



Fort Myers Beach Local Planning Agency

**Council Chambers
2525 Estero Blvd.
Fort Myers Beach, FL 33931**

Minutes

Tuesday, February 14, 2023

9:00 AM

ORDER OF BUSINESS

FINAL

I. CALL TO ORDER

Members present: Chair Cereceda, LPA Member Bowen, LPA Member Eckmann, LPA Member Plummer, LPA Member Safford, LPA Member Sudduth and LPA Member Vanasse.

II. INVOCATION

Chair Cereceda.

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF MINUTES

A. Draft minutes January 18, 2023

LPA Member Safford moved to approve the minutes; second by LPA Member Bowen.

Motion carried unanimously.

PUBLIC COMMENT

Sue Patton, resident, described a lecture she attended on Sanibel regarding native plants. She suggested that 75% of the town's plantings be native. Charlie Eck, Vice President of the Estero Bay Improvement Association, commented on the proposed change to the future land use regarding the 55-acre Bay Beach property. He stated that the property served as a linchpin for the 132-acre stormwater system. He described the operational costs paid by the Bay Beach residents. He noted that a detailed letter was sent to members of the LPA and he was available to meet with them to answer questions.

V. PUBLIC HEARINGS

A. SEZ-20220120; 6875 Estero Blvd; Recommendation of approval of Special Exception for Work/ Live use

SEZ-20220120; 6875 Estero Blvd; Recommendation of approval of Special Exception for Work/ Live use

Chair Cereceda spoke with the applicant, but no other member disclosed ex parte communications. Town Attorney Herin, Jr. swore in those providing testimony.

Community Development Senior Planner Jason Smalley described a special exception request for a work/live project as stated on the yellow sheet. An existing commercial building would be rehabilitated, and a second level would be added for a primary residence. He clarified the typo in the code concerning work/live use. The project exceeded the 50% rule and the applicant would be required to add dry floodproofing to the existing building. LPA Vanasse requested clarification regarding the buffering condition. Senior Planner Smalley responded that the building was surrounded by multi-families and buffering was adjacent to the property. Staff would request that the existing buffers be maintained and enhanced if approved.

LPA Member Sudduth requested clarification regarding limiting manufacturing and potential noise issues. Senior Planner Smalley commented that the use was for storage and not onsite manufacturing.

Ruby Pessotti and her husband Kyle acquired the property from her parents in January 2022. She indicated their goal was to use the first floor as a retail, office, storage and meeting space for the business and the second floor would be their residence. She noted that after the hurricane they moved out of Santini Plaza to a modular unit on the property. Ms. Pessotti stated that the second floor would not exceed 35 feet and provided renderings of the new building. She hoped to start the project within the next few months and open next year for season.

LPA Member Bowen requested clarification regarding generational bedrooms. Ms. Pessotti replied that the space could be used for children or grandparents.

Chair Cereceda disclosed that the applicants and Mike Wood were contractors for her home and she had known them for years. She questioned how noise from delivery trucks would affect the neighborhood and wondered whether an additional condition should be added to prohibit manufacturing.

Ms. Pessotti stated that the materials were ready-made and that no manufacturing would occur on the property. She added that they were investigating purchasing a building for additional storage off the island.

LPA Member Plummer questioned whether the applicants would agree with a set delivery time for trucks. Ms. Pessotti replied that operating hours were Monday-Friday from 8:00 a.m.-4:00 p.m. and deliveries were not accepted outside those hours.

Town Attorney Herin, Jr. recommended that Chair Cereceda abstain from voting based on her disclosure.

Public comment:

Cindy Salusk Hyduke from Captain's Bay South appreciated Ms. Pessotti's presentation. She invited the applicants to their board meeting on February 28, 2023, to answer questions. She added that native plants were important for buffering.

Public comment closed.

LPA Member Sudduth moved to recommend approval for the application with an additional condition 4 to limit deliveries to Monday-Friday from 7:30 a.m. to 5:30 p.m. and that the special exception met the criteria and was consistent with the comprehensive plan; second by LPA Member Plummer. Motion carried unanimously by roll call vote with Chair Cereceda abstaining.

B. SEZ 20220104 Texas Hold'em and Squeeze Me Inn Dune Walkover and Boardwalk

Approve/Approve with conditions/Deny SEZ 20220104 Texas Hold'em and Squeeze Me Inn Dune Walkover and Boardwalk based on the findings and conclusions with LDC Sec 34-88 Special Exceptions and Sec 34-87 Variances.

Ex parte communications: LPA Member Safford - site visit and multiple conversations with Mr. Rood; LPA Member Eckmann - visited the site and met with Mr. Rood; LPA Member Bowen - received emails from Mr. Rood; LPA Member Plummer - nothing this year; LPA Member Vanasse - site visit with applicant and phone call; LPA Member Sudduth - site visit and conversation with Mr. Rood; Chair Cereceda - site visit in the past. Chair Cereceda noted the LPA received several emails and Town Attorney Herin, Jr. stated they would be made part of the record. He reminded members that their decision should be based on what they heard today, not any other communications or site visits outside today's hearing. Chair Cereceda revealed that she had a conversation with Mr. Perry regarding the issue. Town Attorney Herin, Jr. swore in those providing testimony.

Community Development Planner Jason Green reviewed the two different applications as detailed in the staff report. He noted that the proposed length was not clear in the site plan and the dimensions of the proposed structure were not provided. He stated that the FDEP (Florida Department of Environmental Protection) consolidated final order was included with the application. Planner Green noted the FDEP findings were not based on the town's special exception criteria and evaluation process. He read the definition of special exception use from LDC (Land Development Code) Chapter 34. Planner Green indicated that the applicants submitted a similar application in 2019 and staff recommended denial. The Town Council determined that the proposed use and structure were not consistent with the LDC and Comprehensive Plan. He noted that the current application included statements that Mr. Rood was a disabled person as defined by the Americans with Disabilities Act (ADA) and required assistance to access the public beach. Planner Green read the Findings and Conclusions from the staff report in the packet. He concluded that the staff recommended that the LPA recommend denial of SEZ 20220103 and VAR 20220104.

LPA Member Vanasse noted that a lot of information was not in the packet and questioned whether the previous information was part of the record. Planner Green stated that the applicant provided the information in the application.

LPA Member Bowen questioned whether the court ruled against the ADA claim and whether it was on appeal. He questioned how they could decide on a special exception if it was a pending issue. Town Attorney Herin, Jr. confirmed that the court ruled against the claim, which was on appeal. He read sections from page 19 of the court order regarding EC (Environmentally Critical) land and page 23 regarding the need for accommodation. The court found that the dune walkover was an unreasonable accommodation. Town Attorney Herin, Jr. made the court order part of the record.

LPA Member Bowen questioned whether ownership was in dispute with the federal government. Town Attorney Herin, Jr. replied that the current litigation between the applicants and corporate entities was against the state of Florida and the town was not a part of the matter. He stated that the town's zoning scheme was still in place, irrespective of ownership. He noted that where the dune walkover eventually ended was still a question that had to be resolved.

LPA Member Sudduth questioned whose land the structure was crossing and Town Attorney Herin, Jr. replied that it was state land.

LPA Member Plummer questioned how they could rule on no handrails if the ADA required accommodation. Town Attorney Herin, Jr. deferred to staff as to whether or not railings were required for that type of use. LPA Member Plummer noted that since the structure was not attached to their property, how could they bind the properties to maintain the structure if they sold the property? Planner Green was not sure.

Planner Green stated that a special exception for the use of that structure in the EC along with where the applicants proposed and the variance would be for the width, regardless of who owned the property. Town Attorney Herin, Jr. reiterated that language in the FDEP approval stated that the proposed use of state lands was still subject to the local government's approval.

LPA Member Eckmann requested a map to show the location of the proposed walkover in relation to the EC area.

LPA Member Safford questioned how much the town has spent on the issue since 2014. Town Attorney Herin, Jr. replied it was less than \$15,000.00.

LPA Member Safford noted that the applicants were in negotiations to allow neighbors to use the walkway at one point. Town Attorney Herin, Jr. responded that the issue was not in the current application.

Regarding ownership, LPA Member Vanasse requested that staff go on the record of what they believe was or was not presented. He stated the application was seriously lacking information and noted that two surveys showed the property lines to the Gulf. Planner Green commented that there was another mean-high water line that was part of the pond area. He believed he saw a permit from the FDEP that typically lasted five to ten years. LPA Member Vanasse mentioned a suit from the town and the Audubon

Society against Mr. Rood and the FDEP that was settled in their favor. He remarked that the LPA had to be careful concerning what they looked at and what was introduced regarding their findings. Planner Green commented that staff did not get into the lawsuits or the ADA component. The issue was the location, necessity, purpose and intent of the special exception request. Chair Cereceda stated that legal fees were irrelevant to the case. She noted this was the first time she had read a sufficiency report and Planner Green responded that sufficiency was usually mixed with comments. He felt the sufficiency review helped explain the staff report. Chair Cereceda was astonished that the matter was on the agenda with everything else that was on their plate and noted the application contained numerous deficiencies. She added that the current condition of that part of the beach post-hurricane had not even been addressed.

Interim Town Manager Wilkins indicated that the applicant had the right to due process.

LPA Member Vanasse described his frustration with the lack of information. LPA Member Safford noted that he asked about the cost because residents had approached him.

Town Attorney Herin, Jr. stated that the ADA matter was the only pending lawsuit that involved the applicant and the town.

Amy Petrick from Lewis Longman & Walker represented the applicants. She stated that her presentation addressed the special exception and the variance only. She noted the applicants went to the state for an environmental resource permit, a CCCL (Coastal Construction Control Line) permit and proprietary authorization to build the dune walkover to the extent that the walkover was on state property. She distributed her presentation and referred to page 4 regarding how the proposed walkover and the critical wildlife area boundary interrelate; page 6 showed what the area looked like currently; page 7 displayed the survey and an excerpt from a letter and page 8 provided an image regarding beach renourishment. She went back to page 7 to address ownership and setbacks and stated that the applicants received a lease from the FDEP. LPA Member Vanasse questioned the 2014 mean high water line in the survey and pointed out that the survey in their packet showed that the walkover was located fully within the applicants' land. He asked why the LPA was not given anything else, including evidence from the state regarding the lease. Attorney Petrick replied that everything was in the record. LPA Member Vanasse responded that the information was not in the current application and, therefore, not part of the record. Attorney Petrick responded that the information came from the applicant and the project was the same as in 2014. She stated that when one applied to reapply for an identical project, the material was updated. She did not know why the town chose to packet the materials the way they did and suggested that if the applicant knew they had to submit all the previous information, they would have. Chair Cereceda stated that the application was from the applicant and it was their obligation to present the information. Town Manager Herin, Jr. agreed and noted it was the applicant's responsibility to submit a full and

complete application. What took place years ago was a different application and that public hearing was final. Attorney Petrick mentioned the timeline regarding when they received the sufficiency letter. Planner Green responded that the applicant specifically asked for the date before receiving any comments.

LPA Member Vanasse cautioned the applicant that the LPA would not be able to render a decision without sufficient information. He brought up continuing the hearing to address the gaps, but Attorney Petrick hesitated to continue the hearing due to a timing issue with the state.

Attorney Petrick continued with a page that explained why the applicant believed they met the special exception and pages 11 and 12 depicted accretional patterns. She stated that one of the applicants had a change in their condition, making it difficult to access the beach. She reviewed the FDEP final order regarding the beneficial effect on the vegetation. LPA Member Plumber questioned how it would benefit the community when only two people used the walkover. Attorney Petrick replied that was the FDEP finding and continued her presentation by discussing crossing dune vegetation, a planned elevation, the CCCL building permit process, the design of the walkover and pages of boardwalks and dune walkovers.

LPA Member Safford questioned whether the applicant would allow the neighbors to use the walkover. Attorney Petrick replied that they were willing to explore opportunities for use within the neighborhood.

Attorney Petrick continued the presentation to address the variance request and requested that the LPA recommend approval for the special exception and variance.

LPA Member Sudduth commented on ADA requirements and the willingness of the applicants to share the use of the walkover.

LPA Member Plummer questioned who performed the maintenance for the life of the structure. Attorney Petrick replied that it was addressed in the CCCL permit and ran with the land.

Kurt Kroemer, applicant, explained that when he first purchased the property in 2011, it was beachfront, but in 2015 the neighbor closed the access, so he had to walk down the street to access the beach. He read a line from 253 Sec. 141 of the Florida statute and stated it was his right to access the beach. He said that even though his house was gone, he still wanted beach access and explained that he was willing to work with the town. He agreed to allow the neighbors to use the walkover and hoped today's information was enough for the town.

Eddie Rood, applicant, felt that they met the special exception and stated that they all had to come to a conclusion. He thought the town should listen to the FDEP order and that the walkover would end the whole thing. He reviewed the previous denial and indicated they were here today because of a new LPA and Town Council. He asked the LPA to move the project forward, put everything behind them, and get it over with. He described his physical condition in relation to the variance request for a five-foot walkover.

Public comment:

Larry Den Herder, neighbor, supported the project and saw a benefit. He encouraged the LPA to accept the project and felt the walkover was a good solution to get to the beach.

Dennis Prock, neighbor, described his property before accretion. He stated he was familiar with the nesting birds and wildlife. He received a permit from FDEP and FWCC (Fish & Wildlife Conservation Commission) to trim all the mangroves in the neighborhood and he knew how critical it was to protect the environment. He stated that the birds nested in the open sand and predators would not use the walkover.

John Cameron, neighbor, supported Mr. Rood. He stated that a pond had formed behind their neighborhood and now he was asked to sign an easement so the town could fill in the areas behind the condos, but the town wouldn't allow them to have a walkover. He felt that the FDEP knew better than a planning board regarding what was safe.

Brad Cornell represented Audubon Florida and noted they had monitored birds at the beach since 2010. He felt the request was contrary to the public interest and should not be on the agenda due to higher priorities. He explained why Audubon was opposed to the approval of the request for a special exception. He described documentation of threatened species that nested in the area and referred to the growth management plan in the LDC. He stated that building a permanent structure would be hazardous if they had another hurricane. He noted there was a walkway in front of the applicants to access the beach and it appeared the FDEP construction permit expired on May 1, 2021.

Bruce Butcher, resident, commented that the walkway Mr. Cornell referred to was private. He stated that the Corkscrew Sanctuary had a huge walkover. He described his experience of trudging through the muck in the lagoon. He added that the neighbor who installed a fence and signs ruined access for everyone. He noted that the birds nested in the wide-open sand and he supported the walkover.

Penny Jarrett, resident, monitored the beach-nesting birds in the critical wildlife area for the FWCC. She indicated the walkover was almost 300 feet long, went over two lagoons and landed near the dune. She explained that the lagoon formed part of the foraging habitat for threatened species. She did not think the structure was in the town's best interest because the area was unique and provided a habitat for a variety of birds. She felt that adding the structure would set a bad precedent.

Sue ? spoke about hurricanes in Maine and noted that one town purchased the beachfront properties and kept them open. She was concerned about setting a precedent that would allow other walkovers and suggested building a public walkover for many people to use. She felt that the residents wanted to protect the beauty of the beach and wildlife and they all took a chance when buying beach property. She felt the applicants should have included more information in their application.

Cheri Smith, resident, stated that the main reason the town incorporated was to allow residents to have a say concerning how the island was developed.

Their motto was preservation was progress and the critical wildlife area was beautiful. She addressed the precedent for allowing boardwalks on their beautiful beach.

Public comment closed.

Planner Green clarified that the staff focused on the land use policy and location decisions. He felt the applicants did not address the comprehensive plan consistently and did not see any reference to the angle of the structure.

LPA Member Eckmann questioned the permits and Attorney Petrick replied that the permits were all valid. LPA Member Vanasse asked whether all permits would be provided and Attorney Petrick replied affirmatively.

Attorney Petrick stated that the angle of the structure was less than 30 degrees. She added that Planner Green did not identify a specific comprehensive plan provision that the proposed use violated.

Planner Green stated that the applicant failed to meet criteria number five and two of the policies had nothing to do with their application.

Town Attorney Herin, Jr. suggested that the LPA consider whether the applicants met all the criteria to be entitled to the relief they requested. He noted that hearsay evidence could not be the sole basis of their decision and that it was independent of what was before them.

LPA Member Vanasse felt that the attorney's presentation filled in the gaps in the application and the final order addressed many of the issues. He noted the applicants had the right to ask for the dune walkover/boardwalk through a special exception. He thought they met the criteria and, in his opinion, the dunes and nesting areas were a public resource and the final order demonstrated an environmental benefit. In his mind, the public interest was to protect a public resource. He was satisfied with the presentation regarding setbacks and ownership and felt this special circumstance would not set a precedent. LPA Member Vanasse noted that they were asking for a special exception for a disability, not for a disability ruling. He supported the application with conditions that the applicants provide all the supporting information before going before the Town Council.

LPA Member Plummer agreed with LPA Member Vanasse regarding the incomplete application. She felt that allowing the neighbors access to the walkover was a benefit and, since it was a special area, it would not set a precedent. She supported the application.

LPA Member Sudduth agreed and supported the application.

LPA Member Eckmann suggested adding a condition that the applicants go through a formal process to create an easement to allow neighbors in the Grand Ole' Man subdivision access to the boardwalk and a condition that the applicants drop their lawsuit with the state regarding ownership. Town Attorney Herin, Jr. stated the town was not a party to that lawsuit.

LPA Member Bowen agreed that it was not precedent-setting and was disappointed in the incomplete packet from the applicants. He supported going forward.

LPA Member Safford concurred with LPA Member Plummer's analysis.

Attorney Petrick stated that the applicants indicated a willingness to allow

access in some form and the applicants intended to drop the lawsuit if the application was approved.

Chair Cereceda felt it was a mistake for the town to allow the special exception; however, she acknowledged that things were changing and there was a shift that was not necessarily good or bad.

LPA Member Vanasse moved to recommend approval for the special exception, finding they had met the criteria and they were consistent with the LDC and comprehensive plan and to include the condition put forth by LPA Member Eckmann to engage the neighbors to create cross-access easements to provide access to the structure and for them to report back to Council as to what that legal structure would be; a condition that the record is supplemented with documentation discussed including all environmental permits, CCCL permits, leases with the state and plans for the boardwalk and include some of the items that were considered additional criteria addressed verbally to supplement the record; second by LPA Member Plummer. Motion carried 6-1 by roll call vote with Chair Cereceda dissenting.

LPA Member Bowen moved to recommend approval for the one-foot variance request to go from four feet to five feet and that it met the criteria and was consistent with the LDC and comprehensive plan; second by LPA Member Sudduth.

Motion carried 6-1 by roll call vote with Chair Cereceda dissenting.

VI. ADMINISTRATIVE AGENDA

A. Public Hearing Process Options

Options to reduce time requirements in the public hearing process.

Planner Green noted that the special exceptions and variances could be changed, not rezoning cases. LPA Member Vanasse suggested that applicants meet sufficiency before being scheduled. Planner Green pointed out that under state law, the applicants had a right to a hearing after six months regardless of what was or was not submitted. LPA Member Vanasse brought up consent agendas for cases without public objections and unanimous approval from the LPA. Town Attorney Herin, Jr. stated they had to provide for due process where any affected party could ask that the item be pulled from the agenda. He added that meeting sufficiency worked for staff and the applicant and was something to consider.

LPA Member Vanasse suggested looking at how to establish guidelines for sufficient applications before the applicant could move forward in the process and Planner Green replied that they would look at formalizing the process.

VII. LPA MEMBERS ITEMS/REPORTS

Chair Cereceda noted that LPA Member Safford had to leave the meeting and before he left, he asked that Planner Green remember to look at the email regarding parallelogram lots.

Planner Green will add the issue to an agenda for discussion.

LPA Member Plummer received an email regarding noise and lights on Estero Blvd.

at 2:00 a.m. Chair Cereceda mentioned the Emergency Ordinance. LPA Member Plummer questioned why the town wasn't using the emergency management permitting system to expedite permits. Planner Green will pass the information to the building official but indicated that a wind event differed from a flooding event. LPA Member Vanasse thought creating a triage system for permits would be helpful. LPA Member Plummer brought up receiving the packet of information for the meeting on Friday after 5:00 p.m. Chair Cereceda agreed that a deadline should be set or it was postponed. Planner Green agreed and described how long it took staff to gather and review all the information for the packet. He added that they could work on that with the sufficiency part.

LPA Member Vanasse brought up a requirement to plant native species. Planner Green thought there was a 75% requirement for development but not for single families. LPA Member Eckmann endorsed a 50% requirement for residential. LPA Member Vanasse felt they should address architectural guidelines for commercial buildings and he distributed photos from different communities. He felt that four stories created a commercial mixed-use environment and did not feel imposing. He described other favorable aspects of the communities and provided an example of what their downtown could look like. He discussed the development details and noted that public input would be encouraged. Chair Cereceda revealed that the developers asked the Interim Town Manager what the town wanted to see as far as development and the Interim Town Manager did not know. She agreed that they had to discuss it now. Town Attorney Herin, Jr. stated that the Florida legislature preempted local municipalities from applying design standards to single and multi-family structures unless the town adopted standards and implemented them through an architectural review board. LPA Member Vanasse noted that some communities provided guidelines even though they could not be enforced. Planner Green indicated that the town did have criteria for the base and there was an opportunity to review those criteria. LPA Member Vanasse explained incentivizing hotel transient units versus density for residential and encouraged LPA Members to think about the topic. Planner Green stated that they had to be smart regarding being aware of where they were putting people in harm's way.

Chair Cereceda suggested that they add agenda management to future agendas. She also suggested that the LPA and the Town Council schedule a joint meeting to discuss planning issues. Planner Green indicated that Mr. Ng was scheduled for a March presentation with the Town Council. Chair Cereceda questioned reestablishing LPA representation at Town Council meetings and volunteered to appear at the next Town Council meeting. Consensus was reached to continue LPA representation when applicable.

LPA Member Vanasse suggested an inventory of what was destroyed. Planner Green stated they needed to discuss height versus density. He suggested they review the list of projects in the comprehensive plan created before incorporation that discussed density and intensity.

Chair Cereceda reviewed items they discussed to include in agenda management. LPA Member Vanasse stated a beach school meeting was scheduled for March 22, 2023, and public involvement was encouraged. He described the details of ongoing discussions and potential options.

No items from other members.

VIII. LPA ATTORNEY ITEMS/REPORTS

No items.

IX. COMMUNITY DEVELOPMENT ITEMS/REPORTS

Planner Green stated that historic preservation had to be addressed and a discussion concerning impact fees.

X. ITEMS FOR NEXT MONTHS AGENDA

Discussed previously.

XI. PUBLIC COMMENT

Louis Wallery, resident, discussed a bridge that was south of the Wyndham that went into disrepair. She would have liked a requirement that the beach walkover applicants had to take care of their structure.

XII. ADJOURNMENT

LPA Member Boan moved to adjourn; second by LPA Member Plummer. Motion carried unanimously.

The meeting was adjourned at 2:27 p.m.

Minutes adopted March 14, 2023; Motion by LPA Member Safford and seconded by LPA Member Boan. Passed 7-0.



Amy Baker, Town Clerk

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME <i>Cereceda Anita T</i>		NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE <i>Local Planning Agency</i>	
MAILING ADDRESS <i>14961 Reflection Key Circle #413</i>		THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF:	
CITY <i>St. Myers</i>	COUNTY <i>Lee</i>	☒ CITY	☐ COUNTY ☐ OTHER LOCAL AGENCY
DATE ON WHICH VOTE OCCURRED <i>2/14/23</i>		NAME OF POLITICAL SUBDIVISION <i>Town of St. Myers Beach</i>	
		MY POSITION IS ☐ ELECTIVE ☒ APPOINTIVE	

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office **MUST ABSTAIN** from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also **MUST ABSTAIN** from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, Amir Cereade, hereby disclose that on February 14, 2023:

(a) A measure came or will come before my agency which (check one or more)

- ☐ inured to my special private gain or loss;
- ☐ inured to the special gain or loss of my business associate, _____;
- ☐ inured to the special gain or loss of my relative, _____;
- ☒ inured to the special gain or loss of friend who I have contract with currently, whom I am retained; or
- ☐ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

Special Exception for work/Luc

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

Date Filed

2/14/23

Signature

[Signature]

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED \$10,000.