new City Clerk with duties.
5. Coordinating with Grants Coordinator to get copies of all grant contracts and list of all funded grants so grant financial notebooks can be made for each grant. Grant notebooks will have all contracts, change orders, and detailed financial information so it is easily accessible to determine what is expected back in reimbursements.
6. Completed audit payroll reconciliation spreadsheet and bank reconciliation spreadsheet for 22/23 audit. Uploaded various documents to the secure website to assist with audit.
7. Chris Moran and staff are assisting staff with various issues to prepare for Banyan conversion. I have gained access to Banyan and I have asked where to access training.
8. Chris Moran presented the FY 21/22 audit to Commission. The audit has been submitted to the various required agencies and has been loaded onto the website as required. The Annual Financial Report has been completed and certified. Once approved by the Attorney General office, this report will also be loaded onto the website as required.
9. Audits have been completed for the garbage billing, Scipio Creek billing, and Battery Park billing. I am working with Waste One and Lizette to make necessary corrections and changes to reflect accurate billing.
10. Completed various Human Resources duties.
11. All available Tree Committee, Library Board, and Parks & Recreation Committee minutes have been uploaded to the website under the Agenda/Minutes section.
12. Finance office has been moved from the front office to the back. I will have to provide backup to the front office as needed until a new receptionist is hired.
13. Vehicle titles were collected for the surplus vehicles.

14. Working with The Management Experts (FEMA) to obtain financial information from Hurricane Michael so reimbursements can be sent to the City. This is a huge project but is a top priority as the reimbursement is around \$900,000. Traci Buzbee has sent me all the Hurricane Michael FEMA projects, so now I am having to go through checks and documents to provide all the information required.

15. Currently I have 3 big projects going on at once – Banyan conversion and all that entails with that; collecting required FEMA documentation for reimbursement; and FY 22/23 audit. Financials are coming along with a budget expense report – there are several wheels turning at once to make this happen.

16. As always, I welcome any suggestions or knowledge. If anyone would like to have a sit-down with me or has any questions, please don't hesitate to contact me.

Lee Mathes  
Finance Director

**ORDINANCE NO: 2024-02**

**AN ORDINANCE OF THE CITY OF APALACHICOLA, FLORIDA, PROVIDING FOR THE REGULATION OF ACCESS TO CITY OWNED, CONTROLLED OR LEASED PROPERTY; PROVIDING FOR PURPOSE; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.**

**WHEREAS**, Article VII, Section 2 of the Florida Constitution provides that municipalities shall have governmental, corporate and proprietary powers to enable municipalities to conduct municipal government, perform municipal functions and render municipal services; and

**WHEREAS**, Chapter 166, Florida Statutes, the “Municipal Home Rule Powers Act,” implements the applicable provisions of the Florida Constitution and authorizes municipalities to exercise any power for municipal purposes, except when expressly prohibited by law and to enact ordinances in furtherance thereof;

**WHEREAS**, the purpose of this Ordinance is to provide regulations governing access to City owned, controlled or leased property throughout the City;

**NOW THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF APALACHICOLA, FLORIDA:**

**Section 1. Control of Access to City-owned, Controlled and Leased Property.**

- a. Consistent with decisions of the U.S. Supreme Court, public access to areas within enclosed facilities owned, controlled, and leased by the City of Apalachicola may be restricted depending upon whether such areas are classified as “designated public forum”, “limited designated public forum”, or “nonpublic forum”. How areas within enclosed facilities owned, controlled, and leased by the City of Apalachicola are classified is based upon their intended use. For example, there are certain areas which are intended primarily for the use of City employees in the conduct of their business; there are certain areas which, while primarily intended for the use of City employees in the conduct of their business, may from time to time be utilized for the convening of public meetings; there are certain

limited areas which may be open to the public while engaging in legitimate business with City officers or employees; and there may be certain areas which are primarily intended for the convening of public meetings.

- b. The City Manager is hereby authorized to manage public access to enclosed City-owned, controlled, and leased property. In the performance of such responsibilities, the City Manager shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.
- c. Upon the classification of areas within enclosed City-owned, controlled, and leased property, the City Manager is hereby authorized, subject to the availability of appropriated funds, to employ whatever means he deems necessary and appropriate to separate designated public forums from nonpublic forums, including, but not limited to the use of physical barriers and signage. The City Manager shall also have the authority to develop and implement procedures to regulate and control public access within City-owned, controlled, and leased property to provide for the security and privacy of public visitors; to provide for the security and privacy of City employees and officers; and to minimize potential disruptions to the work of City government. Any person who engages in conduct that causes disruptions to the work of City government shall be deemed to no longer be present within the City-owned, controlled, or lease property on legitimate public business.
- d. The City Commission Chambers, non-public employee work areas and conference rooms in the City Hall are hereby declared to be nonpublic forums unless or until a public meeting is convened in such areas pursuant to public notice or by invitation. All City employees work areas within City Hall which are designated by appropriate signage as work areas shall be considered as nonpublic forums. Members of the public are prohibited from entering City employee work areas without being escorted by a City employee. All other areas of the City Hall are hereby designated as limited public forums and only persons who are present to engage in legitimate public business with City officers or employees shall be authorized. It shall be a violation of this Ordinance to be within a nonpublic forum or a limited public forum without authorization. Unauthorized persons found by the City

Manager, his designee or a City law enforcement officer to be within a nonpublic forum or a limit public forum and who refuse to leave the premises upon request, shall be considered a trespasser. Law Enforcement at its option, at the request of the City may issue a trespass warning notice for this conduct.

- e. Except within the City Commission Chambers, conference rooms, and other locations in which a public meeting is being conducted pursuant to a public notice, it shall be unlawful and a violation of this Ordinance, to record video and/or sound within City-owned, controlled, and leased property, without the consent of all persons whose voice or image is being recorded. This prohibition shall not apply to any law enforcement activities. In addition to being a violation of this Ordinance, if anyone who is observed to be recording video and/or sound within City-owned, controlled, or leased property, without the consent of all persons whose voice or image is being recorded, and such person refuses to cease activity after being advised that such activity is prohibited under this Ordinance, such refusal shall be considered to be a disruption to the work of City government. Therefore, such persons shall be deemed to no longer be present within the City-owned, controlled, or leased property on legitimate public business. The City Manager and his designees are hereby authorized on behalf of the City of Apalachicola, Florida to request any person who refuses to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented to video and/or sound recording, and refuses to immediately leave the premises following the request of the City Manager or his designee, shall be considered as a trespasser. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for this conduct.
- f. The City Manager and his/her designees may have cause to remove any person they determine: (1) Acts in any manner which violates or is reasonably suspected to violate any federal, state or local law, ordinance, rule or regulation; or (2) Acts in any manner which violates any City rules or policy, including but not limited to the Facility Rules; or any directive on any sign or notice at the public property. The City Manager and his designees are hereby authorized on behalf of the City of Apalachicola, Florida to warn persons of this



prohibited activity and request such activity to cease. Law Enforcement, at its option, at the request of the City may issue a trespass warning notice for these violations of conduct.

- g. The City Manager and his designees are hereby authorized on behalf of the City of Apalachicola, Florida to warn persons who have entered into or remain in areas where they are not authorized to be, and to request such persons to depart. The City Manager, and his designees, are hereby authorized to call upon Law Enforcement to treat as trespassers any persons who refuse to depart after such a request has been made. Law Enforcement, at its option, may enforce any person's refusal to depart by means of Section 810.08 and 810.09, Florida Statutes or issue a trespass warning notice.

## **Section 2. Facility Rules.**

The following conduct is prohibited within the interior spaces of all City-owned or controlled buildings of the City of Apalachicola:

- (1) Engaging in any conduct prohibited by federal, State of Florida, or City of Apalachicola law.
- (2) Possessing any weapons, except as specifically permitted by law.
- (3) Smoking, chewing tobacco, use of e-cigarettes or vaping devices, or carrying any lighted or smoldering pipe, cigar, or cigarette.
- (4) Disruptive, harassing or unsafe behavior, including conduct which interferes with City employees or City officials in the performance of their duties, or interferes with the proper use of the City facility by others.
- (5) Abusive or harassing behavior, including use or display of obscene language, gestures, or graphics.
- (6) Blocking entrances, exits, fire exits, access areas, or otherwise interfering with the provision of services or the use of City property.
- (7) Entering or remaining in nonpublic areas without authorization. Areas inside City buildings, including offices, hallways, stairways, and elevators are open to the public only to the extent necessary to attend to City business, or attending a City-authorized function, event, or activity to which the person is an invitee, or attending a duly noticed public meeting. Otherwise, such areas are deemed nonpublic areas.
- (8) Any act which could result in substantial risk of harm to persons or property.

- (9) Disrupting City business, events, or other City sponsored or authorized activities.
- (10) Leaving unattended packages, backpacks, luggage, or other personal items. Any such items are subject to immediate confiscation.
- (11) Laying down or sleeping in chairs, benches, or otherwise.
- (12) Possession of illegal drugs.
- (13) Posting or affixing to City property without permission from the City Manager, or his/her designee, any signs, leaflets, posters, flyers, pamphlets, brochures, and written, pictorial or graphic material of any kind.
- (14) Tampering with or unauthorized use of building or facility systems or devices, including electrical, plumbing, locks, doors or cameras.
- (15) Audio and/or video recording anywhere inside of City buildings except during duly noticed public meetings, or as otherwise approved by the City Manager, or his/her designee. Except as otherwise approved by the City Manager, or his/her designee, audio and/or video recording may only be conducted within the City Commission Chamber, and any room, or office within which said activity has been authorized by law. Any person found to be conducting audio and/or video recording except as authorized by herein, must cease doing so immediately if any visitor, City employee or City official expresses his/her desire not to be recorded. This rule does not apply to audio and/or video recording performed by authorized law enforcement personnel engaged in the performance of their official duties. Audio and/or video recording of public meetings must be undertaken in a quiet and orderly manner so as not to interfere with the conduct of the meeting, block the view of any person attending the public meeting, or block any aisle, row, ingress or egress.
- (16) Remaining in a City building after posted hours of operation or after the conclusion of an authorized "after hours" public meeting or event.
- (17) Failure to cease conduct specifically prohibited in items 1 through 16 above immediately after a request by City staff to do so.
- (18) A copy of the foregoing Facility Rules shall be posted in close proximity to all public entrances of City-owned or controlled buildings of the City of Apalachicola.

**Section 3. Severability.** If any portion of this Ordinance is declared invalid, the valid remainder hereof shall remain in full force and effect.

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

First Reading on :May 7, 2024  
Second Reading and Adoption on :June 4, 2024

ATTEST: City Commission of the  
City of Apalachicola, Florida

By: \_\_\_\_\_  
Sheneidra Cummings, City Clerk

By: \_\_\_\_\_  
Brenda Ash, Mayor

A Regular Meeting of the Apalachicola City Commission was held on Tuesday, January 16, 2024 at 6PM at the Former Apalachicola Municipal Library located at 74 6<sup>th</sup> Street, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Despina George, Commissioner Anita Grove, Commissioner Adriane Elliott, City Manager Travis Wade, City Attorney Dan Hartman, City Clerk Lee Mathes, Planner Bree Robinson, Code Enforcement Officer PJ Erwin, Chief of Police Bobby Varnes

Mayor Ash called meeting to order followed by Invocation and Pledge of Allegiance.

### **AGENDA ADOPTION**

Motion to approve agenda with addition of Public Comment and deletion of Item #1 under New Business – Owl Café Food Truck Request made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

### **PUBLIC COMMENT**

1. Donna Ingle spoke on vision for Chapman Botanical Gardens.
2. Tami Ray-Hutchinson, on behalf of H'COLA, request the use of Franklin Square on February 16<sup>th</sup> – 18<sup>th</sup> for the annual African American History Festival.

City Manager Wade stated all that is needed is the completion of an event application for a permit for the event.

### **CYNTHIA SARTAIN – REQUESTING INTERPRETATION OF CODE REGARDING RECREATIONAL VEHICLES**

Dean and Cynthia Sertain have requested advice regarding whether property owners may park a recreational vehicle in their yard in R-2 zone. Staff and Attorney Hartman have interpreted the Code to allow homeowners to park an RV in their yard, but the Code prohibits using the RV as a dwelling. The Sertain's provided a presentation regarding their interpretation of the Code and requests the Commission's interpretation of the Code.

Discussion held regarding definition interpretation of recreational vehicle and allowance of recreational vehicle to be stored on property owner's property.

Attorney Hartman stated the Sertain's disagree with Staff's interpretation of the Code. A RV is not a permanent structure, it is not for permanent use, it cannot be used as a living dwelling, but the City has never prohibited anyone from parking their RV on their property.

Commissioner Elliott stated she supports Staff's interpretation.

Commissioner Grove stated parking an RV is no different than parking a boat or a work trailer on your private property.

Commissioner George stated she appreciates the public reading and trying to interpret the Code and understands how the Sartains could have reached their interpretation of the Code.

Discussion continued.

Motion to deny request of interpretation of the Code regarding storage of recreational vehicles made by Commissioner Elliott and seconded by Commissioner Grove.

Commissioner George stated the Commission is not denying the Sartains an interpretation of the Code.

Motion amended to deny different reinterpretation of Code and support Code Enforcement Officer and Attorney Hartman's interpretation made by Commissioner Elliott, seconded by Commissioner Grove.  
Motion carried 4 to 0.

#### **APPROVAL FOR EMERGENCY EXPENDITURE TO REHAB WELL #6**

City Manager Wade explained that well #6 is out of service due to a sulfur bacteria in the well casing and pump. The remaining two wells are running constantly without any down time, and the third well is critical for the City's water supply. The expenditure is for \$7,400 for pump rebuild/repair/reinstallation, and \$18,580 to treat the well and casing.

Motion to authorize emergency expenditure for well #6 in amount of \$7,400 for pump rebuild/repair/reinstallation and \$18,580 to treat well and casing made by Commissioner Grove, seconded by Commissioner George. Motion carried 4 to 0.

#### **ARBOR DAY PROCLAMATION**

Attorney Hartman read proclamation in its entirety.

Motion to approve Arbor Day Proclamation made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

Commissioner Grove stated the annual Arbor Day Celebration will be held on January 27<sup>th</sup> from 9AM – Noon at the Apalachicola Library.

#### **TREE COMMITTEE ROLE AND RESPONSIBILITIES**

City Manager Wade stated at the December meeting, the Commission directed him, City Attorney, Code Enforcement, and Commissioner Grove to develop the role and responsibilities for the Tree Committee.

Dennis Winterringer presented recommended revisions to the Tree Committee role and responsibilities.

Commissioner George presented her recommended changes to proposed Tree Committee role and responsibilities and stated all citizen boards/committees need mission statements and are appointed by the City Commission. Commission should be encouraging citizens to participate in committees and boards.

City Manager Wade stated that he is in the process of reviewing the roles and responsibilities of all City appointed committees/boards, and that no committee or board has enforcement authority. All committees/boards respond to direction from City Commission, and if a committee or board breaks the law, then that committee or board has become a liability to the City.

Commissioner Grove stated there is room for growth and we need to figure out a way to help each other rather than hinder. There is much community energy and there are many talented people in the community. Commissioner Grove recommends that all committees/boards be addressed at one time.

Commissioner Elliott stated the Commission is not responsible for the day-to-day activities of Staff and doesn't have a problem with the recommended role and responsibilities presented by Staff. Mr. Winterringer's recommendations can easily be incorporated into the Staff's recommendations.

Attorney Hartman stated the City has to be careful in delegating authority to a Committee because they hold an advisory role and are not held accountable like Staff.

Mayor Ash stated she appreciates all volunteers and agrees there is a liability when there is too much authority given to an individual or committee. All committees/boards need a rewrite on their mission statement and these committees/boards are acting under the direction of the City Commission and can be a liability. Mayor Ash stated that she appreciates Staff, and the Commission needs to be mindful of not supporting Staff in decisions.

Discussion held.

Motion to table item at this time made by Commissioner Grove, seconded by Commissioner Elliott.  
Motion carried 4 to 0.

#### **PARKS & RECREATION COMMITTEE DISCUSSION RE: CHAPMAN BOTANICAL GARDENS**

Faye Gibson gave presentation regarding proposed construction of a pavilion located in Chapman Botanical Gardens. Ms. Gibson recommends the Commission table approving design plans until public input has been received.

Attorney Hartman stated he has reviewed the lease and management plan. The Commission cannot dictate purpose and location of pavilion but does have a say in the design which can be reviewed in February. The Commission is bound by the management plan in the lease. This is a State facility, but the City can refuse to renew the lease when it comes up for renewal.

Mayor Ash stated we just need to wait until February meeting when DEP will present the design.

#### **BUSINESS LICENSE AD HOC COMMITTEE APPOINTMENTS**

Code Enforcement Officer PJ Erwin stated this will be a seven member committee and we have received eight applications. Ms. Erwin presented applications and stated this committee should only last approximately four or five months.

Discussion held concerning applicant requirements.

Commissioner George expressed concern regarding increasing any fees and recommended incorporating fees into fee schedule.

Ms. Erwin stated this committee will not only look at fees, but also update the business categories.

Motion to not consider increasing business license fees made by Commissioner George, seconded by Commissioner Grove. Motion died for lack of majority. Opposed are Mayor Ash and Commissioner Elliott.

Motion to appoint Cutler Edwards, Elinor Mount-Simmons, Andrea Pendleton, Clayton Mathis, Kathy Robinson, Chase Galloway, and Kristen Willis to the Business License Ad Hoc Committee made by Commissioner George, seconded by Commissioner Elliott. Motion carried 4 to 0.

#### **MAYOR & COMMISSIONER'S COMMENTS**

Mayor Ash stated she appreciates all volunteers.

Commissioner Grove distributed the Apalachicola Bay System Management and Restoration Plan to Commission. Commissioner Grove addressed the Battery Park launch fee stating that all Franklin County property owners should be given a free launch decal, regardless if you live or don't live full time in Franklin County.

Commissioner Elliott stated most likely their drivers license and boat registration are issued in the same County.

Commissioner George recommends adding this item to the February agenda.

Mayor Ash stated that if someone owns a second home, then the launch fee should not be a hardship.

Commission agreed to add to February agenda.

Commission agreed to add to February agenda.

Commissioner Elliott recommends to treat the approval of the annual African American History Festival with a standing resolution like the Florida Seafood Festival. Commissioner Elliott stated she will submit a board action request for this item.

#### **CITY MANAGER COMMUNICATIONS**

City Manager Wade updated Commission on Finance Director advertisement, ongoing FEMA projects, Leslie Street project, and commended Public Works Staff on their work in the new meeting space.

Commissioner George asked when the Community Center will be available for rental.

City Manager Wade stated needed repairs like new flooring, ceiling, and paint need to be done first.

Commissioner George questioned if the City can allow a for profit business to lease space in the Community Center.

Attorney Hartman stated the City can lease the space but cannot offer someone an unfair business advantage. Attorney Hartman stated he will also look into the zoning requirements.

#### **FINANCE DIRECTOR COMMUNICATIONS**

Report included in agenda packet.

#### **ATTORNEY COMMUNICATIONS**

1. Approval of Stipulation – City vs. Smith/Hall Case – Attorney Hartman stated the stipulation has been submitted in the agenda packet and recommends motion to approve and authorize Mayor Ash to sign stipulation.

Motion to approve conditions set forth in stipulation and authorize Mayor Ash to sign stipulation made by Commissioner George, seconded by Commissioner Grove. Motion carried 4 to 0.

#### **CONSENT AGENDA**

Motion to approve consent agenda made by Commissioner George, seconded by Commissioner Grove. Motion carried 4 to 0.

#### **DEPARTMENT REPORTS**

Reports included in agenda packet.



Motion to adjourn made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 4 to 0.

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Brenda Ash, Mayor

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Lee Mathes, City Clerk

A Regular Meeting of the Apalachicola City Commission was held on Tuesday, February 6, 2024 at 4:00 PM at the former Apalachicola Municipal Library located at 74 6<sup>th</sup> Street, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Despina George, Commissioner Anita Grove, Commissioner Donna Duncan, Commissioner Adriane Elliott, City Manager Travis Wade, City Attorney Dan Hartman, Planner Bree Robinson, Code Enforcement Officer PJ Erwin, Deputy Clerk Sheneidra Cummings, Chief of Police Bobby Varnes

Regular Meeting called to order by Mayor Ash followed by Invocation and Pledge of Allegiance.

### **AGENDA ADOPTION**

Motion to adopt agenda made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

### **PUBLIC COMMENT**

Myrtis Wynn expressed concern regarding the housing and homeless issue in Franklin County.

### **RULES OF PROCEDURE**

Motion to recommend changes to Rule 29 Boards, Committees, and Meetings, of the Rules of Procedure to provide clarity and understanding of the roles, responsibilities, and processes of the City's Citizen Advisory Committees made by Commissioner Elliott, seconded by Commissioner Grove.

Discussion held.

Motion carried 4 to 1. Commissioner George opposed.

### **BATTERY PARK MARINA BOAT RAMP STICKER RESIDENT OR PROPERTY OWNER**

Commissioner Grove requested that all Franklin County property owners be eligible for the free ramp sticker. Commissioner George agreed.

Commissioner Elliott and Commissioner Duncan agree that only actual Franklin County residents should receive the free ramp sticker.

City Manager Wade explained that proving residency is much easier than proving property ownership.

No action taken by Commission.

**FLOODPLAIN VARIANCE – 100 AVENUE D**

Motion to approve a floodplain variance for 100 Avenue D on the basis that it is a historic structure, and the proposed work will not diminish the historic value made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

**FWC FLORIDA BOATING IMPROVEMENT PROGRAM – BAY AVENUE SEAWALL APPLICATION AUTHORIZATION**

Motion to authorize City Grant Coordinator and Project Manager Sarah Bourque to submit an application for repairs on the Bay Avenue Seawall for the Fish and Wildlife Conservative Commission (FWC) Florida Boating Improvement Program (FBIP) grant with City Manager Wade and Mayor Ash as signing authorities made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

Commissioner Elliott recommended using ARPA funds for project if grant is not funded.

**FDEP/CHAPMAN BOTANICAL GARDENS PROJECT APPROVAL**

FDEP representatives Jason Towle, Lydia Panabaker, and Michael Foster presented site plan, in accordance with the management plan, for the restroom and pavilion to be constructed at Chapman Botanical Gardens.

Public comments consisted of the updating of FDEP management plan for the Chapman Botanical Gardens, maintenance responsibility of restrooms and pavilion, support and nonsupport of proposed restroom and pavilion, removal of trees, lack of public workshops for project, parking, and Orman House repairs.

Mr. Towle and Josh Hodgson addressed public concerns.

Commission discussion consisted of project deadline; lack of community involvement for project; removal of trees; agreement with FDEP regarding maintenance and gardening, park hours, admission fees, parking, Orman House repairs, pavilion size, management plan renewal, pavilion design, landscaping plan, and project being constructed in a flood plain area.

Motion to approve the proposed project for pavilion and restroom contingent there is one meeting to discuss design, aesthetics, and trees made by Commissioner Elliott, seconded by Commissioner Grove.

Motion amended to postpone project approval until March 5<sup>th</sup> regular meeting in order to obtain additional information made by Commissioner Elliott, seconded by Commissioner Grove.

Discussion continued regarding management plan and proposed project.

Motion carried 4 to 1. Commissioner George opposed.

**TREE COMMITTEE ROLES/RESPONSIBILITIES**

Discussion held and public comments received.

Motion to approve Tree Committee's role and responsibilities as presented made by Commissioner Elliott, seconded by Commissioner Duncan. Motion carried 3 to 2 with Commissioner George and Commissioner Grove opposing.

**BOARD OF ADJUSTMENT MEMBER APPOINTMENT**

Motion to appoint Chris Presnell to Board of Adjustment made by Commissioner Elliott, seconded by Commissioner Duncan. Motion carried 5 to 0.

**HILLSIDE SIDEWALK & LIGHTING PROJECT – WORKSHOP/SPECIAL MEETING SCHEDULING**

Motion to set workshop and special meeting on February 20, 2024 at 5PM to discuss Hillside Sidewalk and Lighting Project made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

**FINANCE DIRECTOR DECISION**

Motion to appoint Lee Mathes as Finance Director with the contingency that Ms. Mathes receive training and assistance from a certified CPA made by Commissioner George.

Commissioner Duncan immediately opposed and suggested re-stating the motion to reflect that Ms. Mathes' hiring was not contingent upon receiving outside assistance, but rather can be an added benefit to her while in that position, if the Commission agree.

Motion was restated to appoint Lee Mathes as Finance Director, with the Commission to discuss hiring assistance from an outside firm at the March regular meeting made by Commissioner George, seconded by Commissioner Grove. Motion carried 5 to 0.

**ARPA**

Motion to set ARPA workshop for February 20, 2024 at 6PM made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

**GENERATOR CONTRACT**

Motion to award contract to BGN Contractors for Police Department and City Hall generators made by Commissioner Grove, seconded by Commissioner George.

Commissioner George questioned the price difference between the contract and bid amount.

City Manager Wade explained that this project is divided in two with two different funding sources. BGN Contractors' bid included both projects.

Motion amended to award contract for Police/Fire Department and City Hall generators to BGN Contractors in the amount of \$211,650.000 made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

**MAYOR & COMMISSIONER'S COMMENTS**

Mayor Ash directed City Manager Wade to draft letter to Early Head Start for non-removal from 6<sup>th</sup> Street Recreation Center; addressed Avenue L drainage issues; and would like the Manager Wade to present options for a volunteer recognition event.

Commissioner Grove inquired about the DEP \$5 million appropriation.

City Manager Wade stated that The Southern Group is advocating for the entire \$5 million and should have additional information for the next meeting.

Commissioner Grove expressed concern regarding the ordinance pertaining to demolition process and would like for item to be included on next regular meeting agenda.

Commissioner George recommends that the next regular meeting agenda have an update for items the Commission has directed to staff on, as these items are not being made a priority. Commissioner George will submit a board action request for the agenda item.

Commissioner Duncan addressed drainage issue on 21<sup>st</sup> Street and Ellis Van Vleet; anchor found in the Apalachicola River that could possibility be donated to City; and requested an update on the Robert Davis 10<sup>th</sup> Street property matter.

Attorney Hartman provided and update. (See Attorney's Report)

Commissioner Elliott recommends that more speed limit signs be posted in downtown area and recommends the City establish a speed limit standard for the C1 zone.

**CITY MANAGER COMMUNICATION**

City Manager Wade updated Commission on FLC sessions.

**FINANCE DIRECTOR COMMUNICATION**

No report.

**ATTORNEY COMMUNICATIONS**

Attorney Hartman made a request on behalf of Robert Davis regarding the property on 10<sup>th</sup> St. requesting the Commission allow an additional 60 days to meet his requirements. The Commission honored his request.

Motion to allow a 60-day extension to Robert Davis regarding 10<sup>th</sup> Street property matter made by Commissioner Grove, seconded by Commissioner George. Motion carried 5 to 0.

**CONSENT AGENDA**

Motion to approve consent agenda made by Commissioner Elliott, seconded by Commissioner George. Motion carried 5 to 0.

**DEPARTMENT REPORTS**

January and February reports will be included in March agenda packet.

**ADJOURNMENT**

Motion to adjourn made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

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Brenda Ash, Mayor

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Sheneidra Cummings, Deputy Clerk

A Regular Meeting of the Apalachicola City Commission was held on Tuesday, March 5, 2024, at 4:00 PM at the Former Apalachicola Municipal Library, 74 6th Street, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Adriane Elliott, Commissioner Despina George, Commissioner Donna Duncan, Commissioner Anita Grove, City Manager Travis Wade, City Attorney Dan Hartman, City Clerk Sheneidra Cummings, Financial Director Lee Mathes, Code Enforcement Officer PJ Erwin, and Chief of Police Bobby Varnes

Regular meeting called to order by Mayor Ash followed by prayer and Pledge of Allegiance.

### **AGENDA ADOPTION**

Mayor Ash amended the agenda to move Agenda Adoption to item #2

Motion to adopt revised agenda made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 5 to 0.

### **PRESENTATION: The Southern Group- Kate Deloach**

Kate Deloach presented and provided the commission with a budget update. The Commission was informed that the Stewardship Act funding was not approved for this fiscal year and that The Southern Group would like to work more on this throughout the summer. Ms. Deloach also stated that the Commission would be receiving a final report and will be contacted individually to set up a legislative visit with the sponsors to further strategize their approach regarding Stewardship Funding opportunities. There were two projects included in the budget and will be partially funded which are: 1) The parking lot expansion (Downtown); and 2) The final phase of the Fire Hydrant Replacement.

Mayor Ash inquired about the appropriation amounts for the two projects as well the process of extending the timeline for the Stewardship Act funding.

Ms. Deloach stated that the appropriation for project #1, the downtown parking lot expansion is \$135,013.00. She included that the project could start as soon as this year with the possibility of applying for additional funding next year and that there may be an opportunity to roll the funding over to next year given that funding is approved. She went on to disclose the appropriation for project #2, The Fire Hydrant Replacement being \$ 275,000.00. She also stated that the process of extending the Stewardship Act funding timeline would probably require their sponsors to submit a Bill, stating that the Bill process provides additional opportunities to move through a more formal process of getting the Bill passed.

Mayor Ash also thanked Senator Simon and Representative Shoaff for their continued support throughout this legislative process.

Commissioner Grove asked if the limited appropriations would limit the City from any of the stormwater projects.

Ms. Deloach stated that it would limit stormwater projects in this year's appropriation. However, some of the stormwater projects may qualify for some of the other traditional grant programs such as Resilient Florida. The Southern Group will work with City Manager Wade to prioritize projects and identify funding opportunities to be able to fulfill said needs.

Commissioner Grove suggests that The Southern Group also consult with the Commission before they meet with City Manager Wade and prioritize any list(s).

Commissioner George inquired about the ability to combine appropriated funds to be used towards either the parking lot expansion or fire hydrant project.

Ms. Deloach could not confirm if combining funds would be acceptable and would need to consult with the Agency for confirmation. She will provide the Commission with the Agency's feedback on that matter.

Commissioner George confirmed that the City is in year two of five for applying for funding via the Stewardship Act and whereas, the City may request up to five million per year as part of the DEP budget. George also stated that there is a possibility for the City to request up to fifteen million over the next three years.

Commissioner Elliott thanked The Southern Group for their efforts and had no further comments.

Commissioner Duncan thanked The Southern Group and had no further comments.

Ms. Deloach thanked the Commission and expressed gratitude for being able to represent Apalachicola at the legislative session this year.

**PRESENTATION: DEP/Park Service: Chapman Botanical Gardens Pavilion**

Mayor Ash noted revisions to the park pavilion proposal. The modifications included a reduced pavilion to increase green space, changes to the exterior finish and column trim, and the shifting of restrooms to avoid removing the two native live oak trees.

DEP Staff presented the revisions and explained the proposed modifications.

Michael Foster, Bureau Chief of the Bureau of Design and Construction with the Florida State Parks followed up with support of the revisions.

Commissioner Elliott thanked DEP staff for their willingness to work with the Commission and fulfill the demands made by the Commission. Elliott was in support of the revisions and modifications.

Commissioner Duncan expressed appreciation for the revisions and effort put forth by DEP staff and inquired of any updates regarding the Orman House.



Michael Foster stated that construction started on March 4<sup>th</sup>, and that the project has roughly a 6-to-9-month timeline.

Commissioner Grove thanked DEP staff and inquired about parking availability. Grove reinforced her dissatisfaction with the size and placement of the pavilion and presented questions to DEP staff regarding park reservations. Grove also expressed concerns regarding compatibility of DEP proposal and the City's intended use of the park.

DEP staff explained that they will not be adding parking spaces, that parking would be shifted away from residential streets and City parking places would be used. Park rangers would also be present during events to direct traffic and ensure parking is shifted away from the residential area and ushered towards the commercial side i.e. Market Street. Staff also addressed Commissioner Grove's concerns regarding park reservation stating that the public would be able to reserve the pavilion and not the entire park.

Commissioner George thanked DEP staff and agreed with Commissioner Grove in regard to the size of the pavilion. George stated that the DEP proposal is not consistent with the management plan and would like to see funds reallocated to other projects within the park. George also referenced the date of expiration for their management plan and suggest that plans be halted until their management plan is updated.

DEP Staff addressed some of Commissioner George's concerns regarding reallocating funds towards other potential projects within the park and stated that the funding has been appropriated specifically for new development and not for repair and maintenance projects.

Public comments received and consisted of pavilion size, location, maintenance, tree removal, pavilion rental, and parking.

Commissioner Duncan expressed concerns regarding the amending of an agenda item that is referenced as a presentation, yet action was being requested.

Attorney Hartman commented on the legality of Commissioner Duncan's concern(s) and advised the Commission that it is left to Board's discretion whether they would like to proceed given that it is a contractual matter between the City and DEP and that their management plan and proposal require action by the City. Attorney Hartman further stated that he does not believe that the City is legally prevented from taking action.

Commissioner Elliott made a motion to approve the revised DEP proposal as presented. Motion died for lack of second.

Mayor Ash asked Attorney Hartman to advise the Commission on options regarding the decision to reject the revised proposal presented by DEP, and how does the rejection affect the project moving forward.

Attorney Hartman commented that the Commission is within its right to discuss and approve the design and encouraged the Commission to get feedback from DEP on the next course of action, if any. Hartman informed the Commission that they could make a motion to continue negotiations with DEP however, DEP is also able to refuse or continue to work with the City.

DEP staff reiterated to the Commission that they are in compliance with their lease agreement as well as with their management plan. Staff believe that they made concessions that were discussed and requested by the Commission and are making great effort to remain partners with the City and requested that the Commission approve its revised proposal.

Commissioner Grove did not agree with last statement made by DEP Staff and do not think it's in good faith for DEP to impose a "take it or leave it" position when it comes to their latest revisions. Furthermore, stating that she believes that there may be some alternatives to satisfy the public, DEP, and the Commission. Grove suggested having four smaller pavilions to accommodate individual families versus a single large pavilion positioned in the middle of the park.

Motion made by Commissioner Grove to table the DEP: Chapman Botanical Garden discussion until April regular meeting, seconded by Commissioner George, with discussion.

Commissioner George discussed compliance and commented on DEP's position and their presumed authority to proceed based on their management plan. Commissioner George referenced Attorney Hartman from a previous meeting regarding the three elements that the Commission had some authority over i.e., purpose, location, and design. It was noted that the purpose and location was specified in the DEP's management plan leaving only the design to be discussed and approved by the Commission. Furthermore, clarifying that the size, scale, and visual compatibility falls under the design element and that the Commission is within its contractual right to debate each of those issues. George also stated that it appears that most of the Commission believe that the proposal fails to meet the Commission's standard of design. Concluding that, she would prefer this to be a condition of tabling the motion in an effort for DEP to consider the Commission's design standard.

Mayor Ash asked the Commission if they submitted any comments, suggestions, or recommendations to City Manager Wade or Staff prior to this meeting regarding the revised DEP proposal.

Commissioner Duncan referenced an email correspondence between City Manager Wade where she provided her insight and opinion regarding DEP's proposal. Commissioner Duncan reiterated

her previous concern regarding the proposed size of the pavilion and did not feel the need to resubmit that specific concern as it was presumed that it was set to be addressed at this meeting. Duncan also expressed that she does not believe that the revised design looks historical, and the size of the pavilion remains too big.

Commissioner Elliott had no further comments.

Mayor Ash asked DEP if they would be willing to come back to the table, given the Commission's motion to table the discussion and approval.

DEP staff stated they would have to consult with DEP leadership and would inform the Commission of their decision. DEP staff went on to reference their management plan and stated that the requirement to come before the Commission regarding purpose, location, and design is when those elements are not specifically stated within their management plan.

Mayor Ash restated motion to table DEP discussion made by Commissioner Grove, seconded by Commissioner George. Motion carried 3-2 with Commissioner Elliott and Mayor Ash opposing.

#### **PUBLIC COMMENTS**

Public comments received consisted of inquiries about the sewer usage fee, and Inflation Reduction Act Grant opportunity.

Commissioner George explained the Sewer Usage Fee.

#### **PROBLEM GAMBLING AWARENESS MONTH PROCLAMATION**

Problem Gambling Awareness Month Proclamation read by Attorney Hartman.

Motion made to approve Problem Gambling Awareness Month Proclamation made by Commissioner Elliott, seconded by Commissioner Grove. Motion carried 5-0.

#### **RULES OF PROCEDURE**

Public comment(s) received regarding Rules of Procedure.

Manager Wade presented revisions to Rules of Procedure.

Commissioner George commented on a previous agenda item from July 2023, regarding meeting times, preparation of agendas, responsibilities of the volunteer boards and committees. George stated that her and City Manager Wade's view on the Rules of Procedure were opposed. Commissioner George proposed that the Commission reject the revisions presented by City Manager Wade.

Commissioner Grove suggested some changes be made to some of the Rules of Procedure. Commissioner Grove also spoke about the volunteer committees being required to have an agenda and minutes for meetings and having the minutes posted for public review.

Commissioner Duncan thanked City Manager Wade for his efforts in revising the Rules of Procedure. Commissioner Duncan expressed being in favor of having a workshop to delve more into the Rules of Procedure.

Commissioner Elliott was also in support of having a workshop to discuss the Rules of Procedure.

Commissioner Elliott asked Attorney Hartman to research recent Ordinances regarding the legitimacy of the resolution to amend the meeting times is valid. Commissioner Elliott also noted that the time limit for public speaking was changed back in 2019 during a regular meeting and by the previous Commission. Elliott further clarified that the revisions made by City Manager Wade was simply a re-wording of the existing doc and that the content did not change.

City Manager Wade commented on the Commission's feedback and explained some of his proposed revisions. Wade was not opposed to having a workshop to discuss the Rules of Procedure document.

Mayor Ash suggested that the Commission have their comments, suggestions, and revisions to City Manager Wade within 10 calendar days.

#### **CITY CLERK POSITION**

City Manager Wade stated he recommends Sheneidra Cummings be hired into the position of City Clerk.

Commissioner George stated she feels the position should be advertised before an appointment is made.

Motion to appoint Sheneidra Cummings as City Clerk made by Commissioner Grove, seconded by Commissioner Elliott. Motion carried 4-1 with Commissioner George opposing.

#### **FDOT-M-SCOP APPLICATION**

Manager Wade presented the MSCOP Grant opportunity and requested direction on the recommended area or street to specify in the application.

Discussion held.

Motion to apply for the FDOT MSCOP grant and focus on Commerce St. between Ave G and Ave F and work southward made by Commissioner Duncan, seconded by Commissioner Elliott.

Commissioner Grove inquired about the process of repairs and if the existing concrete road would pose an issue.

City Manager Wade clarified that the concrete would be removed prior to asphalt being poured.

Motion carried 5-0.

Attorney Hartman read Resolution 2024-01 in its entirety.

Motion to approve Resolution 2024-01 was made by Commissioner Elliott; seconded by Commissioner Grove. Motion carried 5-0.

### **SURPLUS PROPERTY**

City Manager Wade outlined surplus property list and recommended approval that items be sold at auction.

Motion to approve surplus list as outlined by City Manager Wade and to send vehicles to auction was made by Commissioner George, seconded by Commissioner Grove. Motion carried 5-0.

### **DENTON COVE LITIGATION**

Attorney Hartman briefed the Commission on the process of litigation with Denton Cove and explained the circumstance surrounding their breach of contract and requested that the Commission grant him the authority to draft a complaint against Denton Cove LLC and provide them with Notice.

Motion to authorize the consideration and/or initiation of litigation towards Denton Cove GP LLC made by Commissioner Elliott, seconded by Commissioner Duncan.

Commissioner George referenced costs that were removed from the budget with the understanding that Denton Cove would fulfill their obligation to pay for the repairs.

City Manager Wade explained the agreement made between Denton Cove regarding the Ellis Van Vleet St lift station.

Motion carried 5-0.

### **TASKS PREVIOUSLY DIRECTED BY THE CITY COMMISSION**

Commissioner George spoke about tasks previously directed to City staff to complete that have not been brought back before the Commission. Commissioner George presented a list of unfinished

tasks and recommended that Attorney Hartman and City Manager Wade present a detailed report regarding the status of each task and timeline for completion by the April meeting.

Attorney Hartman and City Manager Wade will provide update at April meeting.

#### **MAYOR & COMMISSIONER COMMENTS**

Mayor Ash stated that it will require a unified body to move forward and make progress on behalf of the City and would hope that her constituents would be able to put any differences aside and work together for the betterment of the City. Mayor Ash also recommended having a volunteer appreciation event.

City Manager Wade expressed a willingness to put an event together to recognize and honor the volunteers.

Motion made to hold a volunteer appreciation luncheon at a date, time, and menu to be determined by City Manager Wade made by Commissioner Elliott; seconded by Commissioner Duncan. Motion carried 4-1 with Commissioner George opposing.

Attorney Hartman read Proclamation for National Volunteer Week being reserved from April 21<sup>st</sup> through April 27, 2024.

Motion to adopt the National Volunteer Week Proclamation made by Commissioner George; seconded by Commissioner Grove. Motion carried 5-0.

Commissioner Grove commented on updates regarding emergency telecommunications, TRIUMPH grant, current grants, acknowledged various persons and/or organizations for their contributions to the City, and the Apalachicola Bay Restoration program.

Commissioner Duncan commented on a concern from the public at a previous meeting and asked if the Chief and/or his staff seen an increase in homelessness activities around the City. Duncan also thanked staff for their prompt action in resolving stormwater issues throughout the city.

Chief Varnes stated that while homelessness is prevalent and steadily increasing in some areas, he cannot confirm that homelessness activity is increasing within city limits per se.

Commissioner Elliott commented on the increase of traffic and speeding vehicles traveling down Water Street, expressed concerns regarding pedestrian safety and suggested that the downtown commercial area be monitored more to deter speeding and increase safety. Commissioner Elliott also expressed public safety concerns regarding old, dilapidated homes and buildings within the City, expressed appreciation and respect for Mayor Ash, and congratulated Sheneidra Cummings on being the City's first African American City Clerk.

Chief Varnes, with support from City Manager Wade, recommends purchasing digital speed signs to help deter unsafe driving speeds and commented on the benefits of having access to portable devices that could be used throughout the city in high traffic areas.

Commissioner George commented on Commissioner Grove's ARPA inquiry clarifying that the Commission directed staff to compile costs estimates and present it to the Commission at the February meeting. Commissioner George suggested that staff present the list of prioritized projects with their cost estimates at the April meeting. Commissioner George also commented on the reduced department reports being included in the agenda packet and encouraged staff to provide regular updates via their department report(s).

#### **CITY MANAGER COMMUNICATIONS**

City Manager Wade provided update on the Wastewater Treatment Plant and Leslie Street Project, the Avenue(s) Stormwater Project, the Market Street Vacuum Station grant application, and informed the Commission that Municode has been updated.

#### **FINANCE DIRECTOR COMMUNICATIONS**

Report included in agenda packet.

#### **ATTORNEY COMMUNICATIONS**

Attorney Hartman addressed the memorandum regarding staff safety, permissible activities, and the City's ability to control the public areas in City Hall and requested authorization to proceed with preparing ordinance.

Mayor Ash was in support of Attorney Hartman's request.

Commissioner Duncan was in support of Attorney Hartman's request.

Commissioner Elliott was in support of Attorney Hartman's request.

Commissioner George was also in support of Attorney Hartman's request and advised caution and ensure the First Amendment Right(s) will remain protected.

Commissioner Grove was in support of Attorney Hartman's request.

Mayor Ash concluded that Attorney Hartman had the support of the Commission to move forward and draft an ordinance in support of the memorandum and existing policy.

Attorney Hartman referenced the previous P&Z meeting in regard to a request made by City Planner to conduct a workshop prior-to, or immediately after the upcoming P&Z meeting to discuss

Sunshine Law, board scope and responsibilities. Attorney Hartman asked the Commission for their recommendations, thoughts, concerns, and/or any specifics that should be discussed at the next P&Z meeting.

Commissioner Grove would like for it to be expressed that strict adherence to the State's Sunshine Law is mandatory.

Commissioner Elliott suggests that every committee and/or Board be reminded of the Sunshine Law restrictions and mandates.

Commissioner George commented on Sunshine Law violations during P&Z meetings and clarified the purpose and need for a workshop.

Commissioner Duncan recommended that a scope is defined for all board members to detail their duty, and limit liability for their action(s) and/or inaction(s).

#### **CONSENT AGENDA**

Mayor Ash acknowledged an email from Ms. Gibson regarding the minutes from the January 16<sup>th</sup> and February 6<sup>th</sup> meeting and requested a motion to approve the consent agenda with those minutes excluded to allow for further review.

Motion to approve the consent agenda excluding the January 16<sup>th</sup> and February 6<sup>th</sup> minutes made by Commissioner Grove; seconded by Commissioner Duncan. Motion carried 4-1 with Commissioner Elliott opposing.

Motion to adjourn made by Commissioner Elliott, seconded by Commissioner George. Motion carried 5-0.

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Brenda Ash, Mayor

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Sheneidra Cummings, City Clerk



A Special Meeting of the Apalachicola City Commission was held on Thursday, March 14, 2024, at 5:00 PM at the Former Apalachicola Municipal Library, 74 6<sup>th</sup> Street, Apalachicola, Florida.

Present: Mayor Brenda Ash, Commissioner Adriane Elliott, Commissioner Despina George, Commissioner Duncan, City Manager Travis Wade, City Clerk Sheneidra Cummings, Financial Director Lee Mathes, and Grant Coordinator Sarah Borque

Special meeting called to order by Mayor Ash.

#### **AGENDA ADOPTION**

Motion to adopt agenda made by Commissioner George, seconded by Commissioner Elliott. Motion carried 4 to 0.

#### **ADOPTION DECISION RESOLUTION 2024-02- FWC FBIP Battery Park Seawall Application**

Mayor Ash read Resolution 2024-02 in its entirety.

No comments.

Motion to approve resolution 2024-02 FWC FBIP Battery Park Seawall application was made by Commissioner George, seconded by Commissioner Elliott. Motion carried 4-0.

#### **PRESENTATION: Moran & Smith- FY 21-22 Audit**

Chris Moran presented FY 21-22 audit to the Commission.

Commissioner George commented on various past finance department issues, and how to move forward.

Commissioner Duncan, no comment.

Commissioner Elliott, no comment.

Mayor Ash discussed having a standardized budget format and recommended Chris Moran to work with Finance Director Lee Mathes on its development and implementation for FY 24-25 annual budget.

Motion to accept and approve 21-22 Fiscal year audit was made by Commissioner Elliott, seconded by Commissioner George. Motion carried 4-0.

PUBLIC COMMENT

None.

Motion to adjourn made by Commissioner Elliott, seconded by Commissioner George. Motion carried 4-0.

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Brenda Ash, Mayor

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Sheneidra Cummings, City Clerk

**CITY OF APALACHICOLA**  
PLANNING & ZONING BOARD  
REGULAR MEETING  
Monday, January 8<sup>th</sup>, 2024  
Community Center - 1 Bay Avenue  
Minutes

**Attendance: Myrtis Wynn, Lee McLemore, Bobby Miller, Elizabeth Milliken, & Joe Taylor**

**Regular Meeting: 6:00 PM**

1. Approval of December 11<sup>th</sup>, 2023 meeting minutes.
  - **Motion to approve by Lee McLemore; 2<sup>nd</sup> by Bobby Miller. All in favor – motion carried.**
2. Review, Discussion and Decision for Accessory Structures. **(R-2) @ 275 Avenue M**, Block 143 Lots 1-2. For Greg Krivonak & Bonnie Gauthier -Business; Contractor: Self
  - **Motion to approve by Lee McLemore; 2<sup>nd</sup> by Elizabeth Milliken. All in favor – motion carried.**
3. Review, Discussion and Decision for Sign. **(R-2) @ 192 Coach Wagoner Blvd**, Block 137. For Forgotten Coast Fitness -Owner/Business; Contractor: N/A
  - **Motion to approve by Elizabeth Milliken; 2<sup>nd</sup> by Lee McLemore. All in favor – motion carried.**
4. Review, Discussion and Decision for Certificate of Appropriateness & Fence. **(R-1)(Historic District) @ 189 Avenue G**, Block 101 Lot 1. For Brendan Pagliaro & Rebekah Keller - Owner; Contractor: Self
  - **Motion to approve by Bobby Miller; 2<sup>nd</sup> by Myrtis Wynn. All in favor – motion carried.**
5. Review, Discussion and Decision for Certificate of Appropriateness & Accessory Structure. **(R-1)(Historic District) @ 194 11<sup>th</sup> Street**, Block 150 Lot 4. For Noble & Danielle Davidson - Owner; Contractor: Self
  - **Motion to approve by Bobby Miller; 2<sup>nd</sup> by Lee McLemore. All in favor – motion carried.**

**CITY OF APALACHICOLA**  
PLANNING & ZONING BOARD  
REGULAR MEETING  
Monday, January 8<sup>th</sup>, 2024  
Community Center - 1 Bay Avenue  
Minutes

6. Review, Discussion and Decision for Certificate of Appropriateness & Accessory Structure. (R-1)(Historic District) @ 115 10<sup>th</sup> Street, Block 70 Lots 6-7. For Mike Roseberry -Owner; Contractor: Self

- **Motion to approve by Lee McLemore; 2<sup>nd</sup> by Myrtis Wynn. All in favor – motion carried.**

7. Review, Discussion and Decision for Certificate of Appropriateness & Accessory Structure. (R-1)(Historic District) @ 194 10<sup>th</sup> Street, Block 157 Lots 3-4. For Ann & Doug Rauscher-Owner; Contractor: Construct Group SE Inc

- **Motion to approve with contingency that 1/8 spacing be maintained between boards and inspected upon completion by Lee McLemore; 2<sup>nd</sup> by Elizabeth Milliken. All in favor – motion carried.**

8. Review, Discussion and Decision for Accessory Structure (Concrete). (R-2) @ 169 22<sup>nd</sup> Avenue, Block 245 Lots 26-30. For Michele Seawright -Owner; Contractor: Self

- **Motion to approve contingent upon removal of hardscape items listed in the application and shown in the application materials by Bobby Miller; 2<sup>nd</sup> by Lee McLemore. All in favor – motion carried.**

Other/New Business:

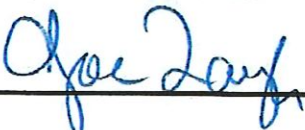
- N/A

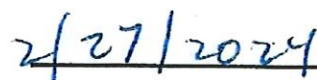
Outstanding/Unresolved Issues:

- N/A

**Motion to adjourn the meeting by Elizabeth Milliken – meeting adjourned.**

Minutes Approved by Chair, Joe Taylor:

  
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**CITY OF APALACHICOLA**  
**PLANNING & ZONING BOARD**  
**REGULAR MEETING**  
Monday, February 12<sup>th</sup>, 2024  
City Meeting Room -- 74 6<sup>th</sup> Street  
Minutes

**Attendance:** Joe Taylor – Chair, Chase Galloway, Jim Bachrach, Myrtis Wynn, Bobby Miller, Elizabeth Milliken, Lee McLemore

**Regular Meeting: 6:00 PM**

1. Approval of January 8<sup>th</sup>, 2024 meeting minutes.
  - **Motion to approve by Jim Bachrach, 2<sup>nd</sup> by Myrtis Wynn. All in favor – motion carried.**
  
2. Review, Discussion and Decision for Demolition. (R-1) (Historic District) @ 142 9<sup>th</sup> Street, Block 72 Lot 1. For Justin Joseph - Owner; Contractor: TBD
  - **Motion to approve by Jim Bachrach, 2<sup>nd</sup> by Chase Galloway. All in favor – motion carried.**
  
3. Review, Discussion and Decision for Certificate of Appropriateness & Sign. (C-1) (Historic District) @ 129 Commerce Street A, Block F Lot ½ 11 & 20' of 12. For Howe Holdings, LLC/ Wild Herb Soap Co -Owner; Contractor: NA
  - **Motion to approve contingent on sidewalk permit being obtained by Chase Galloway, 2<sup>nd</sup> by Bobby Miller. All in favor – motion carried.**
  
4. Review, Discussion and Decision for Certificate of Appropriateness & Sign. (C-1) (Historic District) @ 41 Commerce Street, Block C Lot 20' of 15 & 16. For Steve Watkins/Donia Smith -Owner; Contractor: NA
  - **Motion to approve by Bobby Miller, 2<sup>nd</sup> by Elizabeth Milliken. All in favor – motion carried.**
  
5. Review, Discussion and Decision for Certificate of Appropriateness & Pervious Pavers. (R-1) (Historic District) @ 59 Avenue C, Block 10 Lots 9-10. For William Barnes -Owner; Contractor: Fred Bass

**CITY OF APALACHICOLA**  
**PLANNING & ZONING BOARD**  
**REGULAR MEETING**  
**Monday, February 12<sup>th</sup>, 2024**  
**City Meeting Room -- 74 6<sup>th</sup> Street**  
**Minutes**

- **Motion to approve by Jim Bachrach, 2<sup>nd</sup> by Bobby Miller. All in favor – motion carried.**
6. Review, Discussion and Decision for Certificate of Appropriateness & Driveway. (R-1) (Historic District) @ 146 Bay Avenue, Block 197 Lots 1-5. For Loren & Alicia Batzloff - Owner; Contractor: TBD
- **Motion to approve by Jim Bachrach, 2<sup>nd</sup> by Bobby Miller. All in favor – motion carried.**
7. Review, Discussion and Decision for Certificate of Appropriateness & Addition. (R-1) (Historic District) @ 30 8<sup>th</sup> Street, Block 35 Lot 3. For John & Mary Helms -Owner; Contractor: Poloronis
- **Motion to approve contingent upon the accessory space not being used as a dwelling by Bobby Miller, 2<sup>nd</sup> by Chase Galloway. All in favor – motion carried.**
8. Review, Discussion and Decision for Certificate of Appropriateness, Accessory Structure, & Fence. (R-1) (Historic District) @ 114 Coach Wagoner, Block 93 Lot 5. For David Fowlkes -Owner; Contractor: Self
- **Motion to approve by Chase Galloway, 2<sup>nd</sup> by Elizabeth Milliken. All in favor – motion carried.**
9. Review, Discussion and Decision for Accessory Structure. (R-2) @ 103 Earl King Street, Block 144 Lots 4-5 & Block 206 Lot 1. For Jeff Lockley -Owner; Contractor: Tool Time
- **Motion to approve contingent upon 5' setbacks being accounted for even after the sale of the rear lot with staff by Lee McLemore, 2<sup>nd</sup> by Chase Galloway. All in favor – motion carried.**
10. Review, Discussion and Decision for New Construction. (R-2) @ 56 23<sup>rd</sup> Avenue, Block 266 Lots 14-15. For Tom Vieth -Owner; Contractor: Self

**CITY OF APALACHICOLA**  
**PLANNING & ZONING BOARD**  
**REGULAR MEETING**  
Monday, February 12<sup>th</sup>, 2024  
City Meeting Room – 74 6<sup>th</sup> Street  
Minutes

- **Motion to approve by Jim Bachrach; 2<sup>nd</sup> by Chase Galloway. All in favor – motion carried.**

11. Review, Discussion and Decision for Certificate of Appropriateness & New Construction. (R-1) (Historic District) @ 109 16<sup>th</sup> Street, Block 100 Lots ½ 7 & 8. For Dane & Nancy Clemons -Owner; Contractor: Clifton Renn

- **Motion to approve contingent upon accessory structure not being used as a dwelling by Bobby Miller; 2<sup>nd</sup> by Jim Bachrach. All in favor – motion carried.**

12. Review, Discussion and Decision for Certificate of Appropriateness & New Construction. (R-1) (Historic District) @ 94 Bay Avenue, Block 193 Lots 1-5. For Sarah Polow -Owner; Contractor: TBD

- **Lee McLemore abstains from voting due to conflict.**
- **Discussion held – P&Z Board were in consensus that the lot is legally buildable, but the Certificate of Appropriateness could not be issued due to the visual appearance needing to be revised.**
- **Motion to table the application so the applicant could revise the visual appearance of the home by Jim Bachrach; 2<sup>nd</sup> by Chase Galloway. All in favor – item tabled.**

13. Review, Discussion and Decision for Certificate of Appropriateness & Permeable Deck. (C-1) (Historic District) @ 121 Market Street, Block F-2 Lots 14 & ½ 15. For Jason O'Steen - Owner; Contractor: TBD

- **Motion to approve by Jim Bachrach; 2<sup>nd</sup> by Bobby Miller. All in favor – motion carried.**

Other/New Business:

**CITY OF APALACHICOLA**  
**PLANNING & ZONING BOARD**  
**REGULAR MEETING**  
Monday, February 12<sup>th</sup>, 2024  
City Meeting Room – 74 6<sup>th</sup> Street  
Minutes


- City Planner would like to suggest a workshop at 5:30 preceding the March 11<sup>th</sup> P&Z regular meeting to go over the Planning & Zoning Board's role and responsibilities with the City Attorney and City Manager. This could also include a Q&A for the Planning & Zoning Board Members to ask any zoning or situational questions they might have.

Outstanding/Unresolved Issues:

- N/A

**Motion to adjourn the meeting by Bobby Miller; 2<sup>nd</sup> by Chase Galloway – meeting adjourned.**

  
\_\_\_\_\_  
Vice - Chair, Chase Galloway

  
\_\_\_\_\_  
Date



## APALACHICOLA POLICE DEPARTMENT

March 2024

March is the start of spring and more visitors; we have been monitoring traffic and the boat ramps for any violations, both with parking and speeding. We have been preparing for some upgrades to the police department office that we are very excited about. Sgt Webb attended the plein air and chef's sampler events this month.

### March 2024 Totals

|   |         |     |
|---|---------|-----|
| Traffic Stops/ Warnings/ citations                  | 30      |     |
| Arrests/ Warrant Requests                           | 4       |     |
| Traffic Accidents                                   | 3       |     |
| Burglary/Theft calls                                | 1       |     |
| Assist Citizens/ Complaints/investigations          |         | 700 |
| Trespass Warnings/agreements                        | 4       |     |
| Business alarm calls/building checks/welfare checks |         | 400 |
| assist county call/other agencies                   | 30      |     |
| Assist Animal control                               | 0       |     |
| Domestic cases involving violence/disturbance calls |         | 1   |
| <br>Total calls from dispatch                       | <br>942 |     |

# APALACHICOLA VOLUNTEER FIRE/RESCUE

## MONTHLY REPORT

Jan 2024  
22 calls

|                        |           |                       |          |
|------------------------|-----------|-----------------------|----------|
| 1. Accidents           | _____     | 7. Gas Leaks          | _____    |
| 2. Lift Assists EMS    | <u>15</u> | 8. Life Flight        | _____    |
| 3. Bi-Monthly Meetings | <u>2</u>  | 9. Search/Rescue      | _____    |
| 4. Brush Fires         | <u>3</u>  | 10. Training          | <u>1</u> |
| 5. House Fires         | <u>1</u>  | 11. Transformer Fires | _____    |
| 6. Vehicle Fires       | _____     | 12. Vessel Fires      | _____    |

1st Responder calls 28

### Firefighter Attendance

|                    |           |                                  |           |
|--------------------|-----------|----------------------------------|-----------|
| 1. George Watkins  | <u>9</u>  | 11.                              | _____     |
| 2. Fonda Davis     | <u>6</u>  | 12. Avery Scott                  | <u>7</u>  |
| 3. Ginger Creamer  | <u>20</u> | 13. Troy Lee Morrison            | <u>-</u>  |
| 4. Albert Floyd    | <u>8</u>  | 14.                              | _____     |
| 5. Rhett Butler    | <u>6</u>  | 15. Anthony Croom                | <u>6</u>  |
| 6. Bruce Hoffman   | <u>10</u> | 16. <sup>my</sup> Scott Brackett | <u>5</u>  |
| 7. Palmer Philyaw  | <u>-</u>  | 17. Ricky Linton                 | <u>9</u>  |
| 8.                 | _____     | 18. Shannon Segree               | <u>4</u>  |
| 9. Troy Segree     | <u>18</u> | 19. Adam Joseph                  | <u>10</u> |
| 10. Rick Hernandez | <u>-</u>  | 20. Craig Gibson                 | <u>4</u>  |

### Additional Notes:

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Recorded by: \_\_\_\_\_

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

## **Apalachicola Margaret Key Public Library March 2024**



Library hours are 10am to 6pm Monday – Friday, and Sundays from 12pm to 4pm.

We are YOUR City of Apalachicola Library.

Come sign up for your FREE Apalachicola library card. Any library offering is FREE to the public.

Follow us on Facebook or Instagram @Apalachicolapubliclibrary for the latest!

### **March 2024 Statistics:**

- 2,610 people in our library - 22 new accounts opened - 276 patrons used our computers
- 125 (!) hours donated by our wonderful volunteers – 635 books/movies/audiobooks circulated
- 950 items donated to the library (!) - \$521.85 collected as library revenue
- 19,832 people reached on Facebook & Instagram

Happy March! The Patrons of the Apalachicola Library Society (PALS) had a hugely successful Spring Book Sale, offering books for all ages, and raising over \$500 for the library. Thank you, PALS! The Franklin County Sheriff's Office, DISC Village, and the Dept. of Veterans Affairs held a premiere tabling event here at the library, inviting Franklin County residents to learn more about important resources that exist to support quality of life here in the County. Free tax prep and filing is available by appointment on Sundays, Mondays, and Wednesdays with dedicated Volunteer Income Tax Assistance volunteers Bruce Gordon, Janine Gedmin, and Leslie McWilliams. We thank all our many community builders who volunteer their time and gifts here in the library! You do immense work!

Now in the 3<sup>rd</sup> year, the library loves to celebrate the County's Spring Break with Art! Library visitors can experience a suite of art activities from tie-dye, to wood airplane construction, quilling, stamping, stenciling, and an invaluable opportunity to paint with celebrity guest Manon Sander, a visiting Plein Air artist. The Easter Bunny also hopped by for hugs and treats, welcoming all ages to find joy in their community library!

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Your City of Apalachicola Library helps with reading, writing, and learning, and offers a suite of print/copy/scan/fax/and notary services. We loan FREE books, movies, puzzles, board games, and items from our Library of Things. We offer FREE audio books, e-books, and digital magazines through the Libby app, FREE language learning through Mango.com, & FREE streaming TV shows and movies through the Kanopy app. We also have a Book sale space on-site with FREE magazines. All donations go to our Friends of the Library 501c3 nonprofit, the Patrons of the Apalachicola Library Society (PALS). We also offer Yoga weekly on Mondays @ 6:15pm, Homework Help (FREE tutoring!) by appointment, and Bring Me A Book Franklin hosts 'Books for Babies' weekly on Tuesday mornings @ 10:30am. Our once-a-month book club meets each 3<sup>rd</sup> Wednesday @ 6pm. Do you have a club you'd like to start in the library? Want to know more about a program? Is there a book or item you need?

Call: 850-653-8436 or email: [apalachicolalibrary@gmail.com](mailto:apalachicolalibrary@gmail.com)

### **Happy April!**

Isel Sánchez-Whiteley & Barbara 'Nissie' McNair, Library Assistants  
Lucy Carter, Library Director

CITY OF APALACHICOLA  
CITY CLERK MONTHLY REPORT  
MARCH 2024

- Utility bills have been processed and mailed before the end of the month.
- Prepared February Commission minutes. Prepared April agenda packets and emailed to Commission and City Attorney.
- Notified 2K Web Group to upload meeting agenda packets to website and post meeting dates and times to website.
- Staff assisted customers with cemetery items, utility bill questions and payments, garbage/yard trash complaints, public records request, golf cart decals, Battery Park ramp stickers, business licenses, and other miscellaneous duties.
- Completed tasks as assigned by the City Manager.
- Completed and mailed general monthly billing.
- Assisted Staff with various issues and projects.
- Assisted employees with HR related issues.
- Working on 2 public records request(s).

## City of Apalachicola public works monthly report

March 2024

The Public Works Department, services all city vehicles and replaces all the tires on city vehicles, services all the mowers and weed eaters, cuts all city parks, cut all city properties, clean all city buildings, empty all garbage cans down town and city parks, clean city right of ways, cut city right of ways, and patch holes on city roads as needed.

- Completed 4 work orders.
- Serviced and replaced brakes on city vehicle.
- collected trash from downtown and public parks.
- cut our routine main roads parks and cemeteries.
- cut back on Bay Ave around stop signs for safety reasons.
- Cut back and clean alleys.
- Cut ditch back on Fred Meyers.
- Installed flooring at City Hall.
- Installed security wall at front desk of city hall.
- Loaded and hauled several loads of yard debris.
- Removed debris and dug out ditches on 25<sup>th</sup>. St.
- Leveled cross walk on Commerce St.
- Removed several diseased palm trees.

Signed by

Robert Osburn

## MARCH 2024 WATER & SEWER FIELD CREW REPORT

- Working on well 6 rehab flushing out system.
- Fixed a 2 inch water main on Ave. I
- Working with contractors at the new Gibson Inn installing water & sewer taps
- Completed all the daily rounds for the Month.
- Working on replacing the rest of the manual read meters.
- Responded to and repaired any low vacuum issues on the vacuum system.
- Completed all meter readings for the Month.
- Completed Monthly Samples for DEP
- Completed all the locates for the Month.
- Completed work orders for the Month.
- Cleaned out Odor scrubber at the water plant.
- Fixed a 2 inch water leak at Culligan water on 8<sup>th</sup> St.
- Completed TTHM Quarterly samples. We are still below the limit.80 is the maximum we had a 48.37 at Bay city and a 45.63 at Roberts Fish Dock
- The contractor's are still in the process of replacing the Fire Hydrants around the city.



# **CITY OF APALACHICOLA CODE ENFORCEMENT**

192 Coach Wagoner Blvd \* Apalachicola, Florida 32320 \* 850-653-8222

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## **CODE ENFORCEMENT OFFICE**

**February 2024**

**14 Tree Permits (40 trees)**

**6 Fill permits**

**1 Sidewalk Permit**

**4 Sign Permits**

**Daily Phone Inquiries & Emails Answered**

**Route inspections daily**

**Attend monthly P&Z and City Commission meetings**

### **Code Violation Issues:**

- **Fill Dirt (2), bringing in fill without permit - Resolved**
- **Short-term Rentals (4) – residential – 2 to Clerk of Court; 2 resolved**
- **RV – (1), in process**
- **Nuisance (Trash, waste, burning, etc.) (2), Resolved**
- **Encroachment issue (driveway) – Resolved – non-conforming**
- **Various complaints and questions**

**Complete annual (Fiscal year 2023) Building Permit & Inspection Utilization Report and uploaded to city website.**

**Work with Building Department Permit Clerk and Franklin County Tax Assessor to develop system for submitting monthly building permit reports.**

# Building Department Monthly Report 2/20-3/21/2024

| Permit #    | Category               | Permit Type            | Property Address | Payment Date | Cashier       | Valuation    | Amount Paid |
|-------------|------------------------|------------------------|------------------|--------------|---------------|--------------|-------------|
| 24AP-AC0003 | One Stop               | Air Conditioner        | 129-10th St      | 03/20/2024   | Reynold Nippe | \$10,320.00  | \$100.00    |
| 24AP-AC0003 | One Stop               | Air Conditioner        | 129-10th St      | 03/20/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-AC0003 | One Stop               | Air Conditioner        | 129-10th St      | 03/20/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-RB0006 | Residential New        | Detached Single Family | 109-16th St      | 03/14/2024   | Reynold Nippe | \$450,000.00 | \$2,809.50  |
| 24AP-RB0006 | Residential New        | Detached Single Family | 109-16th St      | 03/14/2024   | Reynold Nippe |              | \$337.50    |
| 24AP-RB0006 | Residential New        | Detached Single Family | 109-16th St      | 03/14/2024   | Reynold Nippe |              | \$31.47     |
| 24AP-RB0014 | Residential Alteration | Residential Addition   | 242-15th ST      | 03/13/2024   | Reynold Nippe | \$3,500.00   | \$103.00    |
| 24AP-RB0014 | Residential Alteration | Residential Addition   | 242-15th ST      | 03/13/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-RB0014 | Residential Alteration | Residential Addition   | 242-15th ST      | 03/13/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-E0007  | One Stop               | Electric Permit        | 30 Myrtle Ave    | 03/12/2024   | Reynold Nippe | \$1,200.00   | \$100.00    |
| 24AP-E0007  | One Stop               | Electric Permit        | 30 Myrtle Ave    | 03/12/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-E0007  | One Stop               | Electric Permit        | 30 Myrtle Ave    | 03/12/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-RB0005 | Residential Alteration | Residential Addition   | 194-10th St      | 03/11/2024   | Reynold Nippe |              | \$75.00     |
| 24AP-RB0005 | Residential Alteration | Residential Addition   | 194-10th St      | 03/11/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-RB0005 | Residential Alteration | Residential Addition   | 194-10th St      | 03/11/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-AC0002 | One Stop               | Air Conditioner        | 40-16th St       | 03/08/2024   | Reynold Nippe | \$3,600.00   | \$100.00    |
| 24AP-AC0002 | One Stop               | Air Conditioner        | 40-16th St       | 03/08/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-AC0002 | One Stop               | Air Conditioner        | 40-16th St       | 03/08/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-RB0012 | Residential Alteration | Pole Barn / Shed       | 103 Earl King St | 03/07/2024   | Reynold Nippe | \$7,800.00   | \$159.00    |
| 24AP-RB0012 | Residential Alteration | Pole Barn / Shed       | 103 Earl King St | 03/07/2024   | Reynold Nippe |              | \$2.00      |
| 24AP-RB0012 | Residential Alteration | Pole Barn / Shed       | 103 Earl King St | 03/07/2024   | Reynold Nippe |              | \$2.38      |



|              |                            |                               |                |            |               |              |            |
|--------------|----------------------------|-------------------------------|----------------|------------|---------------|--------------|------------|
| 24AP-CM0002  | Zoning                     | Commercial Minor              | 149 Ave H      | 03/04/2024 | Reynold Nippe | \$100.00     | \$100.00   |
| 24AP-CM0002  | Zoning                     | Commercial Minor              | 149 Ave H      | 03/04/2024 | Reynold Nippe |              | \$2.00     |
| 24AP-CM0002  | Zoning                     | Commercial Minor              | 149 Ave H      | 03/04/2024 | Reynold Nippe |              | \$2.00     |
| 24AP-RB0009  | Residential New            | Detached Single Family        | 56-23rd Ave    | 03/01/2024 | Reynold Nippe | \$115,000.00 | \$1,047.40 |
| 24AP-RB0009  | Residential New            | Detached Single Family        | 56-23rd Ave    | 03/01/2024 | Reynold Nippe |              | \$10.47    |
| 24AP-RB0009  | Residential New            | Detached Single Family        | 56-23rd Ave    | 03/01/2024 | Reynold Nippe |              | \$15.71    |
| 24AP-CMA0001 | Zoning                     | Commercial Major              | 177-5th St     | 03/01/2024 | Reynold Nippe | #####        | Waived     |
| 24AP-CMA0001 | Zoning                     | Commercial Major              | 177-5th St     | 03/01/2024 | Reynold Nippe |              |            |
| 24AP-CMA0001 | Zoning                     | Commercial Major              | 177-5th St     | 03/01/2024 | Reynold Nippe |              |            |
| 24AP-FO0001  | Residential Alteration     | Foundation Only - Residential | 100 Ave D      | 02/29/2024 | Reynold Nippe | \$10,000.00  | \$187.00   |
| 24AP-FO0001  | Residential Alteration     | Foundation Only - Residential | 100 Ave D      | 02/29/2024 | Reynold Nippe |              | \$2.00     |
| 24AP-FO0001  | Residential Alteration     | Foundation Only - Residential | 100 Ave D      | 02/29/2024 | Reynold Nippe |              | \$2.00     |
| 24AP-RR0004  | One Stop                   | Residential New Roof          | 257 Highway 98 | 02/27/2024 | Reynold Nippe | \$13,260.00  | \$100.00   |
| 24AP-RR0004  | One Stop                   | Residential New Roof          | 257 Highway 98 | 02/27/2024 | Reynold Nippe |              | \$2.00     |
| 24AP-RR0004  | One Stop                   | Residential New Roof          | 257 Highway 98 | 02/27/2024 | Reynold Nippe |              | \$2.00     |
| Permit Types | HVAC                       |                               | 2              |            |               | #####        | \$5,312.43 |
|              | Pole Barn - Shed           |                               | 1              |            |               |              |            |
|              | SFR                        |                               | 2              |            |               |              |            |
|              | Commercial Minor and Major |                               | 2              |            |               |              |            |
|              | Residential Addition       |                               | 2              |            |               |              |            |
|              | Foundation Repairs         |                               | 1              |            |               |              |            |
|              | Residential Roof           |                               | 1              |            |               |              |            |
|              | Electric                   |                               | 1              |            |               |              |            |
|              |                            |                               | 12             |            |               |              |            |