

Historic Preservation Board

January 10, 2018 at 9:00 a.m.

Commission Chambers • City Hall Second Floor
401 South Park Avenue • Winter Park, Florida



1 administrative

- 1) Call to order.
- 2) Approval of the December 13, 2017 meeting minutes.
- 3) Public comments on any business not appearing under action.

2 action

- 1) 451 West Comstock Avenue – Review of Demolition Permit Application
Number :17-4488, Dated December 5, 2017

3 non-action

- 1) 654 West Lyman Avenue , Restore Winter Park, LLC – Review of Incentive Grant
- 2) Review of Code of Ethics – Historic Preservation Board, City of Winter Park and State of Florida
- 3) Review of 2018 HPB Meeting Schedule

4 adjourn

The next regular HPB meeting will be 9:00 a.m. Wednesday, February 14, 2018.

appeals & assistance

"If a person decides to appeal any decision made by the Commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings, and that, for such purpose, he/she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based." (F. S. 286.0105).

"Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Office (407-599-3277) at least 48 hours in advance of the meeting."



**CITY OF WINTER PARK
HISTORIC PRESERVATION BOARD**

9:00 a.m.
December 13, 2017
Commission Chambers
401 Park Avenue South

MEETING MINUTES

1. Call to order. The meeting was called to order at 9:02 a.m.

Present: Chairman Bill Segal, Bob Schwetje, Phil Wood, John Skolfield and Ed Sabori. Absent: Jason Taft, Laura Armstrong and Chuck Bell. Staff: Directory of Planning and Community Development, Dori Stone; City Architect, Brooks Weiss and Recording Secretary Kim Breland.

Approval of Minutes:

Motion made by Bob Schwetje, seconded by John Skolfield to approve the November 8, 2017 meeting minutes. Motion carried unanimously with a 5-0 vote.

There were no public comments on any item not appearing under action.

2. Action Items

- a) HDA 17-002 Partin Family Cemetery, 2500 Modac Trail, Winter Park, FL

Brooks Weiss presented the Staff report. He explained that the property on Modac Trail in Winter Park is a 0.54 acre parcel that was part of a much larger land holding by Hugh G. Partin when it was granted to him on April 9, 1878. It was recorded in 1879. The half-acre cemetery, just north of Howell Creek, is the last of the old homestead still owned by heirs of Hugh and Nancy Partin. He noted that the 0.54 acre site is vacant, except for the head stone monuments that rise above the grass and under the several trees on-site. It sits within an established neighborhood known as *The Hills of Winter Park*. The site is surrounded by a chain-link fence and has a double gate on to Modac Trail. There is no parking on-site, only on-street parking on Modac Trail. Lastly, Mr. Weiss stated that The Partin Family Cemetery at 2500 Modac Trail is significant for its association with the history of Central Florida and the early period of development of Winter Park. It is an uncommon example of all four criteria for historic designation in Winter Park, and perhaps nationally as well. Specifically, it may be the only Family Cemetery known to be located within Winter Park.

Staff Recommendation is for approval for listing as a historic resource on the Winter Park Register of Historic Places.

The Board and Staff discussed the significance of the property and discussed the benefit of designating the cemetery a historic property. There was discussion regarding what responsibilities, if any, the City would incur if the property was designated. Planning and Community Development Director, Dori Stone, ensured the Board that the property would remain private property with the designation and the City would not be responsible for property maintenance.

Motion made by Phil Wood, seconded by John Skolfield to approve HDA 17-002 Request by the Partin Family Trust (c/o Diane Niedermann), 1751 Chippewa Trail, Maitland, Florida 32751, to designate their family cemetery at 2500 Modac Trail, Winter Park, Florida as a historic resource on the Winter Park Register of Historic Places. In addition the Board requests that Staff investigate and add the property to the National Historic Preservation Registry.

Motion carried unanimously with a 5-0 vote

- b) COR 17-001 Request by Restore Winter Park, LLC for approval of Scope of Work and Engineering Drawings to execute a Certificate of Review for restoration of the Front Porch, residing of exterior and complete freshening of interior of Existing House at 654 West Lyman Avenue, Winter Park. The existing main house to stay intact as it now exists on the property.

Mr. Skolfield recused himself from this item.

Mr. Weiss gave the update. He explained that Mr. Skolfield is submitting the drawing for the 654 West Lyman COR which was approved at the November 8, 2018 HPB meeting. He explained that as a requirement of the COR, the drawings must be reviewed and approved by the Board prior to any work beginning on the property.

The Board reviewed the drawings which showed the improvements for the interior and exterior of the home. Mr. Skolfield answered questions from the Board.

Motion made by Bob Schwetje, seconded by Ed Sabori for approval of Scope of Work and Engineering Drawings to execute a Certificate of Review for restoration of the Front Porch, residing of exterior and complete freshening of interior of Existing House at 654 West Lyman Avenue, Winter Park. The existing main house to stay intact as it now exists on the property.

Motion carried unanimously with a 4-0 vote

3. Non-Action

- a) Presentation - Dru Dennison, Manager, City of Winter Park Urban Forestry

Ms. Dennison gave the Board a brief review of City street trees. She informed the Board that as of December 2017, there are 22,978 street trees in the City of Winter Park, of which 7,155 are live oaks and 3,836 are laurel oak. She explained that back in 2012 the numbers were opposite with the City having more laurel oak trees and less live oak and the laurel oaks at the time were over mature and at the end of their life span and because of that, a number of trees have had to be removed of the past few years. Ms. Dennison explained to the Board how Urban Forestry decides which trees are planted in certain locations. She gave background on the difference between shade trees, medium trees and under story trees that are good for Central Florida. She noted that CoWP Urban Forestry planted 600 city trees in 2016 and 593 city trees in 2017, with the intention to plant another 600 city trees in 2018. She stated that at least fifty to seventy-five percent of all trees planted were live oak. Ms. Dennison provided information on how the City deals with insect and disease infestation prevention and how soil differences determine what trees are planted in Central Florida. She answered questions from the Board regarding planting on City property versus private property, planting to replace after hurricanes and blight prevention and lifespan of laurel oaks.

b) Drew Henner- a presentation on his experience has been in Newport RI and Rollins College

Mr. Henner gave a presentation giving the Board insight to his interest in Historic Preservation which originated while taking an environmental studies course at Rollins College. The course taught him about city planning and development as well as the remodeling of Winter Park. He explained that he is currently a realtor in Winter Park and his most relevant experience has been during his time interning with the Preservation Society of Newport County in Rhode Island. He showed the Board some of the historic properties he learned about during his time in Rhode Island and expressed his interest in the preservation of historic properties in Winter Park. The Board thanked Mr. Henner for his presentation and interest in the historic preservation of Winter Park.

c) Review of Staff Administration of HPB Incentives

Planning and Community Development Director, Dori Stone, discussed the implementation of Historic Preservation Board incentives. She explained that currently there are a number incentive packages available including: Housing Rehab Incentive up to \$25,000, the Undergrounding Incentive package, as well as the National Register funding program. Mrs. Stone mentioned that at the November 8 meeting, the Board unanimously voted to have the Restoration Grant Programs come back to the Board for approval. Mrs. Stone and the Board discussed how the process would work for approvals going forward. Discussion ensued.

Motion/suggestion by Board Member, Phil Wood, to have staff research Code of Ethics for the Historic Preservation Board and other City Boards.

d) Letter of Invitation for Historic Designation for Jim and Lisa Knight, 1700 Alabama Drive, Winter Park, FL

Mr. Weiss informed the Board that a letter of invitation to designate their home was sent to Jim and Lisa King at 1700 Alabama Drive, Winter Park, FL. Mr. Weiss will update the Board as more information comes available.

4. Adjournment

There was no further business. The meeting adjourned at 10:59 a.m.

The next Historic Preservation Board meeting will be held Wednesday, January 10, 2018 at 9:00 a.m.

Respectfully submitted,
Kim Breland
Recording Secretary

451 WEST COMSTOCK AVENUE

Daren and Jillian Ellington, Owners

10 January 2018

RE: SUMMARY OF ACTIONS TO DATE- Demolition Permit for 1930 "Anna Lee Woodley House" FMSF No. OR0569

5 December 2017 Demolition Permit Application submitted

6 December 2017 Phone call to Mr. Ellington to advise him of the home being on the Historic Register and of how we could assist him to find alternatives to demolition

7 December 2017 Visited the site and took a few exterior photos. Advised Permit Desk Staff to place 60 day hold on Demo Permit Application.

2 January 2018 Wrote required letter, advising Mr. Ellington of conditions of HPB requirements to search out alternatives and the 60 day hold on permit, Sent letter and Incentives by mail.

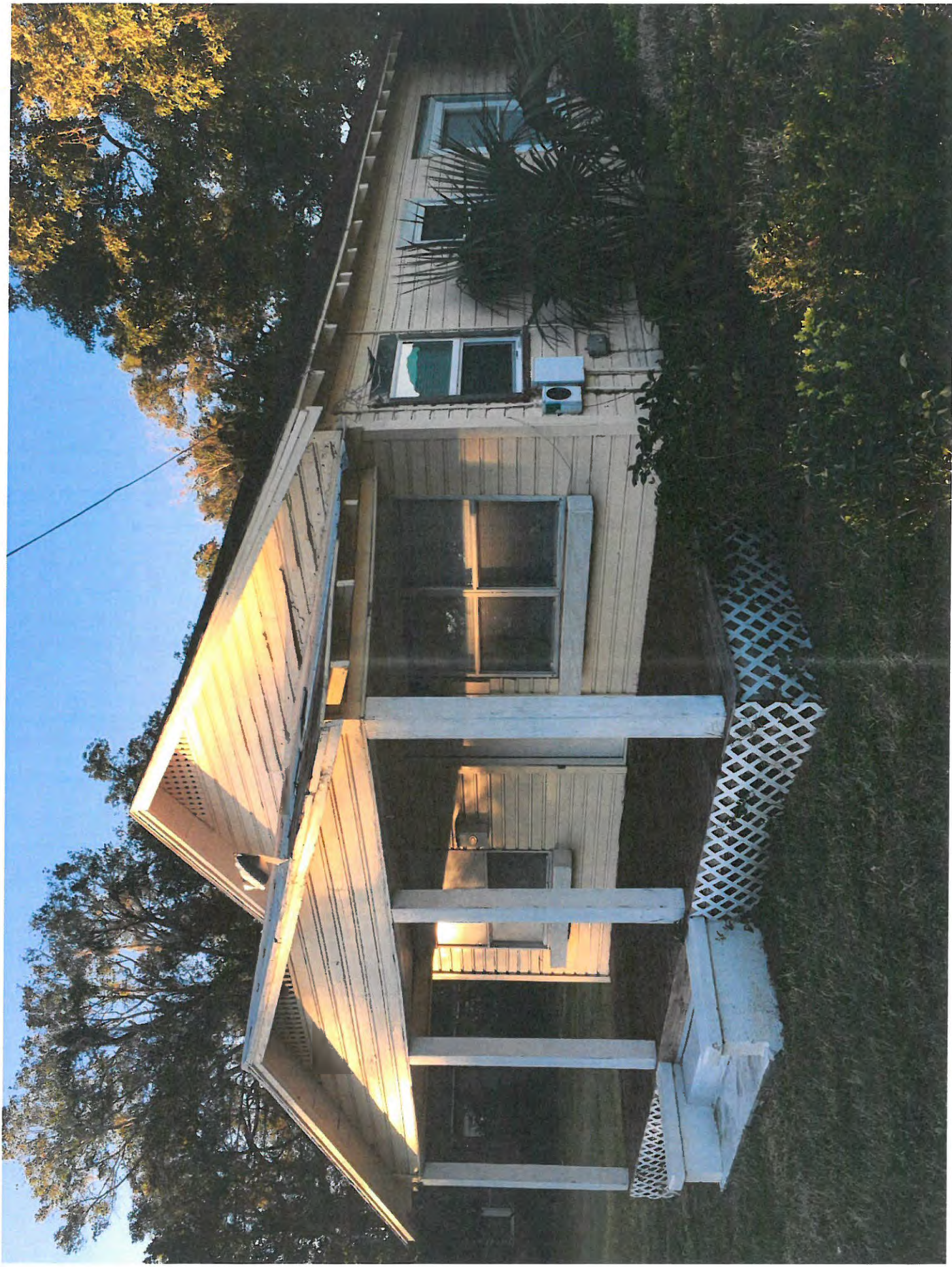
3 January 2018 Did Site Sketch showing preservation of the 1930 historic home and possible land available for new construction. Also send FAR calculations.

4 January 2018 Mr. Ellington called and asked for letter to be emailed to him. This was done and I advised him of the upcoming meeting of the HPB so he could attend.

4 January 2018 I had asked Mr. Ellington to send me his architectural plans for his new home. He sent them and I have recorded my comments on what I observed.

END.

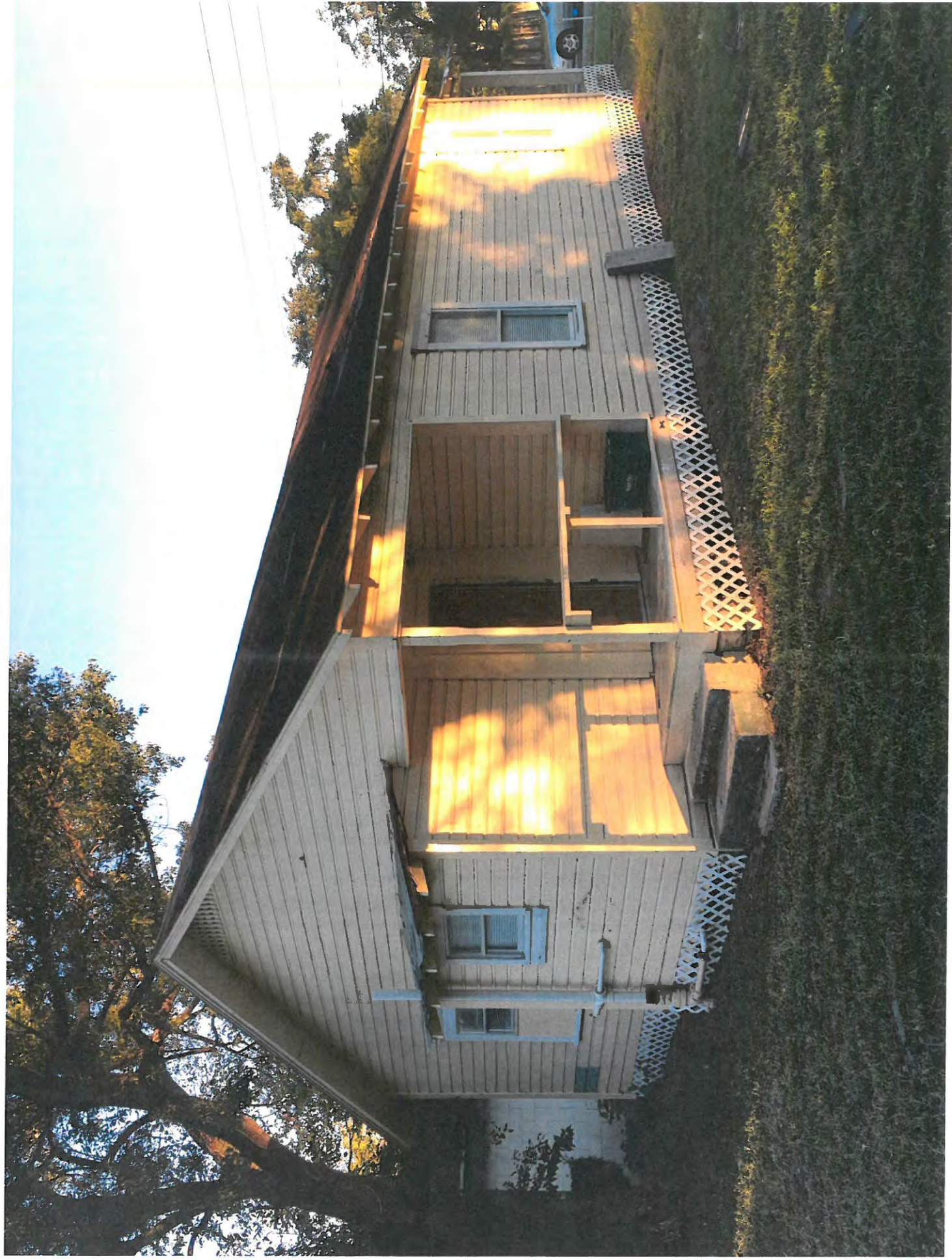
451 W. COXSTOCK AVE. : 1930 ANNA LEE WOODELY HOUSE



451 W. COMSTOCK AVE.



451 W. COASTOCK AVE.





CITY OF WINTER PARK
BUILDING & PERMITTING SERVICES DEPARTMENT

407-599-3237 / permits@cityofwinterpark.org

DEMOLITION PERMIT APPLICATION

Permit Number : 17-4488
Application Date: 12/5/2017

Date Posted : 12/5/2017
Location ID : 7943

ALL BUILDINGS (EXCEPT ACCESSORY BLDGS; AND OTHER COMMERCIAL AND MULTIFAMILY BLDGS AS DETERMINED BY THE BUILDING OFFICIAL) SHALL BE POSTED WITH A NOTICE OF INTENT TO DEMOLISH FOR 30 DAYS PRIOR TO RECEIVING A DEMOLITION PERMIT.

ANY NON-COMFORMING STRUCTURE THAT IS DEMOLISHED TO AN EXTENT OF MORE THAN 50% OF ITS REPLACEMENT COST SHALL NOT BE RECONSTRUCTED OR RESTORED EXCEPT IN CONFORMITY WITH THE PROVISIONS OF THE CURRENT LAND DEVELOPMENT CODE (SECTION 58-64(d)(2)).

PRIOR TO ISSUANCE OF PARTIAL DEMOLITION PERMIT, THE NEW CONSTRUCTION SITE PLAN MUST BE REVIEWED TO VERIFY THAT IT MEETS CURRENT SETBACKS. A PARTIAL DEMOLITION PERMIT MAY BE DENIED OR REVOKED DUE TO SAFETY REASONS.

451 W COMSTOCK AVE

Site Address

05-22-30-9400-69-200

Legal Description or Parcel ID (www.ocpaf.org)

Daren Ellington

Owner

407-923-6524

Phone

451 W. Comstock Ave.

Address

Contractor: REKA, LLC. aka Rare Builders Andrew Katzman

Name

Trade Name

Contact Information: 407-230-2126 Andy@rarebuilders.com

Phone

Fax

E-mail Address

Address: 217 N. Westmonte Dr Ste. 1005 Altamonte Springs FL 32714

Street

City

State

Zip Code

Contractor License Info: CGL1518454

Number

FL

Issued By

8-31-2018

Expiration Date

Building/Structure to be Demolished: ☒ Dwelling ☐ Duplex ☐ Multi-family ☐ Commercial ☐ Other
(check as applicable)

Verify below service disconnects and approvals:

1. Electric Utilities

Duke Energy 407-629-1010 or

OUC - 407-420-2668 or

WP Electric - fax# 407-599-3280/Call 407-599-3220

Certified By _____

Date _____

5. WP Engineering Dept.

Sr. Engr. Inspector - fax# 407-599-3417/Call 407-599-3350

Certified By _____

Date _____

2. Gas Company

TECO - Peoples Gas fax# 407-839-0768/Call 407-420-6609

Certified By _____

Date _____

6. Urban Forestry

Arborist- Call 407-599-3325

Certified By _____

Date _____

3. Telephone Company

Century Link - Call 321-279-7027

Certified By _____

Date _____

7. Non-historic Verification

Planning - fax# 407-599-3499/Call 407-599-3233

Certified By _____

Date _____

4. WP Utilities Dept.

Water-fax# 407-599-3280/Call 407-599-3220

Certified By _____

Date _____

LISTED - 601049
HSCD

451 W. COMSTOCK



CITY OF WINTER PARK HISTORIC RESOURCES	
FMSF NO.	SITE ADDRESS/NAME
OR9287	1386 Clay Street
OR9286	1387 Clay Street
OR0563	1390 Clay Street
OR9289	1404 Clay Street
OR0288	1415 Clay Street
	1250 College Point, 1955, F. W. Nickel House, architect James Gamble Rogers II
OR9291	1331 College Point
OR0564	1336 College Point, R. F. Leedy House
OR0293	1350 College Point, 1933, individually listed now in Virginia Heights East
OR9885	118 Comstock Avenue West, c. 1935
OR0567	120 Comstock Avenue East, 1925 Winter Park Masonic Temple, architect George Krug
OR9936	213 Comstock Avenue West, c. 1923
OR9935	215 Comstock Avenue West, c. 1923
OR0034	217 Comstock Avenue West, c. 1923
OR9933	219 Comstock Avenue West, c.1942
OR0568	440 Comstock Avenue West, William Lloyd House
OR0569	451 Comstock Avenue West, Anna Lee Woodley House 1730
OR0570	452 Comstock Avenue West, Harold Jackson House
OR0571	459 Comstock Avenue West, Eddie Hardy House
OR0573	471 Comstock Avenue West, Ross J. Morgan House
OR0574	479 Comstock Avenue West
OR0575	502 Comstock Avenue West, Alex Wilson House
OR0581	663 Comstock Avenue West
OR0582	664 Comstock Avenue West, Sullivan Dean House
OR0583	674 Comstock Avenue West, Maxey Day House
OR0584	704 Comstock Avenue West, Wade Wilson House
OR0585	722 Comstock Avenue West, Lonnie Brown House
OR0586	764 Comstock Avenue West, George Bland House
OR0588	816 Comstock Avenue West, Meade Colston House
OR0589	817 Comstock Avenue West
OR0590	840 Comstock Avenue West, Eugene Sheffield House
OR00591	865 Comstock Avenue West, Saint Fleming House
OR00592	104 Cortland Avenue
OR00593	140 Cortland Avenue, George Powers House
OR00594	150 Cortland Avenue, 1926, Rev. J. B. Thomas House


rick singh, cfa - ORANGE COUNTY PROPERTY APPRAISER
[Searches](#)
[Sales Search](#)
[Property Record Card](#)
[My Favorites](#)
[Sign up for e-Notify...](#)
451 W Comstock Ave < 05-22-30-9400-69-200 >

Name(s)

Ellington Daren 407. 923. 6524 451 W Comstock Ave

Ellington Jillian

Physical Street Address

Mailing Address On File

Postal City and Zipcode

1648 Chatfield Pl

Winter Park, FL 32789

Orlando, FL 32814-6624

Property Use

Incorrect Mailing Address?

0100 - Single Family

Municipality

Winter Park


[View 2017 Property Record Card](#)
[Property Features](#)
[Values, Exemptions and Taxes](#)
[Sales Analysis](#)
[Location Info](#)
[Market Stats](#)
[Update Information](#)
2018 values will be available in August of 2018.
Property Description
[View Plat](#)

TOWN OF WINTER PARK A/67 & B/86 & MISC BOOK 3/20 LOT 20 BLK 69 & S1/2 OF VAC ALLEY LYING ON N THEREOF PER 6479/1069

Total Land Area

8,756 sqft (+/-)

0.20 acres (+/-)

[GIS Calculated](#)
[Notice](#)


50' x 170'

Land

Land Use Code	Zoning	Land Units	Unit Price	Land Value	Class Unit Price	Class Value
0100 - Single Family	R-1A	1 LOT(S)	working...	working...	working...	working...

Page 1 of 1 (1 total records)

Buildings

Important Information		Structure	
	Model Code: 01 - Single Fam Residence	Actual Year Built: 1930	Gross Area: 1107 sqft
	Type Code: 0103 - Single Fam Class III	Beds: 2	Living Area: 817 sqft
	Building Value: working...	Baths: 1.0	Exterior Wall: Wood On Sheathing
	Estimated New Cost: working...	Floors: 1	Interior Wall: Wall Board, Wood

Page 1 of 1 (1 total records)

Extra Features

Description	Date Built	Units	XFOB Value
There are no extra features associated with this parcel			

This Data Printed on 01/02/2018 and System Data Last Refreshed on 01/01/2018

LISTED: WP. HISTORIC RESOURCES

OR 0569

 Anna Lee Woodley House
1930

 4 Jan 18 - Phone Call:
Builder

Daren @ daren.ellington.com

Parcel Photos - 451 W Comstock Ave



451 W COMSTOCK AVE, WINTER PARK, FL 32789 7/19/2017 9:29 AM



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

2 January 2018

Mr. Daren Ellington
1648 Chatfield Place
Orlando, Florida 32814-6624

RE: HISTORIC DESIGNATION OF YOUR 1930 HOME at 451 West
Comstock Avenue, Winter Park, Florida

Dear Mr. Ellington:

We are in receipt of your Demolition Permit Application, Permit Number 17-4488, dated 12/5/2017. After this originally came in, I visited the site and then called you to inquire as to your plans for this address. At that time, as I recall, you expressed the desire to demolish this historical home and build a new home on that site.

As we discussed, the existing home is listed on our Winter Park Historic Resources Survey, 2013 as the *Anna Lee Woodley House*, 1930, as well as on the Florida Master Site File, Number OR 0569. As such, the current City Ordinance No. 3024-15 states that the City has a sixty (60) day period to issue a demolition permit, so that we may consider appropriate alternatives to demolition. We enclose the current copy of this Ordinance for your review. Please see Section 58-481, Pages 18 and 19 for specific information on this procedure.

This letter is, as directed by the Ordinance, to advise you that the next meeting of the Historic Preservation Board (HPB) will take place at 9:00am on Wednesday, January 10, 2018 in the City Commission Chambers, second floor of City Hall, 401 South Park Avenue, Winter Park, FL.

At that time we will be discussing appropriate alternatives to the demolition of the historic home at 451 West Comstock Avenue. These alternatives may include, but are not limited to the following options:

1. Incorporation of the historic home into a new site configuration with a new larger residential designed home.
2. Use of the historic home as a cottage, as allowed in the current incentives, such as an Accessory Dwelling Unit (see Incentives List)
3. Use of other incentives that may allow greater latitude on site development and/or financial grants to assist you in the preservation of the historic home's building envelope.
4. Relocation of the historic home, preferably within Hannibal Square, to maintain the historic character of this district within Winter Park.
5. Other alternatives you may deem appropriate.

Please feel free to contact us with any questions or ideas on how we may work together to preserve this historic home. We are open to your thoughts and will work with you in any way we can.

Thank you for your kind attention.
Sincerely,

Brooks Weiss, AIA
City Architect

9-06)

Sec. 58-477. - Appeals.

- (a) Any substantially affected party may appeal any decision of the HPGB to the city commission by filing within 15 days after the date of the decision a written notice of appeal and an appeal fee as established by the city's schedule of fees. The notice shall set forth concisely the decision appealed from and the reasons or grounds for the appeal.
- (b) The appeal shall be heard by the city commission, which shall hear and consider all facts material to the appeal and render a decision promptly. The appeal shall be a de novo appeal. The city commission may affirm, modify or reverse the HPGB's decision based upon the standards in section 58-469 and guidelines in section 58-479. The decision of the city commission shall constitute final administrative review. Appeals from decisions of the city commission may be made to the courts having jurisdiction over the matter, as provided by the Florida Rules of Appellate Procedure.

(Ord. No. 2688-06, § 1, Exh. A (58-454), 10-9-06)

Sec. 58-478. - Change in approved work.

The HPGB's staff shall review any change in work proposed subsequent to the issuance of a certificate of review. If the HPGB's staff finds that the proposed change does not materially affect the historic character or the proposed change is in accord with approved guidelines, it may issue a supplementary standard certificate of review for such change. If the proposed change is not in accordance with guidelines, standards, or certificate of review previously approved by the HPGB, a new application for a special certificate of review shall be required.

(Ord. No. 2688-06, § 1, Exh. A (58-455), 10-9-06)

Sec. 58-479. - Guidelines for issuance—Demolition of designated properties or properties within historic districts, and construction, excavation or other disturbance in archaeological zones. **DEMOLITION**

~~(a) In addition to all other provisions of this article, in determining whether to approve or deny an application involving the demolition of designated properties or properties located within designated historic districts, the HPGB shall consider the following criteria in evaluating applications for a special certificate of review for demolition of designated properties:~~

- (1) The structure is of such interest or quality that it would reasonably meet national, state or local criteria for designation as a historic landmark.
- (2) The structure is of such design, craftsmanship or material that it could be reproduced only with great difficulty and/or expense.
- (3) The structure is one of the last remaining examples of its kind in the city, the county, or the region.
- (4) The structure contributes to the historic character of a designated district.
- (5) Retention of the structure promotes the general welfare of the city by providing an opportunity for study of local history, architecture, and design, or by developing an understanding of the importance and value of a particular culture and heritage.

- (6) There are definite plans for reuse of the property if the proposed demolition is carried out, and there is an explanation of what the effect of those plans will be on the character of the surrounding area.

Noncontributing elements are exempt from the provisions of subsections (1) through (5) above.

Sec. 58-480. – Identified interred archaeological site.

(b) In cases where new construction, excavation, tree removal or any other activity may disturb or reveal an identified interred archaeological site, the HPCB may issue a certificate of review with a delayed effective date up to 60 days. During the delay period, the applicant shall permit the subject site to be examined under the supervision of an archaeologist approved by the HPCB. A certificate of review may be denied if the site were of exceptional importance and such denial would not unreasonably restrict the primary use of the property.

Sect. 58-481. – Procedure for demolition of properties identified in the Florida Master Site File or the Historic Survey.

Applications requesting the demolition of properties that are identified in the Florida Master Site File or the Historic Survey as potential candidates for the National Register of Historic Places but are not designated properties or properties within historic districts, shall comply with the procedures of this section.

60 DAYS
LETTER
ALTERNATIVE
(1) Upon receipt of a complete application for a demolition permit, for properties found in the Historic Survey as potential candidates for the National Register of Historic Places, the city shall have sixty (60) days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 60 day period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from the HPB staff notifying them of the 60 day period and the purpose of such and the next HPB meeting where the application for demolition will be reviewed and potential alternatives to demolition discussed. During this 60 day period, the HPB will review the application for demolition permit and may direct HPB staff to make proposals to the property owner or their designee as to any specific alternatives to demolition.

(2) Upon the city's receipt of a complete application for a demolition permit of properties that are identified in the Florida Master Site File, the city shall have sixty (60) days thereafter to issue a demolition permit provided the applicable demolition permit requirements have been met. The purpose of this 60 day period is to facilitate and encourage the consideration of appropriate alternatives to protect the historic character of the property sought to be demolished before a demolition permit is issued. Upon receipt of the application for demolition, the property owner or their designee will receive a letter from staff regarding the 60 day period and the purpose of such. During this 60 day period, staff shall consider appropriate alternatives to demolition and is authorized to make proposals to the property owner or their designee to protect the historic character of the property in lieu of demolition. HPB staff shall notify the HPB of any applications for

demolition that qualify under this category at the next scheduled meeting of the HPB subsequent to the receipt of a complete application for demolition permit.

(3) During the consideration period set forth under subsection (1) and (2), the following alternatives to demolition should be considered:

(i) The feasibility of moving or relocating the structure;

(ii) The feasibility of purchasing the structure, either privately or through the use of public funds;

(iii) Preservation of historic elements of the structure prior to demolition through photographic documentation of the structure, removal and relocation of historic elements, or otherwise archiving the historic nature of the structure.

(4) If agreement is reached with the property owner to allow preservation of aspects of the structure pursuant to subsection (3) (iii) above, the demolition shall be allowed immediately upon completion of the preservation or at the end of the consideration period, whichever may come first, provided all other criteria for demolition have been met. As further consideration for allowing the preservation of the structure pursuant to this section, any person or entity undertaking the preservation effort shall provide the property owner a waiver of liability for any personal injury or property damage incurred by the preserving party.

(5) If after the expiration of the applicable consideration period under subsection (1) and (2), the property owner notifies the HPB staff in writing that no alternatives to demolition that are acceptable to the property owner have been presented, provided that all other requirements and conditions of its application for a demolition permit have been met, the city shall proceed to issue a demolition permit in accordance with its standard procedures. At any time after a complete application for demolition permit is received, the HPB staff may waive the remaining time under the applicable consideration period under subsection (1) and (2) if the HPB or the HPB staff determines that no meaningful alternatives to demolition exist or will be proposed to the property owner.

(6) For good cause shown, and with the agreement of the property owner, the consideration periods under subsection (1) and (2) may be extended for an additional sixty day (60) day period. The time limit under sec. 58-475 does not apply to demolition permits under this section.

(7) The criteria set forth in Sec. 58-479 do not apply to applications for demolition permits under this section. The HPB does not have the authority to approve or deny an application for demolition permit under this section.

(8) The provisions of this section shall be supplemental to any other requirements and conditions applicable to applications for and permits issued concerning the demolition of properties.

(9) Any property that has received, prior to the effective date of this section, an approved and valid development order or permit from the City that authorizes the redevelopment of the property is exempt from the provisions of subsection (1) and (2) in regards to the redevelopment approved by such development orders and permits.

Sec. 58-480482. - Reconstruction of destroyed historic landmarks.

The loss less of local historic landmarks, resources or contributing structures within a historic district that have been destroyed by fire or other natural disaster may be ameliorated by efforts to reconstruct the resource. Reconstruction means the process of reproducing by new construction the exact form and detail of a demolished building structure or object as it appeared at a certain point in time. The HPCB shall encourage reconstruction when deemed appropriate and when such reconstruction is based upon evidence of the size, form, architectural style and detail of the demolished building. The reconstruction will be recognized as such in the Winter Park Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A(58-457), 10-9-06)

Sec. 58-481483—58-489. - Reserved.

DIVISION 5. - ADMINISTRATION AND
ENFORCEMENT

Sec. 58-490. Incentives.

The City may adopt additional incentives applicable to designated historic landmarks, historic resources and/or properties in a historic district, including but not limited to fee discounts or grant programs, at its discretion.

Sec. 58-491. - National Register of Historic Places nominations.

The HPCB shall review local nominations to the National Register of Historic Places and shall forward a record of their actions and recommendations to the Florida State Historic Preservation Officer.

- (1) The city commission, City Manager, Planning and Community ~~red~~Development department director, ~~chief planner~~, owners of record and applicants shall be given a minimum of 30 and not more than 75 days prior to the HPCB meeting in which to comment on or object to the listing of a property in the National Register of Historic Places.
- (2) Objections by property owners must be submitted in writing and their signature notarized to prevent nomination to the National Register of Historic Places.

(Ord. No. 2688-06, § 1, Exh. A (58-458), 10-9-06)

Sec. 58-492. - Certified local government performance.

The HPCB shall apply to participate in the certified local government program through the Florida Division of Historical Resources. As part of the program requirements the HPCB shall:

- (1) Provide 30 days prior notice of all meetings to the state historic preservation officer.
- (2) Submit minutes of each meeting to the state historic preservation officer within 30 days of each meeting.

Historic Preservation Incentive Discussion Guide – June 2016

Status	Incentive	Type	Cost	Comments
Existing	Plaque program	Promotion/Educational	Budget	Offered to owners of designated properties
Existing	Accessory dwelling unit	Development	No cost	Single Family residential bonus ADU
Existing	Ad valorem tax residential rehabilitation	Financial	Property specific	Offered for major rehabilitation projects for 10 year period
Existing	HPB variance review	Development	No cost	No owner cost or hardship requirement for appropriate design
Existing	FL Building Code flexibility	Development	No cost	Flexibility allowed by the FBC for designated properties
Existing	No fee for designation or Certificate of Review	Financial	Staff time	No application fees charges to owners
Existing	Preservation easement donation	Financial	Project specific	City can receive preservation easements that may give owners tax benefits
Proposed	HP resource library	Educational/Technical	Budget	Located at WPPL and/or City Hall
Proposed	HP newsletter	Educational/Promotional	Staff time and printing costs if in print	Highlights properties and provides technical information
Proposed	Walking tours	Educational/Promotional	Staff time and printing costs if in print	Could be in partnership with HP organizations
Proposed	Illustrated design guidelines	Educational/Development	Budget	Provides illustrated guidelines for appropriate rehabilitation and infill development
Proposed	Building assessment	Technical	Staff time	Assist owners in preservation planning to a greater and more technical degree
Proposed	Reduced permit fees	Financial *	Rehabilitation specific	Amend fee schedule to rebate city portion of permitting fees

Proposed	Transfer of density (TOD) for commercial properties	Development	No cost	Requires a policy and receiving area to accept additional density/intensity from downtown
Proposed	Rehabilitation grants	Financial *	Project and budget specific cost	Establish Commission policy and program
Proposed	Undergrounding electric building to main line	Financial *	Budget	Estimated to be about a \$3,000 benefit
Proposed	Prepare and Submit National Register Applications	Financial *	Property specific	Establish Commission policy for unique and threatened properties
Proposed	Install street lighting	Financial *	Neighborhood specific	City to fund and install ornamental streetlights for entire district

*These incentives would require establishing policies and the appropriation of funding.



HISTORIC PRESERVATION INCENTIVES

1. Reduced or Waived Building Permit Fees

The city has the ability to reduce or waive permit fees. Currently, the permit fees are calculated at 9/10% of the value of the overall construction. The reduction or loss of building fees as permitted by law are relatively insignificant to the overall new construction taking place in the city. This incentive would only apply to designated properties. The City commission could also set an annual limit on fee waivers or reductions.

2. Undergrounding of Electric Services

Electric Utility currently charges customers up to \$3,000 to run the electricity from the street into the house. This program would waive the cost of that connection. This incentive could be applied to individual resources.

3. Rehabilitation Grants

The concept of the rehabilitation grant program is based on the housing rehabilitation and business façade programs currently operating within the city's CRA district. This program would be for resources valued under \$400,000 based on the Orange County Property Appraisers office. The program would provide a 50% match to a property owner for exterior improvements. The maximum city matching grant it is \$25,000 per property. The property-owners would be required to own the property for an additional five years or pay back a pro-rata share of the grant to the city. A resource receiving this incentive would be required to list their property on the city's Register of Historic Places and, if appropriate apply for the National Register of Historic Places.

4. Preparation of National Register Applications

As a means to encourage that the most historically significant properties receive National recognition, the City would assist with the staff effort and expense of preparing and submitting National Register of Historic Places applications should a property owner desire to seek this national recognition.

Brooks Weiss

From: Ashley Ong
Sent: Wednesday, January 3, 2018 11:00 AM
To: Brooks Weiss
Cc: Kristopher Stenger
Subject: FW: 451 W. Comstock Avenue- FAR

Required front setback is 25 ft. Existing front setback may stay if you can convince the owner to keep the existing house and just add on horizontally back.

F.A.R. and Side Setbacks Calculator for Single Family Residence

(fill out BLUE cell only)



Lot Width (ft)	<div>50</div>	Lot width measured at bldg line across lot at front wall of home or at the front setback.
No. of Story	<div>2</div>	Max 2 story
Lot Area (sq.ft.)	<div>8500</div>	Submerged lands or land across the street shall not be included.
Base F.A.R. (sq.ft.)	<div>3230</div>	
Front Setback	<div></div>	All setbacks shall be verified by a registered surveyor.
1st Flr Side Setbacks (ft)	<div>8</div>	For lots 60 ft or less in width, side setback may be 7.5 ft minimum.
2nd Flr Side Setbacks (ft)	<div>10</div>	

F.A.R. and Side Setback Adjustments

Percentage Increase	<div>50.0%</div>	5% maximum increase.
Max. F.A.R. (sq.ft.)	<div>3655</div>	
New 1st Flr Side Setbacks (ft)	<div>8</div>	For lots 60 ft or less in width, side setbacks may be 7.5 ft minimum for 5% increase.
New 2nd Flr Side Setbacks (ft)	<div>13</div>	For lots 60 ft or less in width, side setback may be 12.5 ft minimum for 5% increase.



City of Winter Park
401 Park Ave. South
Winter Park, FL. 32789
cityofwinterpark.org

Ashley Ong
Assistant Building Official
Building & Permitting Services

p: 407.599.3670
f: 407.691.6554

[Please tell us how we're doing.](#)



CITY OF WINTER PARK

401 Park Avenue South

Winter Park, Florida

32789-4386

3 JANUARY 2018

MR. ELLINGTON

RE: 451 W. COMSTOCK AV.

Here is the FAR Calculations
for your property.

And a Site Plan showing
the approximate size &
location of the existing
historic home.

This was done to illustrate
for you the possibilities
that exist for keeping
the original home and
adding over 2500 SF
of New Construction.

With historic designation,
you may benefit from other
incentives as well.

Thank you, *Brooks*

CITY ARCHITECT'S COMMENTS: *A Proposal instead of an Opinion**

451 West Comstock Avenue, the site of an original historic Hannibal Square home built in 1930- the Anna Lee Woodley House

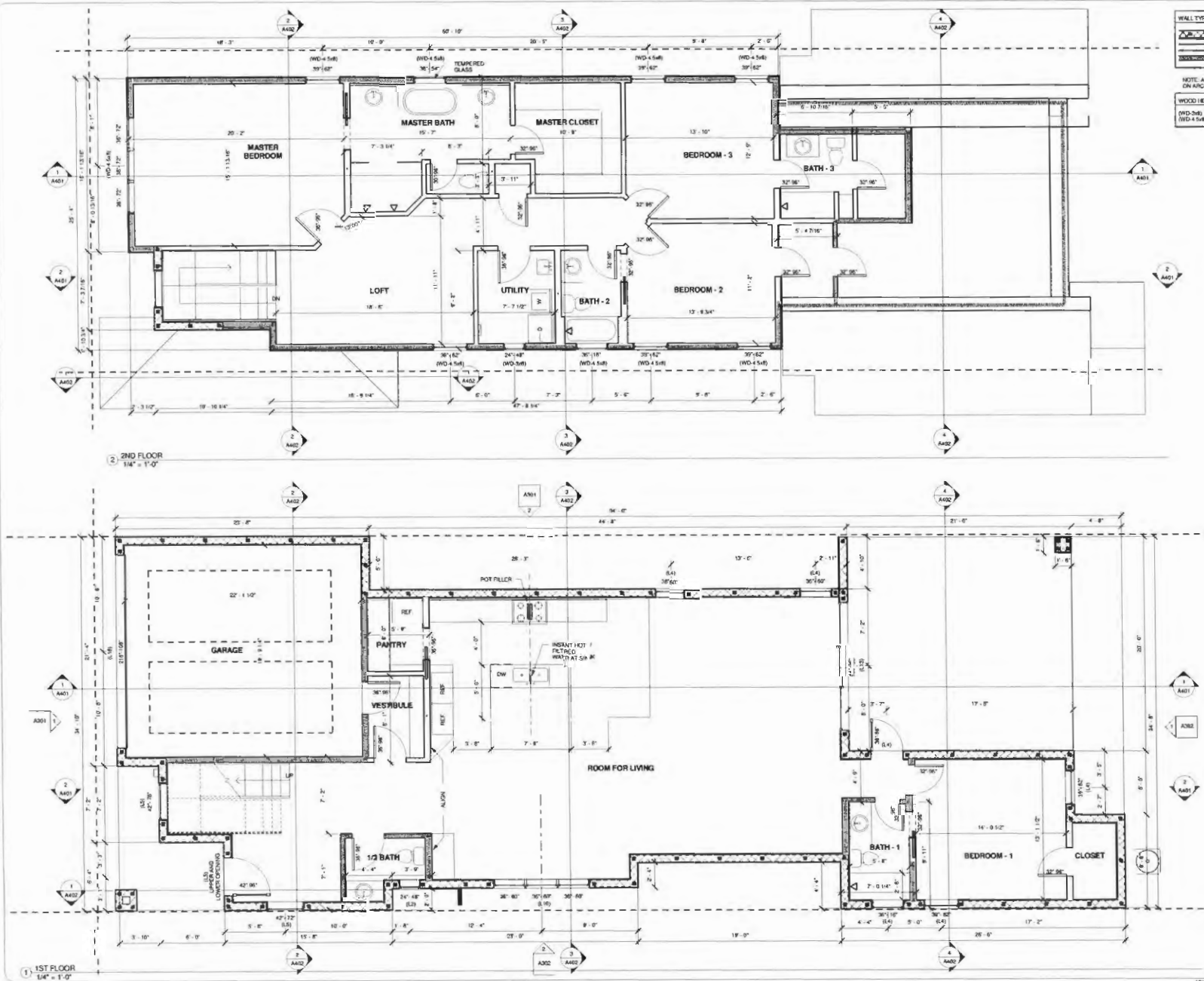
1. Site/Front-loaded Garage
 - a. impact of blank double garage door on street image
 - b. scale of original home and neighborhood not reflected in this design
 - c. **consider relocation of the Garage to the rear of property*
 - d. ** consider relocation of original 1930 bungalow to rear of property as Guest Cottage*
2. Two-story Front Façade
 - a. lack of any historic character from original 1930 home (gable roof) reflected in this design
 - b. very little articulation
 - c. scale of front elevation not in keeping with original neighborhood
 - d. little expression of Front Porch
 - e. **consider using gable roof form(s)*
 - f. **consider stepping the front façade back, with one-story expression on to street façade*
 - g. **consider using the original 1930 historic home as part of the new design*
3. Contemporary Front Façade (**please see #2 above*)
 - a. not the best architectural effort here
 - b. lacks real architectural style- a mix of roofs and little real character
4. West Side Elevation (East Side similar)
 - a. little/no articulation within 44' run between Garage and Rear Porch
 - b. second floor blank expression- little/no architectural character
5. More Traditional Rear Expression
 - a. better expression of the original architectural character of the neighborhood
 - b. no windows to the north (egress?/storage?)
 - c. why the switch from low-slope to gable roof forms?

END.

Brooks Weiss, AIA

City Architect for Winter Park

407.599.3323 bweiss@cityofwinterpark.org



WALL TYPES	
	CMU
	WOOD FRAME
	WOOD FRAME WITH ACOUSTIC INSULATION

NOTE: ALL ELECTRICAL OUTLETS IN BEDROOMS TO BE ON APC PANEL CIRCUITS

WOOD HEADER SCHEDULE	
(WD-24)	DOWN C 2x8 SYMC
(WD-4.5x8)	TRIPLE 2x8 SYMC

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reen Apple Architecture
 90 BOK A01
 WINTER PARK, FLORIDA 32790
 PHONE: 407.447.7894
 A45300707

451 W COMSTOCK
 WINTER PARK, FLORIDA

SEAL
 Digitally signed by
 John Drake
 Date:
 2017.12.04
 22:35:56
 -05'00'

ISSUE DATE
 12/04/17

SHEET INFORMATION
FLOOR PLAN
 Scale: 1/8" = 1'0"

A210

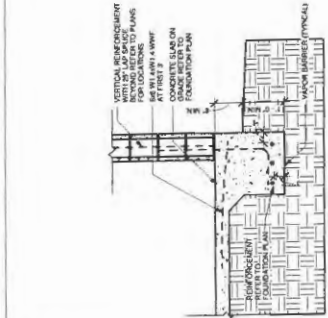
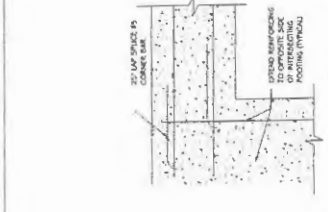
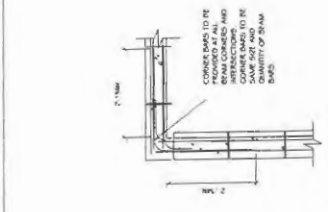
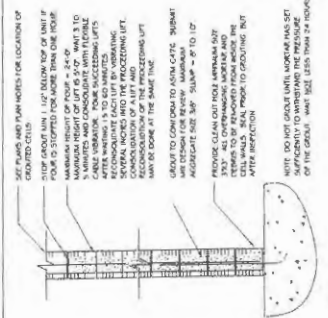
FOUNDATION PLAN NOTES:

1. CONCRETE SHALL BE 4" THICK UNLESS NOTED OTHERWISE. REINFORCEMENT 1" DIA. BARS SHALL BE PLACED AT 12" ON CENTER. ALL REINFORCEMENT SHALL BE TIE BARS. TIE BARS SHALL HAVE ULTIMATE COMPRESSIVE STRENGTH OF NOT LESS THAN 1000 PSI AT 28 DAYS.
2. ALL FOUNDATION WALLS SHALL BE 16" THICK UNLESS NOTED OTHERWISE. ALL FOUNDATION WALLS SHALL HAVE ULTIMATE COMPRESSIVE STRENGTH OF NOT LESS THAN 1000 PSI AT 28 DAYS.
3. ALL FOUNDATION WALLS SHALL BE 16" THICK UNLESS NOTED OTHERWISE. ALL FOUNDATION WALLS SHALL HAVE ULTIMATE COMPRESSIVE STRENGTH OF NOT LESS THAN 1000 PSI AT 28 DAYS.
4. REINFORCEMENT SHALL BE 16" THICK UNLESS NOTED OTHERWISE. ALL FOUNDATION WALLS SHALL BE 16" THICK UNLESS NOTED OTHERWISE. ALL FOUNDATION WALLS SHALL HAVE ULTIMATE COMPRESSIVE STRENGTH OF NOT LESS THAN 1000 PSI AT 28 DAYS.
5. REINFORCEMENT SHALL BE 16" THICK UNLESS NOTED OTHERWISE. ALL FOUNDATION WALLS SHALL BE 16" THICK UNLESS NOTED OTHERWISE. ALL FOUNDATION WALLS SHALL HAVE ULTIMATE COMPRESSIVE STRENGTH OF NOT LESS THAN 1000 PSI AT 28 DAYS.

FOUNDATION SCHEDULE

ITEM	DESCRIPTION	THICKNESS	REINFORCEMENT
F1	CONCRETE 4" THICK	4"	11#5 BARS
F2	CONCRETE 4" THICK	4"	11#5 BARS
F3	CONCRETE 4" THICK	4"	11#5 BARS
F4	CONCRETE 4" THICK	4"	11#5 BARS

COORDINATE WITH FOUNDATION DETAILS AND TYPICAL WALL SECTIONS.

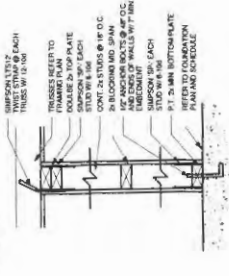
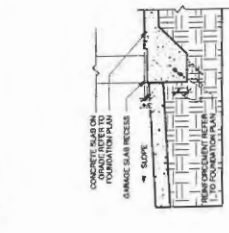


5 CMU WALL DETAIL
3/4" = 1'-0"

6 CMU BEAM DETAIL
3/4" = 1'-0"

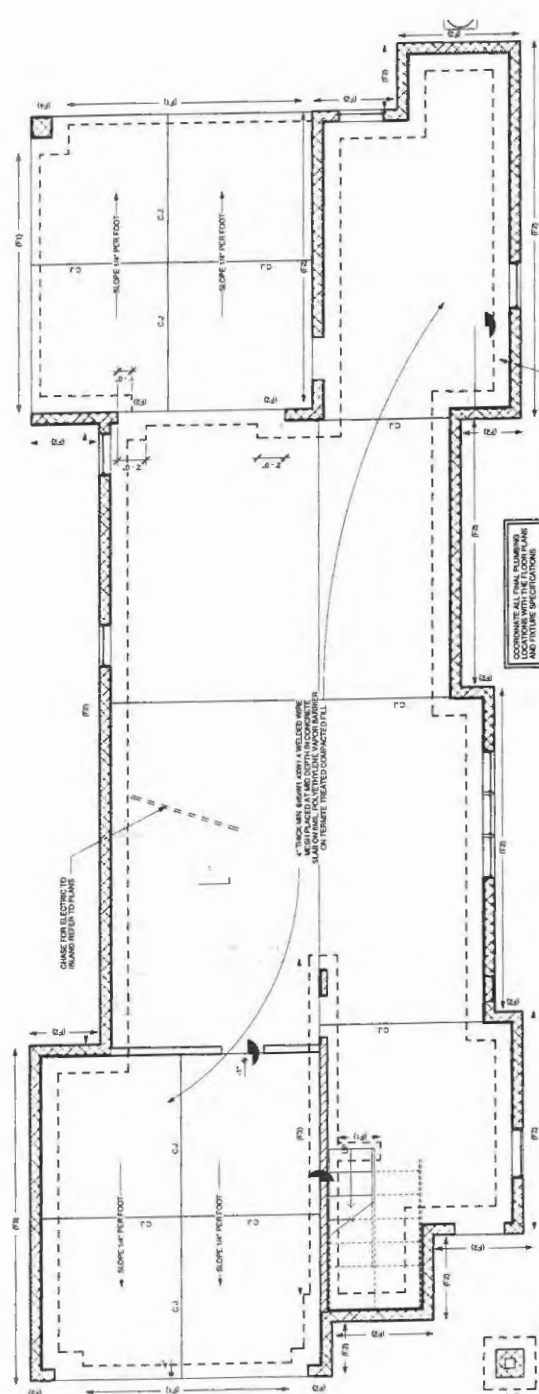
7 FOUNDATION LAP DETAIL
3/4" = 1'-0"

8 FOUNDATION DETAIL
3/4" = 1'-0"

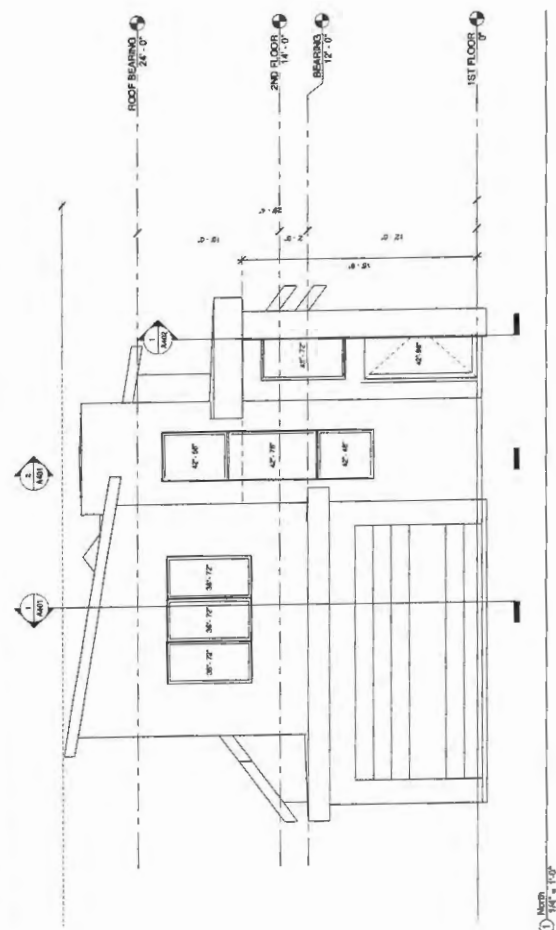


9 DAMAGE FOUNDATION DETAIL
3/4" = 1'-0"

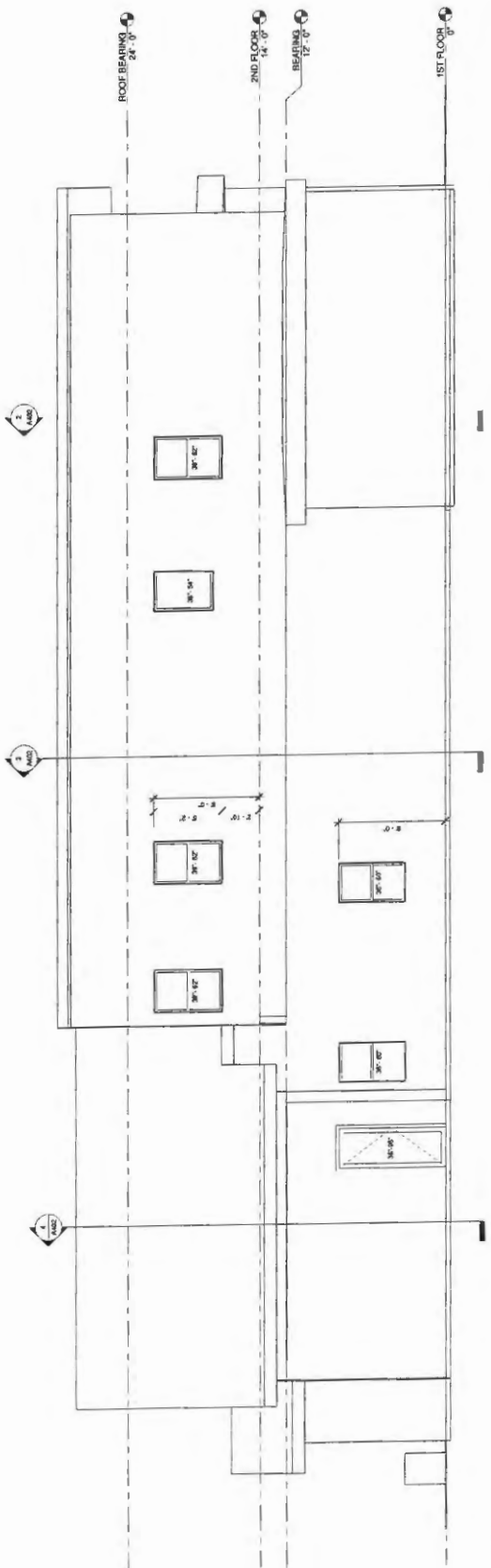
10 INTERIOR BEARING WALL DETAIL
1 1/2" = 1'-0"



11 FOUNDATION PLAN
1/4" = 1'-0"



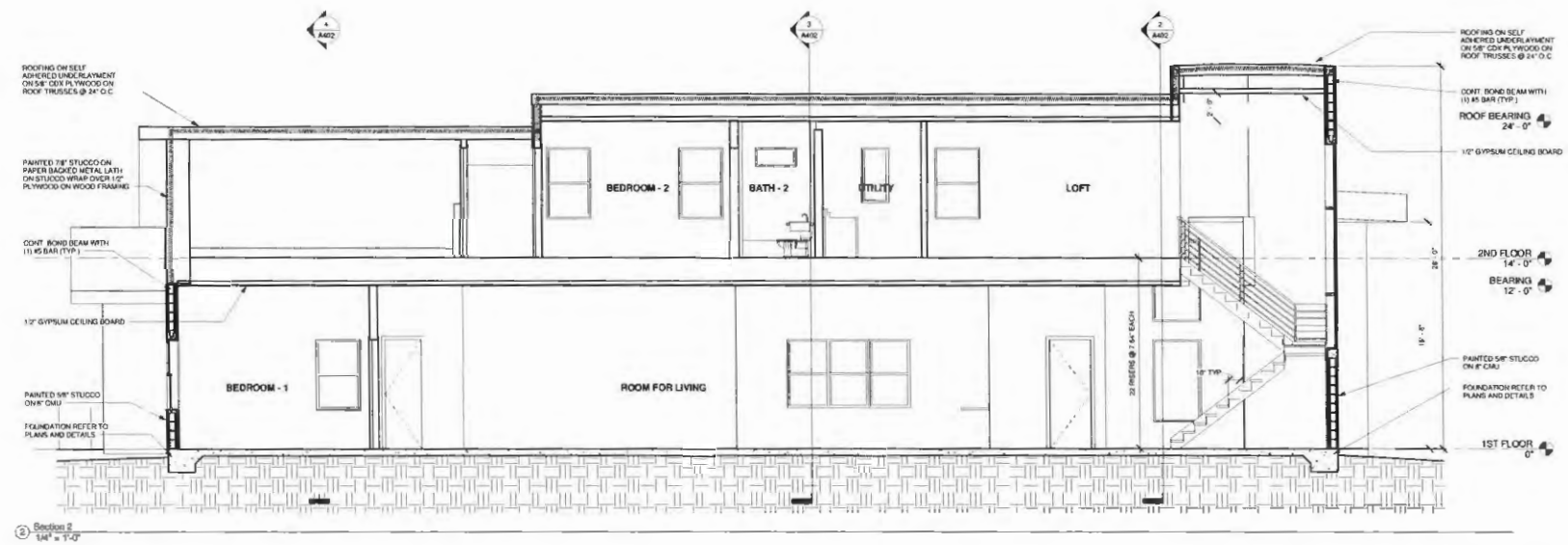
North
 1/8" = 1'-0"



East
 1/8" = 1'-0"

FIELD NOTE:
 This drawing is to be used in conjunction with the site plan and other drawings. It is not to be used in isolation. The drawing is to be used in conjunction with the site plan and other drawings. It is not to be used in isolation. The drawing is to be used in conjunction with the site plan and other drawings. It is not to be used in isolation.

1/20/17 10:43:24 AM



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Green Apple Architecture
 10 BOX LANE
 WINTER PARK, FLORIDA 32790
 PHONE 407.547.9684
 FAX 407.500.0707

451 W COMSTOCK
 WINTER PARK, FLORIDA

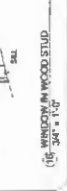
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 Digitally signed by John Drake
 Date: 2017.12.04 22:35:56 -0500
 J.A.D. 5072
 A784-11

ISSUE DATE
 12/04/17

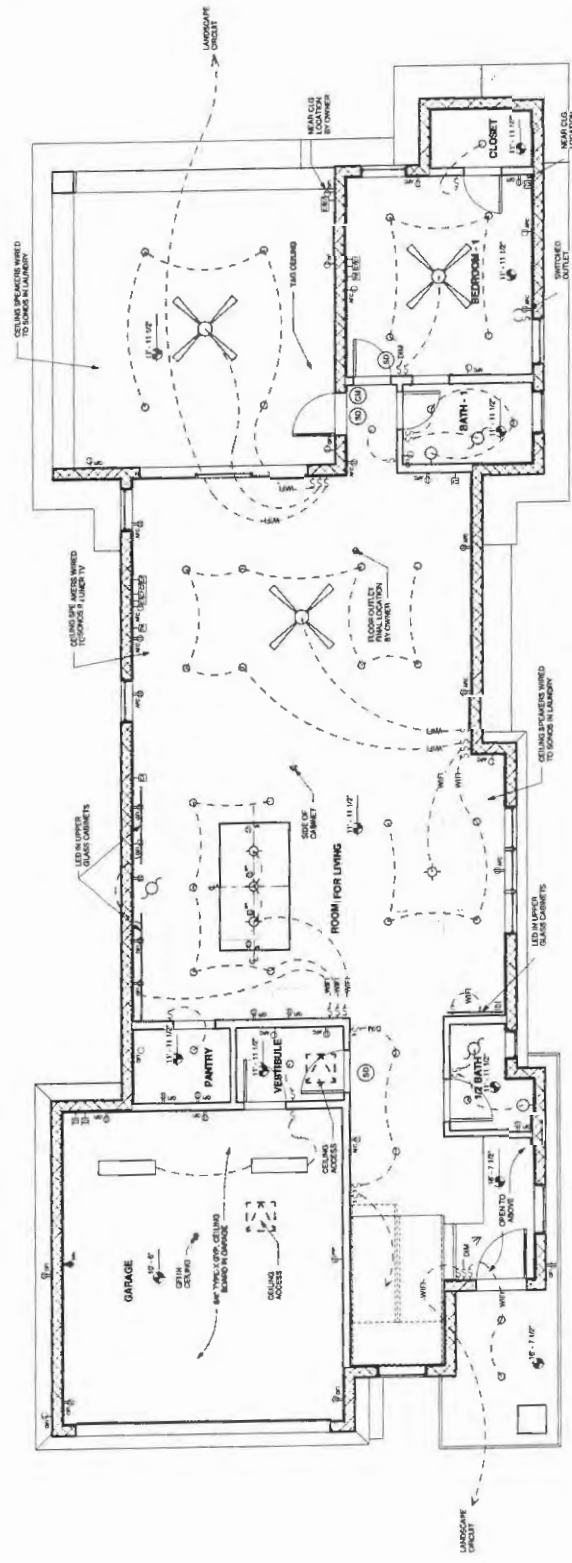
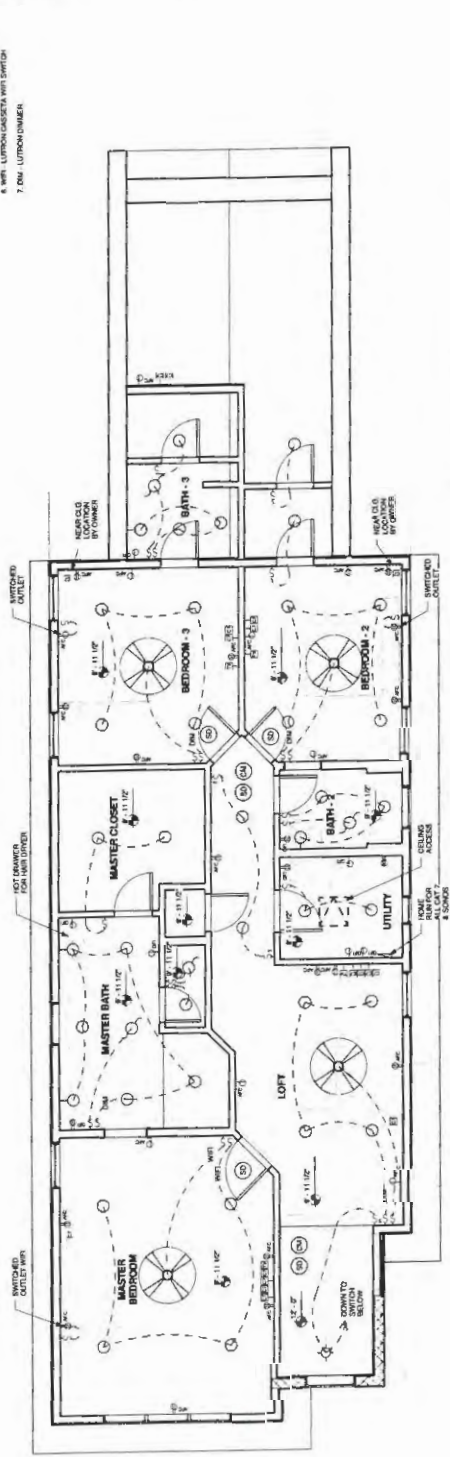
SHEET INFORMATION
 SECTIONS

Scale 1/4" = 1'-0"

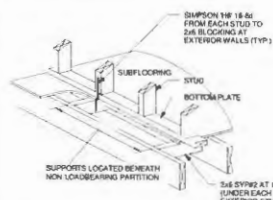
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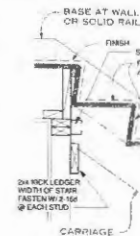
NOTES:
 1. MECHANICAL CONTRACTOR IS RESPONSIBLE FOR PROVIDING TOTAL ELECTRICAL LOAD FOR EACH ROOM. ALL ELECTRICAL LOADS SHALL BE PROVIDED TO THE MECHANICAL CONTRACTOR. ALL ELECTRICAL LOADS SHALL BE PROVIDED TO THE MECHANICAL CONTRACTOR.
 2. ALL ELECTRICAL OUTLETS IN KITCHENS TO BE CHANGED TO 20 AMP.
 3. ALL ELECTRICAL OUTLETS IN BATHS TO BE CHANGED TO 20 AMP.
 4. ALL ELECTRICAL OUTLETS IN BEDROOMS TO BE CHANGED TO 20 AMP.
 5. ALL ELECTRICAL OUTLETS IN LOFTS TO BE CHANGED TO 20 AMP.
 6. ALL ELECTRICAL OUTLETS IN GARAGE TO BE CHANGED TO 20 AMP.
 7. ALL ELECTRICAL OUTLETS IN PORCHES TO BE CHANGED TO 20 AMP.



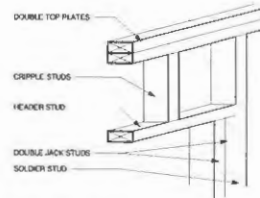
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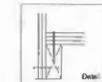
2 WOOD STUD BLOCKING DETAIL
3/4" = 1'-0"



3 WOOD STUD NOTCHING AND BORING
LIMITS
3/4" = 1'-0"

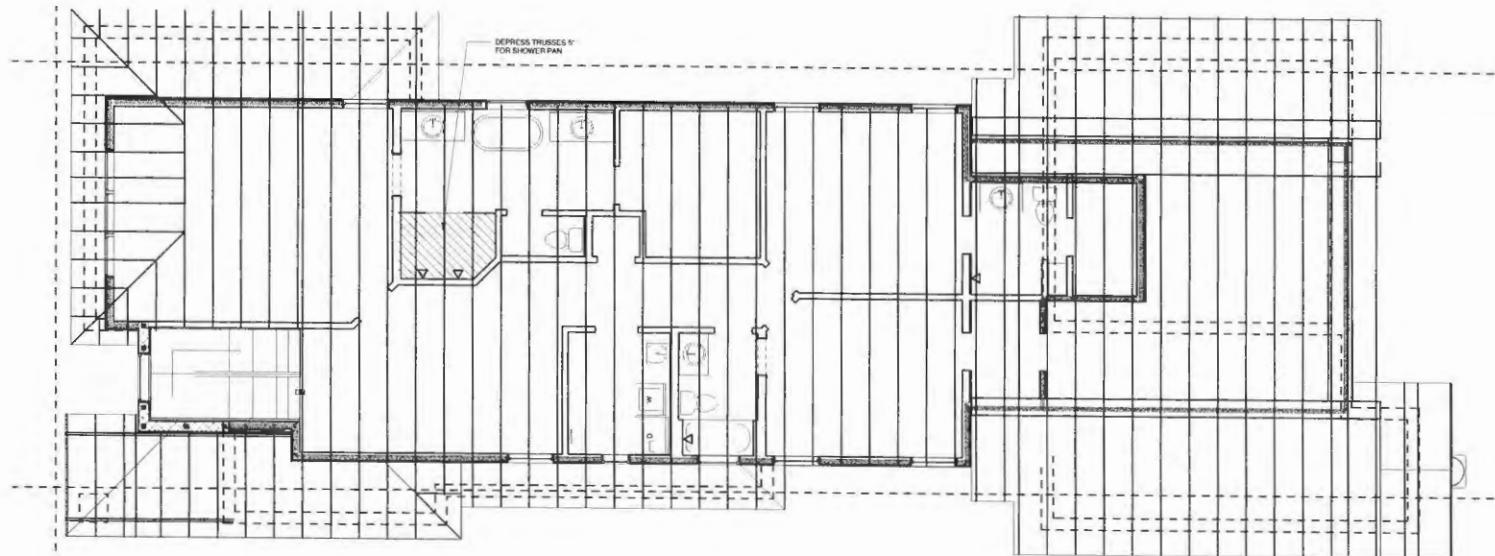


4 NON-BEARING PARTITION
LIMITS
1 1/2" = 1'-0"



5 STAIR BOTTOM DETAIL
3/4" = 1'-0"

6 STAIR DETAIL
1 1/2" = 1'-0"



1 LOWER FRAMING PLAN
1/4" = 1'-0"

FRAMING PLAN NOTES:

1. FLOORING SHALL BE 2X10 1/2" MIN. APA RATED, 1/2" TYPE PLYWOOD SHEATHING AT 32" O.C. SPAN RATING CONNECTED TO WOOD ROOF JOIST W/ 10d COMMON NAILS SPACED @ 12" O.C. EVERYWHERE. PROVIDE ONE PLYWOOD CLIP FOR SPAN BETWEEN SHEET EDGES. PROVIDE SOLID 2x4 BRACING BETWEEN SUPPORTS AT ALL RISERS, VALLEYS, AND CHANGES IN ROOF SLOPES.
2. SEE SECTION DETAILS FOR LIFT-UP CONNECTIONS.
3. SEE TRUSS WIND PRESSURE CHARTS FOR DESIGN REQUIREMENTS.
4. FASTEN WALL SHEATHING TO WOOD FRAMING W/ 10d COMMON NAILS SPACED @ 12" O.C. EVERYWHERE.
5. AT ALL GIPPER TRUSS BEARINGS ON FRAMED WALLS PROVIDE DOUBLE STUDS AND AT TRIMPLE GIPPER BEARINGS PROVIDE TRIPLE STUDS. FASTEN STUDS TOGETHER W/ 10d @ 12" O.C. MIN.

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Green Apple
Architecture
PO BOX 1400
WINTER PARK, CO 81091-3290
PHONE 457-4471 FAX 457-4472

451 W COMSTOCK
WINTER PARK, FLORIDA

SEAL
Digitally
signed by
John Drake
Date:
2017.12.04
22:35:56
-05'00'

ISSUE DATE
12/04/17

SHEET INFORMATION
LOWER
FRAMING
Scale PLAN indicated

A221

654 WEST LYMAN AVENUE: Historic Home Restoration Improvements and HPB Grants

Restore Winter Park, LLC, Owner

10 January 2018

STAFF SUMMARY OF ITEMS COVERED BY MATCHING FUNDS VIA INCENTIVES

Restore Winter Park, LLC Partner, John Skolfield, will be doing the construction. The following figures are his estimates of costs to be matched 50/50 by the HPB Incentives. Mr. Skolfield's Construction Contract attached.

We are looking forward to getting a second reputable General Contractor estimate to compare to Mr. Skolfield's figures. These will be evaluated when received.

The HPB Incentives apply only to the exterior building envelope, as follow:

- 1. Front Porch- reconstruct front porch** **\$24,653.00**
 - a. Remove all aluminum windows
 - b. Construct new structural columns, consisting of a total of six (6) posts wrapped and trimmed as indicated in the plan above
 - c. Reconstruct (front porch) wall to be at a slightly lower height
 - d. Install new front door (correct to 1925)
 - e. Construct roof elements on front overhang
- 2. External siding- repair and replace siding, as needed** **\$4,822.00**
 - a. Remove all rotted siding
 - b. Scrape, sand and clean up existing siding
 - c. Reinstall siding as necessary eliminating the vertical trim boards used to cover seams on the sides
- 3. Windows- replace all windows, included two front windows** **\$9,210.00**
 - a. Order all new Windsor authentic wood windows consisting of a total of six windows (double-hung wood windows (not aluminum clad), approximately 30" x 60" and two windows approximately 30' x 30"
 - b. Install Windows properly, waterproofing against sheathing
 - c. Install trim boards around perimeter authentically replicating construction design methods from this era
- 4. Roof- reroof entire home** **\$5,992.00**
 - a. Remove all existing shingles and tar paper
 - b. Examine all decking boards and replace as necessary
 - c. Install new synthetic dry material
 - d. Install all new eve metal
 - e. Install new 30-year architectural shingles

SKOLFIELD HOMES, LLC

118 W. Comstock Ave., Winter Park, FL 32789
Phone 407-647-7730 Fax 407-647-7731

www.skohomes.com anthony@skohomes.com
Rizzo
CBC1253395

Residential Remodeling and Additions
Owners: John Skolfield and Anthony

License # CRC058217 and

CONSTRUCTION CONTRACT

Owner

November 21, 2017

Job #

Name: Restore Winter Park LLC

Address: 118 W Comstock Avenue

Mobile phone: 321-228-3990 e-mail: john@skohomes.com

Note: John Skolfield is 50% owner of both Skolfield Homes and Restore Winter Park LLC



General Scope: Complete restoration of this Historic Home located at 654 W Lyman Avenue in concert with the recent Historic Designation.

Detailed Scope of work with the associated costs::

1. **\$24,653 Reconstruct front porch**
 - a. remove all aluminum windows
 - b. construct new structural columns consisting of a total of six posts wrapped and trimmed as indicated in the plan above
 - c. reconstruct wall to be at a slightly lower height
 - d. install new front door
 - e. construct roof elements on front overhang

2. **\$4822** repair and replace siding as needed on entire structure
 - a. remove all rotted siding
 - b. scrape, sand, and clean up existing siding
 - c. reinstall siding as necessary eliminating the vertical trim boards used to cover seems on the sides
3. **\$9,210** replace all windows with new, authentic, double hung wood windows (not aluminum clad)
 - a. order all new Windsor authentic wood windows consisting of a total of six windows approximately 30" x 60" and two windows approximately 30" x 30"
 - b. install Windows properly waterproofing against sheathing
 - c. install trim boards around perimeter authentically replicating construction design and methods from this era
4. **\$7888** rewire entire building
 - a. remove all old wiring throughout home
 - b. install all new electrical as required by code
 - c. install new 200-amp service panel
5. **\$3910** re-pipe entire building
 - a. remove all existing piping
 - b. re-pipe entire home in CPVC
6. **\$5992** reroof
 - a. remove all existing shingles and tarpaper
 - b. examine all decking boards and replace as necessary
 - c. install new synthetic dry and material
 - d. install all new eve metal
 - e. install new 30-year architectural shingles

Items #1 through #6 reflect exterior work, wiring and plumbing improvements for application of \$25,000 matching grant. They total **\$56,475.00**

7. **\$6050** install new concrete driveway
 - a. form and pour new concrete driveway to accommodate a total of four off-street parking including the new carport
8. **\$1000** true up and correct any framing issues throughout
 - a. pre-drywall examine all framing to ensure flat and true surfaces with proper backing everywhere
9. **\$6425** and install all new insulation
 - a. apply open cell spray foam insulation to roof deck, exterior walls, and crawlspace
10. **\$5,040** install all new drywall leaving the one by 6V joint pine ceiling
 - a. stock with drywall
 - b. hang all drywall
 - c. tape, bed, finish, and apply light orange peel texture to entire surface walls and ceiling
 - d. all basin molding to be accurate representations of this homes era expected to be 1x6 base with a small cap 1x4 door casing
11. **\$24,602** install new kitchen
 - a. new kitchen to tie existing kitchen space to living room space
 - b. new traditional design cabinets
 - c. all new appliances

12. **\$18,463** install new bathroom
 - a. new basic 5' x 8' bathroom components to include tub, vanity, sink, toilet, etc.
13. **\$3,119** install new laundry facility
 - a. new stackable washer and dryer in new laundry room
14. **\$5500** install all new appliances
 - a. all appliances to be new stainless steel
15. **\$4412** repair and refinish wood floors throughout
 - a. make any repairs necessary
 - b. completely sand the entire floor
 - c. apply stain to replicate the era
 - d. apply three coats of polyurethane varnish
16. **\$5210** complete painting on exterior
 - a. all surfaces to be thoroughly primed, caulk, and have two coats of high quality paint applied
17. **\$3600** complete painting on interior
 - a. all surfaces to be thoroughly primed, caulk, and have two coats of high quality paint applied
18. **\$4653** complete modest landscaping
 - a. install one or two accent palm trees in the front
 - b. install modest shrubbery near the house
 - c. install irrigation system
 - d. install grass in balance of area
19. **\$15,000** Install 6.5 kilowatts of solar power on the west facing roof

The total costs for this project: **\$159,549.00**

Payment terms:

Due at substantial completion of the following

• Contract signing	10%
• Front renovation and exterior roof and painting	40%
• Substantial completion	40%
• Completion	10%

BY SIGNING THIS CONSTRUCTION CONTRACT, THE PARTIES AFFIRM THAT THEY HAVE READ, UNDERSTAND AND ACCEPT THE "TERMS & CONDITIONS" SET FORTH. OWNER APPROVES AND ACCEPTS THE ABOVE PRICES, SPECIFICATIONS AND TERMS & CONDITIONS AND AUTHORIZES CONTRACTOR TO PROCEED WITH THE WORK IMMEDIATELY AS SPECIFIED.

Skolfield Homes LLC

Date

Owner

Date

TERMS & CONDITIONS

1. DELAY. The parties expressly understand and agree that time is of the essence as to this Construction Contract. Contractor agrees to timely deliver the equipment and materials described in this Construction Contract. Owner agrees to



City Of Winter Park
Planning & Community Development
Preservation Rehabilitation Program

1. APPLICANT

Name: Restore Winter Park LLC
Address: 118 W Comstock Ave.
Winter Park FL Zip 32789
Contact Name: John Skolfield Phone Number: 321-228-7990
Email: john@skohomes.com Fax Number: 407-647-7731

2. BUILDING TO BE REPAIRED/REHABILITATED

Address: 654 W Lyma Ave.
Winter Park, FL Zip 32789
Legal Description: A/67 and B/86 and Misc Book J/270 LOT 6
Property Tax Parcel Number: 05-22-30-9400-70-060 B4157

3. OWNER OF PROPERTY (if not applicant)

Name: _____
Contact Name: _____
Address: N/A Zip _____
Phone Number(s): _____

5. BRIEF DESCRIPTION OF PROPOSED REPAIRS/REHABILITATION

See attached

Staff Use Only: Application Approved (Y / N) Date: _____ By: _____

6. ESTIMATED COST OF WORK FROM BIDS RECEIVED (Applicant may make multiple copies of this page if the applicant is acting as their own General Contractor and more than one type of work is being performed. List each type of work separately under item 5 and enter the required bids below.)

Bid #1:

Company Name: Skolfield Homes
Contact Name: John Skolfield
Contact Phone Number: 321-228-7990
Bid Amount for Total Work: \$ 56,475.00

Bid #2:

Company Name: _____
Contact Name: _____
Contact Phone Number: _____
Bid Amount for Total Work: \$ _____

7. SOURCE(S) OF ADDITIONAL FUNDING

Cash on hand

8. TOTAL VALUE OF WORK BEING PERFORMED BY APPLICANT

Include the total cost estimate of all work being performed at the property, both exterior and any interior improvements being made. \$ 159,549.00

9. ACKNOWLEDGEMENTS

- ☒ I have read and understand the program guidelines and criteria
- ☐ I have attached a copy of my current property insurance
- ☒ Any loan or mortgage on the property is current
- ☒ To the best of my knowledge the property is current on all local, state and federal taxes
- ☒ I have attached a copy of the scope of work and available drawings or sketches, and photographs of the property.
- ☒ I understand that final approval must come from all City departments concerned with any improvement and that award of the grant by the Planning and Community Development Department does not guarantee approval of the project. The applicant must meet all City requirements and codes.

The Planning and Community Development Department has my permission to use photographs of me and/or my property in presentations and publications in conjunction with the Preservation Rehabilitation Program. Initials: J. Skolfield

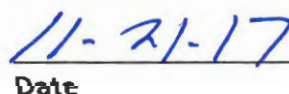
CERTIFICATION BY APPLICANT

The applicant certifies that all information in this application, and all information furnished in support of this application, is given for the purpose of obtaining a 50 percent matching grant not to exceed \$25,000.00 and is true and complete to the best of the applicant's knowledge and belief.

If the applicant is not the owner of the property to be rehabilitated, or if the applicant is not the sole owner of the property, the applicant certifies that he/she has the authority to sign and enter into an agreement to perform the rehabilitation work on the property. Evidence of this authority must be attached.

The Planning and Community Development Department is dedicated to promoting and encouraging diversity in the programs that it supports or funds. Successful applicants in the Preservation Rehabilitation Program are encouraged to contact contractors that are certified minority owned or small businesses.

Verification of any information contained in this application may be obtained by the Planning and Community Development Department from any available source.


Applicant Signature
Date

Please return a copy of this completed application along with any supporting documentation to the Planning and Community Development Department.

Planning and Community Development Department
401 S. Park Ave
Winter Park, FL 32789

For additional information please contact:

Brooks Weiss
City Architect
Phone: 407-599-3323
Email: bweiss@cityofwinterpark.org



Service Line Undergrounding Grant Application

City of Winter Park Planning & Community Development
Historic Preservation
401 South Park Avenue
Winter Park, Florida 32789
407-599-3323, FAX 407-599-3499

Subject Property Address 654 W Lyman Ave.
Property Owner (s) Restore Winter Park LLC
Owner(s) Mailing Address 118 West Comstock Ave.
Telephone 321-228-3990
Email Address john@skohomes.com

Authorization

My/our signatures certify that I/we have reviewed the grant program information and the documentation contained in this request is accurate and that I/we have the authority to sign

John T. Skolfield #
Owner (print)

[Signature]
Owner (sign)

Owner (print)

Owner (sign)

For Staff Use Only

Date received _____

Date historic designation finalized _____

HDA Number _____

FMSF Number OR- _____

Approved by PCD _____ Date _____

Approved by EUD _____ Date _____

Installation dates _____

Preservation Rehabilitation Property Owner Authorization

I, John T. Skelfield Jr, understand that Restate Winter Park LLC (the applicant) acting on my behalf is considering repairs and/or rehabilitation under the City of Winter Park Preservation Rehabilitation Grant Program, hereinafter referred to as "Program." For the purposes of this authorization, hereinafter the City of Winter Park will be known as "City".

I have received and reviewed the Program guidelines and reviewed the application submitted by the applicant. I agree to permit the proposed improvements to my building. I understand that I am not financially responsible to complete these improvements under the Program.

I understand and agree that neither the Planning and Community Development Department nor the City assume responsibility or liability to me or any other part for any action or failure of any contractor or other third party and in no way guarantee any work to be done or material to be supplied.

I further agree to hold the Planning and Community Development Department and the City harmless from and indemnify them for and against any and all claims which may be brought or raised against the Planning and Community Development Department, the City, or any of its officers, representatives, agents or agencies regarding any matters relevant to the participant obligations under the Program.

I have read the above statements and acknowledge that they are true and complete to the best of my knowledge. I have no objection to the applicant pursuing the proposed improvements project, and I authorize the applicant to make the proposed improvements under the provisions of the Program.

[Signature]
Property Owner Signature

11-21-17
Date

STATE OF FLORIDA

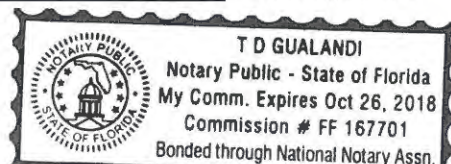
COUNTY OF Orange

The foregoing instrument was acknowledged before me this 21st day of Nov, 2017

by John T. Skelfield Jr, who is personally

known to me or who has produced _____ as identification.

[Signature]



Brooks Weiss

From: Dori Stone
Sent: Wednesday, November 29, 2017 3:32 PM
To: Brooks Weiss
Subject: Skolfield request

I talked to Randy about John's request. He agrees that John can apply for the funding since there is nothing in any agreements that prohibit board members from asking for the incentive. With that, I think you're good to go.

As to his estimates, I would do what CRA does with business façade. As long as he meets the intent of the grant, go ahead and process the application. I don't think we need two quotes on this since he's the GC as well.



Under Florida law, email addresses and written correspondence with the city become public record and must be made available to the public and media upon request (unless otherwise exempt). If you do not want your email address to be public record, please contact our office by phone.

CODE OF ETHICS

WINTER PARK BOARDS AND GOVERNMENT ENTITIES: Board Members Summary

10 JANUARY 2018

RE: Research into the Code of Ethics for the Historic Preservation Board, as requested at the HPB Meeting, held on December 13, 2017.

BOARD ETHICS

https://library.municode.com/FL/tavares/codes/code_of_ordinances?nodeId=APXALADERE_C H9HIPROVDIARSIDEST_DIVIHIPROVDI_ARTIHIPRBO

City of Winter Park Ordinance No. 3024-15: "Historic Preservation", Division 2. HISTORIC PRESERVATION BOARD

Winter Park Code of Ethics for City Officers, 2009

WINTER PARK CITY ETHICS

https://library.municode.com/fl/winter_park/codes/code_of_ordinances?nodeId=PTIICOOR_C H48COET

City of Winter Park Ordinance No. 2818-10 "Local Code of Ethics", Section 1, with reference that *"The City of Winter Park will follow and abide by all state laws to ethics and ethical issues..."*

STATE OF FLORIDA CODE OF ETHICS

<http://www.ethics.state.fl.us/Research/EthicsLaws.aspx>

Please see: FLORIDA COMMISSION ON ETHICS, GUIDE to the SUNSHINE AMENDMENT and CODE OF ETHICS for Public Officers and Employees, 2018.

Please note Page 2, Section III. The Ethics Laws

END.

Respectfully submitted,

Brooks Weiss, AIA, City Architect, Liaison to the Historic Preservation Board, 10 January 2018

proof of such ownership interest.

Reconstruction means the process of reproducing, by new construction, the exact form and detail of a demolished building, structure or object as it appeared at a certain point in time.

Rehabilitation means the process of repairing or altering a historic building so that an efficient contemporary use is achieved, while preserving those significant historical, architectural or cultural features that establish the character of the property.

Relocation means the act of preserving a historic structure, which cannot remain on its existing site, by physically moving it to a new location.

Renovation means the act of making changes and repairs so that a historic structure is back in good condition.

Restoration means the act of accurately recovering the form and details of a property as it appeared at a particular period of time, which may involve the removal of later additions or alterations, or the replacement of missing features.

Standards for Rehabilitation (36 CFR 67) as periodically revised in 1990 means the standards provided by the National Park Service and the Secretary of the Interior that provide guidance on the sensitive rehabilitation of

a historic property. The standards generally address issues that include; character defining elements; changes which have occurred over the course of the property's history; desirable approaches to the repair of damaged features; appropriate cleaning methods; archaeological resources; and new construction in connection with a historic property.

(Ord. No. 2688-06, § 1, Exh. A (58-434), 10-9-06)

Sec. 58-435. - Relationship to zoning districts.

These regulations are intended to provide the framework to preserve and protect historic or architecturally worthy buildings, structures, sites, monuments, streetscapes, parks, residential neighborhoods and commercial districts. These regulations are intended to act as an overlay to existing zoning designations. Zoning amendments may be applied to designated historic structures, districts, and sites with such actions and procedures as otherwise provided for in this chapter.

(Ord. No. 2688-06, § 1, Exh. A (58-435), 10-9-06)

Secs. 58-436—58-440. - Reserved.

FOOTNOTE(S):

--- (10) ---

Editor's note— Ord. No. 2843-11, § 3.b.A, adopted June 13, 2011, amended Div. 2 in its entirety to read as set out herein. Former Div. 2, §§ 58-441—58-446, pertained to historic preservation commission and derived from Ord. No. 2688-06, § 1, Exh. A (58-437—58-441), adopted Oct. 9, 2006.

DIVISION 2. - HISTORIC PRESERVATION BOARD

Secs. 58-441—58-444. - Reserved.

Sec. 58-445. - Establishment of historic preservation board.

There is hereby established pursuant to sections 2-46 through 2-49 and section 2-59, a historic preservation board (HPB). This board shall operate and be controlled pursuant to the provisions in sections 2-46 through 2-49 and section 2-59.

(Ord. No. 2843-11, § 3.b.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Sec. 58-446. Qualifications.

Members of the HPB shall have demonstrated civic pride, interest in historic preservation and the knowledge, experience and mature judgment to act in the public interest to make informed and equitable decisions concerning the conservation of historic resources. The board shall be comprised of seven (7) members and one (1) alternate.

- a. One member shall be a licensed architect; and
- b. One member versed in local history; and
- c. One member who owns or lives in a designated resource or district.

Sec. 58-4467 - Functions, powers and duties of the historic preservation board.

The ~~HPB historic preservation board~~ shall be responsible for the development and administration of a comprehensive historic preservation program, and shall identify and maintain the city's historic resources for the benefit of both present and future residents. It shall be the responsibility of the HPB to:

- (1) Provide or recommend incentives for historic preservation, and to recommend for or against rezonings, demolitions, developments, lot splits, lot consolidations, or conditional uses that could impact historic resources identified in the Florida Master Site File survey of the City of Winter Park.
- (2) Identify potential historic landmarks, historic resources and potential historic districts for designation; and provide assistance to, and education of, owners of properties for potential designation;
- (3) Develop and maintain a local register of historic places and review National Register of Historic Places nominations within the city;
- (4) Develop guidelines based upon the Secretary of the Interior's Guidelines Standards for Use in reviewing applications for certificates of review. The Secretary of the Interior's Standards for Rehabilitation as periodically revised in 1990 will be used until local guidelines are developed and adopted by the HPB;
- (5) Review applications for certificates of review for individually designated landmarks and resources, and contributing and non-contributing properties within designated districts, city-owned historic properties and sites, and historic properties for which the city has received a façade or preservation easement;
- (6) Approve variances that are appropriate for the preservation of historic resources in conjunction with applications for certificates of review;
- (7) Conduct an ongoing survey and inventory of historically, culturally or architecturally significant buildings, structures, districts and archaeological sites within the city; coordinate survey results with the Florida Master Site File; and plan for resource preservation with the aid of staff and consultants with professional expertise as may be necessary;
- (8) Develop programs to stimulate public interest and involvement in the city's history and preservation, and inform the public of the city's preservation opportunities and the HPB's activities;
- (9) Cooperate with and advise local, state and federal governments on preservation activities;

- (10) Attend relevant educational meetings, workshops and conferences;
 - (11) Adopt rules of procedure, which shall be reviewed annually and which shall be available for public inspection; and
 - (12) Perform any other function that may be designated by the city commission.
- (Ord. No. 2843-11, § 3.c.A., 6-13-11; Memo of 2-22-12(Att. 3.b.A.))

Secs. 58-447—58-455. - Reserved.

DIVISION 3. - DESIGNATION OF HISTORIC LANDMARKS, RESOURCES OR DISTRICTS

Sec. 58-456. - Designation criteria.

In order to qualify as a local historic landmark, resource or district, properties must have character, interest or value as part of the historical, cultural, archaeological, aesthetic or architectural heritage of the city, state or nation. For a multiple property nomination, eligibility may be based on the establishment of historic contexts or themes that describe the historical relationship of the properties. ~~be in keeping with the intent and purpose of the Winter Park Historic Preservation Code as set forth in Section 58-433, herein and be based on the establishment of historic contexts or themes that describe the historical relationship of the properties.~~ The eligibility of any potential historic landmark, resource or district shall be supported by meeting one or more applicable criteria based upon the National Register of Historic Places guidelines criteria for evaluation at the local, state or national level. Properties must be at least 50 years old to be eligible for designation unless they are of exceptional importance.

(1) The criteria for the designation of historic landmarks and historic resources are as follows:

- a. A quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and associations; and
 - b. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - c. That are associated with the lives of persons significant in our past; or
 - d. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - e. That have yielded, or may be likely to yield, information important in prehistory or history.
- b. At least one of the following:
- i. That are associated with events that have made a significant contribution to the broad patterns of our history; or
 - ii. That are associated with the lives of persons significant in our past; or
 - iii. That embody the distinctive characteristics of a type, period, or method of construction; or
 - iv. That represent the work of a master; or
 - v. That possess high artistic values; or
 - vi. That represent a significant and distinguishable entity whose

Winter Park Code of Ethics for City Officers

Approved by the Ethics Board
8/12/2009

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Article 1: Ethics Provisions

Preamble

All “City Officers” as defined below are expected at all times to exhibit the highest moral character, ethical standards and exemplary conduct. Article 1 of this Code of Ethics sets forth specific guidelines for City Officers which are at all times mandatory standards of conduct. Article II sets out complaint procedures, penalties and remedies. **In addition to following the Article I provisions, City Officers are further required to comply with all applicable state statutes including but not limited to Florida Statutes Chapter 112.**

Section 1.01 Definitions

- A. “Business Associate” means any person or entity engaged in or carrying on a business enterprise with a City Officer as a partner, joint venturer, LLC member, corporate shareholder where the shares of such corporation are not listed on any national or regional stock exchange, or a co-owner of property.
- B. “City” means the City of Winter Park, Florida.
- C. “City Officer” means any Commissioner, Board Member, Task Force Member, Committee Member and the City Manager. It shall not include City employees other than the City Manager. Those employees remain governed by state law and personnel rules and policies not contained within this Code.
- D. “Relative” means an individual who is related to a public officer or employee as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, domestic partner, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, half sister, grandparent, great grandparent,

grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

Section 1.02 Voting Conflicts of Interest

The purpose of the Conflicts of Interest policy is to ensure that the deliberations and decisions of City Officers are made in the best interests of the City of Winter Park as a whole and to protect the interests of the City when it is contemplating entering into a transaction, contract, or arrangement that might benefit the private interest of a City Officer or his/her Relative or Business Associate.

City Officers who are present at a meeting at which their responsibilities as a City Officer require them to vote are prohibited from voting in the following instances:

- (1) When the City Officer has an employment or contractual relationship with a business entity or individual which/who is the subject of or will be materially impacted by the vote at issue;
- (2) When the result of the vote may inure to his or her special private gain; would inure to the special private gain or loss of any principal by whom he or she is retained or to the parent organization or subsidiary of a corporate principal by which he or she is retained,; or which he or she knows would inure to the special private gain or loss of a Relative or Business Associate of the City Officer. Such City Officer shall, prior to the vote being taken, publicly state to the appropriate board or commission, the nature of the officer's interest in the matter from which he or she is abstaining from voting and, within 15 days after the vote occurs, disclose the nature of his or her interest as a public record in a memorandum filed with the person responsible for recording the minutes of the meeting, who shall incorporate the memorandum in the minutes.
- (3) When there otherwise appears to be a conflict of interest as described in Florida Statutes §§ 112.311, 112.313 or 112.3143.

Section 1.03 Gifts and Honoraria

City Officers and their Relatives are prohibited from soliciting or accepting gifts, including but not limited to meals, from any person who does business or is known to be seeking to do business with the City. If items are delivered and are not able to be refused, the items will be turned over to the City's human resources department to be distributed to local charities.

Section 1.04 Abuses of Position

City Officers shall not seek or receive anything of value in return for being influenced in the performance of their duties and shall not commit or assist in the commission of any wrongdoing against the City. City Officers duties are not limited to the making of decisions but also include but are not limited to giving advice, making recommendations, and conducting investigations as well as making decisions.

Section 1.05 Improper Influences

No City Officer may enter into any transaction with the City in which the City Officer or his/her Relative or Business Associate will or has the reasonable potential to receive anything of value as a result of the transaction. City Officers are further prohibited from attempting to influence a decision or action by another City Officer or a City Employee whereby the City Officer or his/her Relative or Business Associate will or has the reasonable potential to receive anything of value as a result of the decision or action.

Section 1.06 Lying and Falsification of Records

City Officers are required to be truthful in both oral and written communication and reporting.

Section 1.07 City Properties, Facilities, and Materials

City Officers shall not willfully or unlawfully conceal, remove, mutilate, falsify or destroy City property, documents or records. City Officers shall not use or direct for use city equipment, personnel and/or facilities for any reason other than City business. Materials bought by the City shall not be for personal use or distribution.

Section 1.08 Political Activities

Every City Officer has the right to express his/her views as a citizen and to cast a vote. No City Officer, however, shall use his/her position for political purposes or engage in any form of coercion of others for political or personal purposes.

No City Officer shall take an active part in political activities while performing his/her official duties.

No political activity shall take place or be conducted on City premises, except for activity taking place as a result of rental of a City facility in the ordinary course of business.

Section 1.09 Ethics Education

Every City Officer is required to attend a City provided *Ethics in Government* program within 30-days of taking office.

Article II: Enforcement and Penalties

Anyone seeking to file a complaint for breach of the City's Code of Ethics or to otherwise enforce the terms herein shall follow the procedures set forth in Chapter 112, Florida Statutes. Penalties and remedies shall also be those set forth in Chapter 112.

ORDINANCE NO. 2818-10

AN ORDINANCE OF THE CITY OF WINTER PARK, FLORIDA, REQUIRING A LOCAL CODE OF ETHICS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Winter Park desires to have high ethical standards and heighten awareness with regard to ethics in government; and

WHEREAS, the City Commission of the City of Winter Park adopted an ordinance on January 28, 2008 establishing an Ethics Board; and

WHEREAS, a review of the City's Charter was recently conducted and a charter amendment question was posed to the citizen and successfully adopted requiring the adoption and maintenance of a local code of ethics.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF WINTER PARK:

SECTION 1. That Chapter 48, Article I, "Code of Ethics" of the Code of Ordinances is hereby created to read as follows:

The City of Winter Park will follow and abide by all state law related to ethics and ethical issues, including but not limited to the Code of Ethics for Public Officers and Employees, as provided in Part III of Chapter 112, Florida Statutes (Sections 112.311, *et seq.*). The City of Winter Park will also follow and abide by all future modifications to state laws related to ethics and ethical issues.

SECTION 2. That Chapter 48, Article II "Enforcement" of the Code of Ordinances is hereby created to read as follows:

The City of Winter Park will utilize the State enforcement agency, currently known as the State Commission on Ethics, to evaluate concerns raised. Persons interested in filing a complaint shall do so within the process established by the State.

SECTION 3. That Chapter 48, Article III "Education" of the Code of Ordinances is hereby created to read as follows:

The City of Winter Park will annually offer ethics education to its elected officials, appointed board and committee members, department heads, and

employees higher on the personnel chart than department heads, in conjunction with one or more new member orientation meetings.

Further, the City of Winter Park will encourage its residents and community members to be familiar with the state laws regarding ethics and ethical issues and ask that these residents and community members voluntarily comply with the intent and spirit of the law.

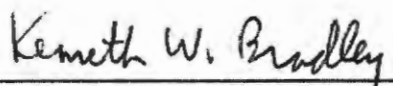
SECTION 4. Severability. If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

SECTION 5. Conflicts. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

SECTION 6. Codification. It is the intention of the City Commission of the City of Winter Park, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Winter Park, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to "Section," "Article," or other appropriate word.

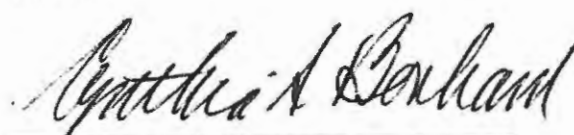
SECTION 6. Effective Date. This ordinance shall become effective immediately upon its final passage and adoption.

ADOPTED at a regular meeting of the City Commission of the City of Winter Park, Florida, held in City Hall, Winter Park, on this ___ day of ___ 2010.



Mayor Kenneth W. Bradley

ATTEST:



City Clerk Cynthia S. Bonham

FLORIDA COMMISSION ON ETHICS



GUIDE to the SUNSHINE AMENDMENT and CODE of ETHICS for Public Officers and Employees

2018

State of Florida
COMMISSION ON ETHICS

Michelle Anchors, *Chair*
Ft. Walton Beach

Michael Cox, *Vice Chair*
Trinity

Jason David Berger
Palm City

Daniel Brady, PH.D.
Miami Shores

Matthew J. Carson
Tallahassee

Guy W. Norris
Lake City

Kimberly Bonder Rezanka
Cocoa

Virlindia Doss
Executive Director
P.O. Drawer 15709
Tallahassee, FL 32317-5709
www.ethics.state.fl.us
(850) 488-7864*

*Please direct all requests for information to this number.

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I. HISTORY OF FLORIDA’S ETHICS LAWS

Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of citizens to protect the public trust against abuse. Our state Constitution was revised in 1968 to require a code of ethics, prescribed by law, for all state employees and non-judicial officers prohibiting conflict between public duty and private interests.

Florida’s first successful constitutional initiative resulted in the adoption of the Sunshine Amendment in 1976, providing additional constitutional guarantees concerning ethics in government. In the area of enforcement, the Sunshine Amendment requires that there be an independent commission (the Commission on Ethics) to investigate complaints concerning breaches of public trust by public officers and employees other than judges.

The Code of Ethics for Public Officers and Employees is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service.

Criminal penalties, which initially applied to violations of the Code, were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year “to serve as guardian of the standards of conduct” for public officials, state and local. Five of the Commission’s nine members are appointed by the Governor, and two each are appointed by the President of the Senate and Speaker of the House of Representatives. No more than five Commission members may be members of the same political party, and none may be lobbyists, or hold any public employment during their two-year terms of office. A chair is selected from among the members to serve a one-year term and may not succeed himself or herself.

II. ROLE OF THE COMMISSION ON ETHICS

In addition to its constitutional duties regarding the investigation of complaints, the Commission:

- Renders advisory opinions to public officials;
- Prescribes forms for public disclosure;
- Prepares mailing lists of public officials subject to financial disclosure for use by Supervisors of Elections and the Commission in distributing forms and notifying delinquent filers;
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties;

- Administers the Executive Branch Lobbyist Registration and Reporting Law;
- Maintains financial disclosure filings of constitutional officers and state officers and employees; and,
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.

III. THE ETHICS LAWS

The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The following descriptions of these laws have been simplified in an effort to provide notice of their requirements. Therefore, we suggest that you also review the wording of the actual law. Citations to the appropriate laws are in brackets.

The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

Public Service Commission (PSC) members and employees, as well as members of the PSC Nominating Council, are subject to additional ethics standards that are enforced by the Commission on Ethics under Chapter 350, Florida Statutes. Further, members of the governing boards of charter schools are subject to some of the provisions of the Code of Ethics [Sec. 1002.33(26), Fla. Stat.], as are the officers, directors, chief executive officers and some employees of business entities that serve as the chief administrative or executive officer or employee of a political subdivision. [Sec. 112.3136, Fla. Stat.].

A. PROHIBITED ACTIONS OR CONDUCT

1. *Solicitation and Acceptance of Gifts*

Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that their vote, official action, or judgment would be influenced by such gift. [Sec. 112.313(2), Fla. Stat.]

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** any gift from a political committee, lobbyist who has lobbied the official or his or her agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist or from a vendor doing business with the official's agency. [Sec. 112.3148, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees are prohibited from directly or indirectly **accepting** a gift worth more than \$100 from such a lobbyist, from a partner, firm, employer, or principal of the lobbyist, or from a political committee or vendor doing business with their agency. [Sec.112.3148, Fla. Stat.]

However, effective in 2006 and notwithstanding Sec. 112.3148, Fla. Stat., no Executive Branch lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] Typically, this would include gifts valued at less than \$100 that formerly were permitted under Section 112.3148, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

Also, effective May 1, 2013, persons required to file Form 1 or Form 6, and state procurement employees and members of their immediate families, are prohibited from accepting any gift from a political committee. [Sec. 112.31485, Fla. Stat.]

2. Unauthorized Compensation

Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action. [Sec. 112.313(4), Fla. Stat.]

3. Misuse of Public Position

Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions or the resources thereof to obtain a special privilege or benefit for themselves or others. [Sec. 112.313(6), Fla. Stat.]

4. Disclosure or Use of Certain Information

Public officers and employees and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public position, for the personal benefit of themselves or others. [Sec. 112.313(8), Fla. Stat.]

5. *Solicitation or Acceptance of Honoraria*

Persons required to file financial disclosure FORM 1 or FORM 6 (see Part III F of this brochure), and state procurement employees, are prohibited from **soliciting** honoraria related to their public offices or duties. [Sec. 112.3149, Fla. Stat.]

Persons required to file FORM 1 or FORM 6, and state procurement employees, are prohibited from knowingly **accepting** an honorarium from a political committee, lobbyist who has lobbied the person's agency within the past 12 months, or the partner, firm, employer, or principal of such a lobbyist, or from a vendor doing business with the official's agency. However, they may accept the payment of expenses related to an honorarium event from such individuals or entities, provided that the expenses are disclosed. See Part III F of this brochure. [Sec. 112.3149, Fla. Stat.]

Lobbyists and their partners, firms, employers, and principals, as well as political committees and vendors, are prohibited from **giving** an honorarium to persons required to file FORM 1 or FORM 6 and to state procurement employees. Violations of this law may result in fines of up to \$5,000 and prohibitions against lobbying for up to two years. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no Executive Branch or legislative lobbyist or principal shall make, directly or indirectly, and no Executive Branch agency official who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.] This may include honorarium event related expenses that formerly were permitted under Sec. 112.3149, Fla. Stat. Similar rules apply to members and employees of the Legislature. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.]

B. PROHIBITED EMPLOYMENT AND BUSINESS RELATIONSHIPS

1. *Doing Business With One's Agency*

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee or his or her spouse or child owns more than a 5% interest. [Sec. 112.313(3), Fla. Stat.]

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies. [Sec. 112.313(3), Fla. Stat.]

2. *Conflicting Employment or Contractual Relationship*

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency. [Sec. 112.313(7), Fla. Stat.]

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between the official's private interests and public duties or which will impede the full and faithful discharge of the official's public duties. [Sec. 112.313(7), Fla. Stat.]

(c) Limited exceptions to this prohibition have been created in the law for legislative bodies, certain special tax districts, drainage districts, and persons whose professions or occupations qualify them to hold their public positions. [Sec. 112.313(7)(a) and (b), Fla. Stat.]

3. *Exemptions—Pursuant to Sec. 112.313(12), Fla. Stat., the prohibitions against doing business with one's agency and having conflicting employment may not apply:*

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and neither the official nor his or her spouse or child have attempted to persuade agency personnel to enter the contract. NOTE: Disclosure of the interest of the official, spouse, or child and the nature of the business must be filed prior to or at the time of submission of the bid on Commission FORM 3A with the Commission on Ethics or Supervisor of Elections, depending on whether the official serves at the state or local level.

(c) When the purchase or sale is for legal advertising, utilities service, or for passage on a common carrier.

(d) When an emergency purchase must be made to protect the public health, safety, or welfare.

(e) When the business entity is the only source of supply within the political subdivision and there is full disclosure of the official's interest to the governing body on Commission FORM 4A.

(f) When the aggregate of any such transactions does not exceed \$500 in a calendar year.

(g) When the business transacted is the deposit of agency funds in a bank of which a county, city, or district official is an officer, director, or stockholder, so long as agency records show that the governing body has determined that the member did not favor his or her bank over other qualified banks.

(h) When the prohibitions are waived in the case of ADVISORY BOARD MEMBERS by the appointing person or by a two-thirds vote of the appointing body (after disclosure on Commission FORM 4A).

(i) When the public officer or employee purchases in a private capacity goods or services, at a price and upon terms available to similarly situated members of the general public, from a business entity which is doing business with his or her agency.

(j) When the public officer or employee in a private capacity purchases goods or services from a business entity which is subject to the regulation of his or her agency where the price and terms of the transaction are available to similarly situated members of the general public and the officer or employee makes full disclosure of the relationship to the agency head or governing body prior to the transaction.

4. Additional Exemptions

No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures. [Sec. 112.313(15), Fla. Stat.] A qualified blind trust established pursuant to Sec. 112.31425, Fla. Stat., may afford an official protection from conflicts of interest arising from assets placed in the trust.

5. Legislators Lobbying State Agencies

A member of the Legislature is prohibited from representing another person or entity for compensation during his or her term of office before any state agency other than judicial tribunals. [Art. II, Sec. 8(e), Fla. Const., and Sec. 112.313(9), Fla. Stat.]

6. Employees Holding Office

A public employee is prohibited from being a member of the governing body which serves as his or her employer. [Sec. 112.313(10), Fla. Stat.]

7. Professional and Occupational Licensing Board Members

An officer, director, or administrator of a state, county, or regional professional or occupational organization or association, while holding such position, may not serve as a member of a state examining or licensing board for the profession or occupation. [Sec. 112.313(11), Fla. Stat.]

8. *Contractual Services: Prohibited Employment*

A state employee of the executive or judicial branch who participates in the decision-making process involving a purchase request, who influences the content of any specification or procurement standard, or who renders advice, investigation, or auditing, regarding his or her agency's contract for services, is prohibited from being employed with a person holding such a contract with his or her agency. [Sec. 112.3185(2), Fla. Stat.]

9. *Local Government Attorneys*

Local government attorneys, such as the city attorney or county attorney, and their law firms are prohibited from representing private individuals and entities before the unit of local government which they serve. A local government attorney cannot recommend or otherwise refer to his or her firm legal work involving the local government unit unless the attorney's contract authorizes or mandates the use of that firm. [Sec. 112.313(16), Fla. Stat.]

10. *Dual Public Employment*

Candidates and elected officers are prohibited from accepting public employment if they know or should know it is being offered for the purpose of influence. Further, public employment may not be accepted unless the position was already in existence or was created without the anticipation of the official's interest, was publicly advertised, and the officer had to meet the same qualifications and go through the same hiring process as other applicants. For elected public officers already holding public employment, no promotion given for the purpose of influence may be accepted, nor may promotions that are inconsistent with those given other similarly situated employees. [Sec. 112.3125, Fla. Stat.]

C. RESTRICTIONS ON APPOINTING, EMPLOYING, AND CONTRACTING WITH RELATIVES

1. *Anti-Nepotism Law*

A public official is prohibited from seeking for a relative any appointment, employment, promotion, or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies. NOTE: This prohibition does not apply to school districts (except as provided in Sec. 1012.23, Fla. Stat.), community colleges and state universities, or to appointments of boards, other than those with land-planning or zoning responsibilities, in municipalities of fewer than 35,000 residents. Also, the approval of budgets does not constitute "jurisdiction or control" for the purposes

of this prohibition. This provision does not apply to volunteer emergency medical, firefighting, or police service providers. [Sec. 112.3135, Fla. Stat.]

2. Additional Restrictions

A state employee of the executive or judicial branch or the PSC is prohibited from directly or indirectly procuring contractual services for his or her agency from a business entity of which a relative is an officer, partner, director, or proprietor, or in which the employee, or his or her spouse, or children own more than a 5% interest. [Sec. 112.3185(6), Fla. Stat.]

D. POST OFFICE HOLDING AND EMPLOYMENT (REVOLVING DOOR) RESTRICTIONS

1. Lobbying by Former Legislators, Statewide Elected Officers, and Appointed State Officers

A member of the Legislature or a statewide elected or appointed state official is prohibited for two years following vacation of office from representing another person or entity for compensation before the government body or agency of which the individual was an officer or member. Former members of the Legislature are also prohibited for two years from lobbying the executive branch. [Art. II, Sec. 8(e), Fla. Const. and Sec. 112.313(9), Fla. Stat.]

2. Lobbying by Former State Employees

Certain employees of the executive and legislative branches of state government are prohibited from personally representing another person or entity for compensation before the agency with which they were employed for a period of two years after leaving their positions, unless employed by another agency of state government. [Sec. 112.313(9), Fla. Stat.] These employees include the following:

- (a) Executive and legislative branch employees serving in the Senior Management Service and Selected Exempt Service, as well as any person employed by the Department of the Lottery having authority over policy or procurement.

- (b) Persons serving in the following position classifications: the Auditor General; the director of the Office of Program Policy Analysis and Government Accountability (OPPAGA); the Sergeant at Arms and Secretary of the Senate; the Sergeant at Arms and Clerk of the House of Representatives; the executive director and deputy executive director of the Commission on Ethics; an executive director, staff director, or deputy staff director of each joint committee, standing committee, or select committee of the Legislature; an executive director, staff director, executive assistant, legislative analyst, or attorney serving in the Office of the President of the Senate, the Office of the Speaker of the House of Representatives, the Senate Majority Party Office, the Senate Minority Party Office, the

House Majority Party Office, or the House Minority Party Office; the Chancellor and Vice-Chancellors of the State University System; the general counsel to the Board of Regents; the president, vice presidents, and deans of each state university; any person hired on a contractual basis and having the power normally conferred upon such persons, by whatever title; and any person having the power normally conferred upon the above positions.

This prohibition does not apply to a person who was employed by the Legislature or other agency prior to July 1, 1989; who was a defined employee of the State University System or the Public Service Commission who held such employment on December 31, 1994; or who reached normal retirement age and retired by July 1, 1991. It does apply to OPS employees.

PENALTIES: Persons found in violation of this section are subject to the penalties contained in the Code (see PENALTIES, Part V) as well as a civil penalty in an amount equal to the compensation which the person received for the prohibited conduct. [Sec. 112.313(9)(a)5, Fla. Stat.]

3. Additional Restrictions on Former State Employees

A former executive or judicial branch employee or PSC employee is prohibited from having employment or a contractual relationship, at any time after retirement or termination of employment, with any business entity (other than a public agency) in connection with a contract in which the employee participated personally and substantially by recommendation or decision while a public employee. [Sec. 112.3185(3), Fla. Stat.]

A former executive or judicial branch employee or PSC employee who has retired or terminated employment is prohibited from having any employment or contractual relationship for two years with any business entity (other than a public agency) in connection with a contract for services which was within his or her responsibility while serving as a state employee. [Sec.112.3185(4), Fla. Stat.]

Unless waived by the agency head, a former executive or judicial branch employee or PSC employee may not be paid more for contractual services provided by him or her to the former agency during the first year after leaving the agency than his or her annual salary before leaving. [Sec. 112.3185(5), Fla. Stat.]

These prohibitions do not apply to PSC employees who were so employed on or before Dec. 31, 1994.

4. Lobbying by Former Local Government Officers and Employees

A person elected to county, municipal, school district, or special district office is prohibited from representing another person or entity for compensation before the government body or agency of

which he or she was an officer for two years after leaving office. Appointed officers and employees of counties, municipalities, school districts, and special districts may be subject to a similar restriction by local ordinance or resolution. [Sec. 112.313(13) and (14), Fla. Stat.]

E. VOTING CONFLICTS OF INTEREST

State public officers are prohibited from voting in an official capacity on any measure which they know would inure to their own special private gain or loss. A state public officer who abstains, or who votes on a measure which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, must make every reasonable effort to file a memorandum of voting conflict with the recording secretary in advance of the vote. If that is not possible, it must be filed within 15 days after the vote occurs. The memorandum must disclose the nature of the officer's interest in the matter.

No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission Form 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter. However, members of community redevelopment agencies and district officers elected on a one-acre, one-vote basis are not required to abstain when voting in that capacity.

No appointed state or local officer shall participate in any matter which would inure to the officer's special private gain or loss, the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary or sibling of a corporate principal by which he or she is retained, of a relative, or of a business associate, without first disclosing the nature of his or her interest in the matter. The memorandum of voting conflict (Commission Form 8A or 8B) must be filed with the meeting's recording officer, be provided to the other members of the agency, and be read publicly at the next meeting.

If the conflict is unknown or not disclosed prior to the meeting, the appointed official must orally disclose the conflict at the meeting when the conflict becomes known. Also, a written memorandum of voting conflict must be filed with the meeting's recording officer within 15 days of the disclosure being made and must be provided to the other members of the agency, with the disclosure being read publicly at the next scheduled meeting. [Sec. 112.3143, Fla. Stat.]

A qualified blind trust established pursuant to Sec. 112.31425, Fla. Stat., may afford an official protection from voting conflicts of interest arising from assets placed in the trust.

F. DISCLOSURES

Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration.

All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

The following forms are described below to set forth the requirements of the various disclosures and the steps for correctly providing the information in a timely manner.

1. FORM 1 - Limited Financial Disclosure

Who Must File:

Persons required to file FORM 1 include all state officers, local officers, candidates for local elective office, and specified state employees as defined below (other than those officers who are required by law to file FORM 6).

STATE OFFICERS include:

- 1) Elected public officials not serving in a political subdivision of the state and any person appointed to fill a vacancy in such office, unless required to file full disclosure on Form 6.
- 2) Appointed members of each board, commission, authority, or council having statewide jurisdiction, excluding members of solely advisory bodies; but including judicial nominating commission members; directors of Enterprise Florida, Scripps Florida Funding Corporation, and CareerSource Florida, and members of the Council on the Social Status of Black Men and Boys; the Executive Director, governors, and senior managers of Citizens Property Insurance Corporation; governors and senior managers of Florida Workers' Compensation Joint Underwriting Association, board members of the Northeast Florida Regional Transportation Commission, and members of the board of Triumph Gulf Coast, Inc.;

members of the board of Florida is for Veterans, Inc.; and members of the Technology Advisory Council within the Agency for State Technology.

3) The Commissioner of Education, members of the State Board of Education, the Board of Governors, local boards of trustees and presidents of state universities, and members of the Florida Prepaid College Board.

LOCAL OFFICERS include:

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

2) Appointed members of the following boards, councils, commissions, authorities, or other bodies of any county, municipality, school district, independent special district, or other political subdivision: the governing body of the subdivision; a community college or junior college district board of trustees; a board having the power to enforce local code provisions; a planning or zoning board, board of adjustments or appeals, community redevelopment agency board, or other board having the power to recommend, create, or modify land planning or zoning within the political subdivision, except for citizen advisory committees, technical coordinating committees, and similar groups who only have the power to make recommendations to planning or zoning boards, except for representatives of a military installation acting on behalf of all military installations within that jurisdiction; a pension board or retirement board empowered to invest pension or retirement funds or to determine entitlement to or amount of a pension or other retirement benefit.

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

4) Persons holding any of these positions in local government: mayor; county or city manager; chief administrative employee or finance director of a county, municipality, or other political subdivision; county or municipal attorney; chief county or municipal building inspector; county or municipal water resources coordinator; county or municipal pollution control director; county or municipal environmental control director; county or municipal administrator with power to grant or deny a land development permit; chief of police; fire chief; municipal clerk; appointed district school superintendent; community college president; district medical examiner; purchasing agent (regardless of title) having the authority to make any purchase exceeding \$20,000 for the local governmental unit.

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

6) The officers, directors, and chief executive officer of a corporation, partnership, or other business entity that is serving as the chief administrative or executive officer or employee of a political subdivision, and any business entity employee who is acting as the chief administrative or executive officer or employee of the political subdivision. [Sec. 112.3136, Fla. Stat.]

SPECIFIED STATE EMPLOYEE includes:

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

2) The following positions in each state department, commission, board, or council: secretary or state surgeon general, assistant or deputy secretary, executive director, assistant or deputy executive director, and anyone having the power normally conferred upon such persons, regardless of title.

3) The following positions in each state department or division: director, assistant or deputy director, bureau chief, assistant bureau chief, and any person having the power normally conferred upon such persons, regardless of title.

4) Assistant state attorneys, assistant public defenders, criminal conflict and civil regional counsel, assistant criminal conflict and civil regional counsel, public counsel, full-time state employees serving as counsel or assistant counsel to a state agency, judges of compensation claims, administrative law judges, and hearing officers.

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

6) State agency business managers, finance and accounting directors, personnel officers, grant coordinators, and purchasing agents (regardless of title) with power to make a purchase exceeding \$20,000.

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

What Must Be Disclosed:

FORM 1 requirements are set forth fully on the form. In general, this includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. NO DOLLAR VALUES ARE REQUIRED TO BE LISTED. In addition, the form requires the

disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When to File:

CANDIDATES for elected local office must file FORM 1 together with and at the same time they file their qualifying papers.

STATE and LOCAL OFFICERS and SPECIFIED STATE EMPLOYEES are required to file disclosure by July 1 of each year. They also must file within thirty days from the date of appointment or the beginning of employment. Those appointees requiring Senate confirmation must file prior to confirmation.

Where to File:

Each LOCAL OFFICER files FORM 1 with the Supervisor of Elections in the county in which he or she permanently resides.

A STATE OFFICER or SPECIFIED STATE EMPLOYEE files with the Commission on Ethics. [Sec. 112.3145, Fla. Stat.]

2. FORM 1F - Final Form 1 Limited Financial Disclosure

FORM 1F is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 1 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

3. FORM 2 - Quarterly Client Disclosure

The state officers, local officers, and specified state employees listed above, as well as elected constitutional officers, must file a FORM 2 if they or a partner or associate of their professional firm represent a client for compensation before an agency at their level of government.

A FORM 2 disclosure includes the names of clients represented by the reporting person or by any partner or associate of his or her professional firm for a fee or commission before agencies at the reporting person's level of government. Such representations do not include appearances in ministerial matters, appearances before judges of compensation claims, or representations on behalf of one's agency in one's official capacity. Nor does the term include the preparation and filing of forms and applications merely for the purpose of obtaining or transferring a license, so long as the issuance of the license does not require a variance, special consideration, or a certificate of public convenience and necessity.

When to File:

This disclosure should be filed quarterly, by the end of the calendar quarter following the calendar quarter during which a reportable representation was made. FORM 2 need not be filed merely to indicate that no reportable representations occurred during the preceding quarter; it should be filed ONLY when reportable representations were made during the quarter.

Where To File:

LOCAL OFFICERS file with the Supervisor of Elections of the county in which they permanently reside.

STATE OFFICERS and SPECIFIED STATE EMPLOYEES file with the Commission on Ethics. [Sec. 112.3145(4), Fla. Stat.]

4. *FORM 6 - Full and Public Disclosure*

Who Must File:

Persons required by law to file FORM 6 include all elected constitutional officers and candidates for such office; the mayor and members of the city council and candidates for these offices in Jacksonville; the Duval County Superintendent of Schools; judges of compensation claims (pursuant to Sec. 440.442, Fla. Stat.); members of the Florida Housing Finance Corporation Board and members of expressway authorities, transportation authorities (except the Jacksonville Transportation Authority), bridge authority, or toll authorities created pursuant to Ch. 348 or 343, or 349, or other general law.

What Must be Disclosed:

FORM 6 is a detailed disclosure of assets, liabilities, and sources of income over \$1,000 and their values, as well as net worth. Officials may opt to file their most recent income tax return in lieu of listing sources of income but still must disclose their assets, liabilities, and net worth. In addition, the form requires the disclosure of certain relationships with, and ownership interests in, specified types of businesses such as banks, savings and loans, insurance companies, and utility companies.

When and Where To File:

Incumbent officials must file FORM 6 annually by July 1 with the Commission on Ethics. CANDIDATES must file with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

5. *FORM 6F - Final Form 6 Full and Public Disclosure*

This is the disclosure form required to be filed within 60 days after a public officer or employee required to file FORM 6 leaves his or her public position. The form covers the disclosure period between January 1 and the last day of office or employment within that year.

6. *FORM 9 - Quarterly Gift Disclosure*

Each person required to file FORM 1 or FORM 6, and each state procurement employee, must file a FORM 9, Quarterly Gift Disclosure, with the Commission on Ethics on the last day of any calendar quarter following the calendar quarter in which he or she received a gift worth more than \$100, other than gifts from relatives, gifts prohibited from being accepted, gifts primarily associated with his or her business or employment, and gifts otherwise required to be disclosed. FORM 9 NEED NOT BE FILED if no such gift was received during the calendar quarter.

Information to be disclosed includes a description of the gift and its value, the name and address of the donor, the date of the gift, and a copy of any receipt for the gift provided by the donor. [Sec. 112.3148, Fla. Stat.]

7. *FORM 10 - Annual Disclosure of Gifts from Government Agencies and Direct-Support Organizations and Honorarium Event Related Expenses*

State government entities, airport authorities, counties, municipalities, school boards, water management districts, and the South Florida Regional Transportation Authority, may give a gift worth more than \$100 to a person required to file FORM 1 or FORM 6, and to state procurement employees, if a public purpose can be shown for the gift. Also, a direct-support organization for a governmental entity may give such a gift to a person who is an officer or employee of that entity. These gifts are to be reported on FORM 10, to be filed by July 1.

The governmental entity or direct-support organization giving the gift must provide the officer or employee with a statement about the gift no later than March 1 of the following year. The officer or employee then must disclose this information by filing a statement by July 1 with his or her annual financial disclosure that describes the gift and lists the donor, the date of the gift, and the value of the total gifts provided during the calendar year. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3148, Fla. Stat.]

In addition, a person required to file FORM 1 or FORM 6, or a state procurement employee, who receives expenses or payment of expenses related to an honorarium event from someone who is prohibited from giving him or her an honorarium, must disclose annually the name, address, and affiliation of the donor, the amount of the expenses, the date of the event, a description of the

expenses paid or provided, and the total value of the expenses on FORM 10. The donor paying the expenses must provide the officer or employee with a statement about the expenses within 60 days of the honorarium event.

The disclosure must be filed by July 1, for expenses received during the previous calendar year, with the officer's or employee's FORM 1 or FORM 6. State procurement employees file their statements with the Commission on Ethics. [Sec. 112.3149, Fla. Stat.]

However, notwithstanding Sec. 112.3149, Fla. Stat., no executive branch or legislative lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts or honorarium event related expenses that formerly were permitted under Sections 112.3148 and 112.3149. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts, which include anything not primarily related to political activities authorized under ch. 106, are prohibited from political committees. [Sec. 112.31485 Fla. Stat.]

8. FORM 30 - Donor's Quarterly Gift Disclosure

As mentioned above, the following persons and entities generally are prohibited from giving a gift worth more than \$100 to a reporting individual (a person required to file FORM 1 or FORM 6) or to a state procurement employee: a political committee; a lobbyist who lobbies the reporting individual's or procurement employee's agency, and the partner, firm, employer, or principal of such a lobbyist; and vendors. If such person or entity makes a gift worth between \$25 and \$100 to a reporting individual or state procurement employee (that is not accepted in behalf of a governmental entity or charitable organization), the gift should be reported on FORM 30. The donor also must notify the recipient at the time the gift is made that it will be reported.

The FORM 30 should be filed by the last day of the calendar quarter following the calendar quarter in which the gift was made. If the gift was made to an individual in the legislative branch, FORM 30 should be filed with the Lobbyist Registrar. [See page 35 for address.] If the gift was to any other reporting individual or state procurement employee, FORM 30 should be filed with the Commission on Ethics.

However, notwithstanding Section 112.3148, Fla. Stat., no executive branch lobbyist or principal shall make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 shall knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. This may include gifts that formerly were permitted under Section 112.3148. [Sec. 112.3215, Fla. Stat.] Similar prohibitions apply to legislative officials and employees. However, these laws are not administered

by the Commission on Ethics. [Sec. 11.045, Fla. Stat.] In addition, gifts from political committees are prohibited. [Sec. 112.31485, Fla. Stat.]

9. *FORM 1X AND FORM 6X - Amendments to Form 1 and Form 6*

These forms are provided for officers or employees to amend their previously filed Form 1 or Form 6.

IV. AVAILABILITY OF FORMS

LOCAL OFFICERS and EMPLOYEES who must file FORM 1 annually will be sent the form by mail from the Supervisor of Elections in the county in which they permanently reside not later than JUNE 1 of each year. Newly elected and appointed officials or employees should contact the heads of their agencies for copies of the form or download it from www.ethics.state.fl.us, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment.

ELECTED CONSTITUTIONAL OFFICERS, OTHER STATE OFFICERS, and SPECIFIED STATE EMPLOYEES who must file annually FORM 1 or 6 will be sent these forms by mail from the Commission on Ethics by JUNE 1 of each year. Newly elected and appointed officers and employees should contact the heads of their agencies or the Commission on Ethics for copies of the form or download it from www.ethics.state.fl.us, as should those persons who are required to file their final disclosure statements within 60 days of leaving office or employment.

Any person needing one or more of the other forms described here may also obtain them from a Supervisor of Elections or from the Commission on Ethics, P.O. Drawer 15709, Tallahassee, Florida 32317-5709. They are also available on the Commission's website: www.ethics.state.fl.us.

V. PENALTIES

A. Non-criminal Penalties for Violation of the Sunshine Amendment and the Code of Ethics

There are no criminal penalties for violation of the Sunshine Amendment and the Code of Ethics. Penalties for violation of these laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one-third salary per month for no more than twelve months, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift from a political committee.

B. Penalties for Candidates

CANDIDATES for public office who are found in violation of the Sunshine Amendment or the Code of Ethics may be subject to one or more of the following penalties: disqualification from being on the

ballot, public censure, reprimand, or a civil penalty not to exceed \$10,000, and triple the value of a gift received from a political committee.

C. Penalties for Former Officers and Employees

FORMER PUBLIC OFFICERS or EMPLOYEES who are found in violation of a provision applicable to former officers or employees or whose violation occurred prior to such officer's or employee's leaving public office or employment may be subject to one or more of the following penalties: public censure and reprimand, a civil penalty not to exceed \$10,000, and restitution of any pecuniary benefits received, and triple the value of a gift received from a political committee.

D. Penalties for Lobbyists and Others

An executive branch lobbyist who has failed to comply with the Executive Branch Lobbying Registration law (see Part VIII) may be fined up to \$5,000, reprimanded, censured, or prohibited from lobbying executive branch agencies for up to two years. Lobbyists, their employers, principals, partners, and firms, and political committees and committees of continuous existence who give a prohibited gift or honorarium or fail to comply with the gift reporting requirements for gifts worth between \$25 and \$100, may be penalized by a fine of not more than \$5,000 and a prohibition on lobbying, or employing a lobbyist to lobby, before the agency of the public officer or employee to whom the gift was given for up to two years. Any agent or person acting on behalf of a political committee giving a prohibited gift is personally liable for a civil penalty of up to triple the value of the gift.

Executive Branch lobbying firms that fail to timely file their quarterly compensation reports may be fined \$50 per day per principal for each day the report is late, up to a maximum fine of \$5,000 per report.

E. Felony Convictions: Forfeiture of Retirement Benefits

Public officers and employees are subject to forfeiture of all rights and benefits under the retirement system to which they belong if convicted of certain offenses. The offenses include embezzlement or theft of public funds; bribery; felonies specified in Chapter 838, Florida Statutes; impeachable offenses; and felonies committed with intent to defraud the public or their public agency. [Sec. 112.3173, Fla. Stat.]

F. Automatic Penalties for Failure to File Annual Disclosure

Public officers and employees required to file either Form 1 or Form 6 annual financial disclosure are subject to automatic fines of \$25 for each day late the form is filed after September 1, up to a maximum penalty of \$1,500. [Sec. 112.3144 and 112.3145, Fla. Stat.]

VI. ADVISORY OPINIONS

Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics.

A. Who Can Request an Opinion

Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

B. How to Request an Opinion

Opinions may be requested by letter presenting a question based on a real situation and including a detailed description of the situation. Opinions are issued by the Commission and are binding on the conduct of the person who is the subject of the opinion, unless material facts were omitted or misstated in the request for the opinion. Published opinions will not bear the name of the persons involved unless they consent to the use of their names; however, the request and all information pertaining to it is a public record, made available to the Commission and to members of the public in advance of the Commission's consideration of the question.

C. How to Obtain Published Opinions

All of the Commission's opinions are available for viewing or download at its website: www.ethics.state.fl.us.

VII. COMPLAINTS

A. Citizen Involvement

The Commission on Ethics cannot conduct investigations of alleged violations of the Sunshine Amendment or the Code of Ethics unless a person files a sworn complaint with the Commission alleging such violation has occurred, or a referral is received, as discussed below.

If you have knowledge that a person in government has violated the standards of conduct or disclosure laws described above, you may report these violations to the Commission by filing a sworn complaint on the form prescribed by the Commission and available for download at www.ethics.state.fl.us. The Commission is unable to take action based on learning of such misdeeds through newspaper reports, telephone calls, or letters.

You can obtain a complaint form (FORM 50), by contacting the Commission office at the address or phone number shown on the inside front cover of this booklet, or you can download it from the Commission's website:
www.ethics.state.fl.us.

B. Referrals

The Commission may accept referrals from: the Governor, the Florida Department of Law Enforcement, a State Attorney, or a U.S. Attorney. A vote of six of the Commission's nine members is required to proceed on such a referral.

C. Confidentiality

The complaint or referral, as well as all proceedings and records relating thereto, is confidential until the accused requests that such records be made public or until the matter reaches a stage in the Commission's proceedings where it becomes public. This means that unless the Commission receives a written waiver of confidentiality from the accused, the Commission is not free to release any documents or to comment on a complaint or referral to members of the public or press, so long as the complaint or referral remains in a confidential stage.

A COMPLAINT OR REFERRAL MAY NOT BE FILED WITH RESPECT TO A CANDIDATE ON THE DAY OF THE ELECTION, OR WITHIN THE 30 CALENDAR DAYS PRECEDING THE ELECTION DATE, UNLESS IT IS BASED ON PERSONAL INFORMATION OR INFORMATION OTHER THAN HEARSAY.

D. How the Complaint Process Works

Complaints which allege a matter within the Commission's jurisdiction are assigned a tracking number and Commission staff forwards a copy of the original sworn complaint to the accused within five working days of its receipt. Any subsequent sworn amendments to the complaint also are transmitted within five working days of their receipt.

Once a complaint is filed, it goes through three procedural stages under the Commission's rules. The first stage is a determination of whether the allegations of the complaint are legally sufficient: that is, whether they indicate a possible violation of any law over which the Commission has jurisdiction. If the

complaint is found not to be legally sufficient, the Commission will order that the complaint be dismissed without investigation, and all records relating to the complaint will become public at that time.

In cases of very minor financial disclosure violations, the official will be allowed an opportunity to correct or amend his or her disclosure form. Otherwise, if the complaint is found to be legally sufficient, a preliminary investigation will be undertaken by the investigative staff of the Commission. The second stage of the Commission's proceedings involves this preliminary investigation and a decision by the Commission as to whether there is probable cause to believe that there has been a violation of any of the ethics laws. If the Commission finds no probable cause to believe there has been a violation of the ethics laws, the complaint will be dismissed and will become a matter of public record. If the Commission finds probable cause to believe there has been a violation of the ethics laws, the complaint becomes public and usually enters the third stage of proceedings. This stage requires the Commission to decide whether the law was actually violated and, if so, whether a penalty should be recommended. At this stage, the accused has the right to request a public hearing (trial) at which evidence is presented, or the Commission may order that such a hearing be held. Public hearings usually are held in or near the area where the alleged violation occurred.

When the Commission concludes that a violation has been committed, it issues a public report of its findings and may recommend one or more penalties to the appropriate disciplinary body or official.

When the Commission determines that a person has filed a complaint with knowledge that the complaint contains one or more false allegations or with reckless disregard for whether the complaint contains false allegations, the complainant will be liable for costs plus reasonable attorney's fees incurred by the person complained against. The Department of Legal Affairs may bring a civil action to recover such fees and costs, if they are not paid voluntarily within 30 days.

E. Dismissal of Complaints At Any Stage of Disposition

The Commission may, at its discretion, dismiss any complaint at any stage of disposition should it determine that the public interest would not be served by proceeding further, in which case the Commission will issue a public report stating with particularity its reasons for the dismissal. [Sec. 112.324(12), Fla. Stat.]

F. Statute of Limitations

All sworn complaints alleging a violation of the Sunshine Amendment or the Code of Ethics must be filed with the Commission within five years of the alleged violation or other breach of the public trust. Time starts to run on the day AFTER the violation or breach of public trust is committed. The statute of limitations

is tolled on the day a sworn complaint is filed with the Commission. If a complaint is filed and the statute of limitations has run, the complaint will be dismissed. [Sec. 112.3231, Fla. Stat.]

VIII. EXECUTIVE BRANCH LOBBYING

Any person who, for compensation and on behalf of another, lobbies an agency of the executive branch of state government with respect to a decision in the area of policy or procurement may be required to register as an executive branch lobbyist. Registration is required before lobbying an agency and is renewable annually. In addition, each lobbying firm must file a compensation report with the Commission for each calendar quarter during any portion of which one or more of the firm's lobbyists were registered to represent a principal. As noted above, no executive branch lobbyist or principal can make, directly or indirectly, and no executive branch agency official or employee who files FORM 1 or FORM 6 can knowingly accept, directly or indirectly, **any expenditure** made for the purpose of lobbying. [Sec. 112.3215, Fla. Stat.]

Paying an executive branch lobbyist a contingency fee based upon the outcome of any specific executive branch action, and receiving such a fee, is prohibited. A violation of this prohibition is a first degree misdemeanor, and the amount received is subject to forfeiture. This does not prohibit sales people from receiving a commission. [Sec. 112.3217, Fla. Stat.]

Executive branch departments, state universities, community colleges, and water management districts are prohibited from using public funds to retain an executive branch (or legislative branch) lobbyist, although these agencies may use full-time employees as lobbyists. [Sec. 11.062, Fla. Stat.]

Online registration and filing is available at www.floridalobbyist.gov. Additional information about the executive branch lobbyist registration system may be obtained by contacting the Lobbyist Registrar at the following address:

Executive Branch Lobbyist Registration
Room G-68, Claude Pepper Building
111 W. Madison Street
Tallahassee, FL 32399-1425
Phone: 850/922-4987

IX. WHISTLE-BLOWER'S ACT

In 1986, the Legislature enacted a "Whistle-blower's Act" to protect employees of agencies and government contractors from adverse personnel actions in retaliation for disclosing information in a sworn complaint alleging certain types of improper activities. Since then, the Legislature has revised this law to afford greater protection to these employees.

While this language is contained within the Code of Ethics, the Commission has no jurisdiction or authority to proceed against persons who violate this Act. Therefore, a person who has disclosed information alleging improper conduct governed by this law and who may suffer adverse consequences as a result should contact one or more of the following: the Office of the Chief Inspector General in the Executive Office of the Governor; the Department of Legal Affairs; the Florida Commission on Human Relations; or a private attorney. [Sec. 112.3187 - 112.31895, Fla. Stat.]

X. ADDITIONAL INFORMATION

As mentioned above, we suggest that you review the language used in each law for a more detailed understanding of Florida's ethics laws. The "Sunshine Amendment" is Article II, Section 8, of the Florida Constitution. The Code of Ethics for Public Officers and Employees is contained in Part III of Chapter 112, Florida Statutes.

Additional information about the Commission's functions and interpretations of these laws may be found in Chapter 34 of the Florida Administrative Code, where the Commission's rules are published, and in The Florida Administrative Law Reports, which until 2005 published many of the Commission's final orders. The Commission's rules, orders, and opinions also are available at www.ethics.state.fl.us.

If you are a public officer or employee concerned about your obligations under these laws, the staff of the Commission will be happy to respond to oral and written inquiries by providing information about the law, the Commission's interpretations of the law, and the Commission's procedures.

XI. TRAINING

Constitutional officers and elected municipal officers are required to receive a total of four hours training, per calendar year, in the area of ethics, public records, and open meetings. The Commission on Ethics does not track compliance or certify providers.

Visit the training page on the Commission's website for up-to-date rules, opinions, audio/video training, and opportunities for live training conducted by Commission staff. A comprehensive online training course addressing Florida's Code of Ethics, as well as Sunshine Law, and Public Records Act is available via a link on the Commission's homepage.