

## **BOARD OF ADJUSTMENT AGENDA**

Board of Adjustment Regular Meeting - Thursday, March 23, 2023 - 2:00 p.m.  
City Hall - City Commission Chambers, 100 North U.S. #1, Fort Pierce, Florida

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE**
3. **ROLL CALL**
4. **CONSIDERATION OF ABSENCES**
5. **APPROVAL OF MINUTES**
  - a. Minutes from the January 26, 2023 meeting
6. **DISCUSSION / OTHER BUSINESS**
  - a. Sunshine Presentation
7. **COMMENTS FROM THE PUBLIC**
8. **ADJOURNMENT**

Any person seeking to appeal any decision by the Board of Adjustment with respect to any matter considered at this meeting is advised that a record of proceedings is required in any such appeal and that such person may need to insure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.

Persons who require special accommodations under the Americans with Disabilities Act (ADA) should contact the Planning Department at (772) 467-3729, at least five (5) days prior to the

meeting. Persons who are hearing or speech impaired may use the Florida Relay System by dialing 711.

**Planning Board of Adjustment**

**Meeting Date:** 03/23/2023

**Re:** Board of Adjustment Minutes 1/26/23

**Submitted For:** Kev Freeman, Planning Director, Planning & Zoning

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**Information**

**SUBJECT:**

Minutes from the January 26, 2023 meeting

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**Attachments**

Board of Adjustment Minutes 1/26/23

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**Form Review**

Form Started By: Alicia Rosenthal

Started On: 01/27/2023 11:06 AM

Final Approval Date: 02/09/2023

# DRAFT



CITY OF FORT PIERCE  
**BOARD OF ADJUSTMENT**

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## Board of Adjustment Minutes

OF THE REGULAR MEETING OF THE FORT PIERCE CITY BOARD OF ADJUSTMENT HELD ON THURSDAY, **JANUARY 26, 2023**, IN FORT PIERCE CITY HALL, COMMISSION CHAMBERS, 100 NORTH US HIGHWAY 1, FORT PIERCE, FLORIDA.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

Ms. Davis entered the meeting at 2:09 PM.

Present: KeAndrea Davis; Darrell Drummond; James Crist; Jaimebeth Galinis, Madam Chair

Absent: Charles Hayek

Staff Present: Sara Hedges, Assistant City Attorney

Ryan Altizer, Senior Planner

Alicia Rosenthal, Planning and Development Organizer

4. **CONSIDERATION OF ABSENCES**

Motion was made by Darrell Drummond, and seconded by James Crist to excuse the absence of Mr. Hayek.

AYE: Darrell Drummond, James Crist, Madam Chair Jaimebeth Galinis

Passed

5. **APPROVAL OF MINUTES**

a. Minutes from the June 23, 2022 meeting

Motion was made by Darrell Drummond, and seconded by James Crist to approve the minutes from the June 23, 2022 meeting.

AYE: James Crist, Darrell Drummond, Madam Chair Jaimebeth Galinis  
Passed

## 6. PUBLIC HEARINGS

### a. Variance - Central Florida Treatment Center - 1302 N. Lawnwood Circle

The clerk introduced the Variance for the Central Florida Treatment Center located at 1302 N. Lawnwood Circle.

The chair asked the Board attorney to explain the Quasi-Judicial Hearing procedures.

Before commencing this Quasi-Judicial Hearing, the City Attorney, explained to the Board of Adjustment that they serve in both a legislative and quasi-judicial role. When acting as a legislative body, the Board engages in law-making activity by passing laws and establishing policies. When acting as a quasi-judicial body, the Board applies those laws and policies and is held to stricter procedural requirements. Quasi-judicial proceedings are less formal than proceedings before a circuit court but are more formal than the normal Board meeting. Quasi-judicial proceedings must follow basic standards of notice and due process; and, decisions must be made based on competent substantial evidence. Therefore, Board members have a duty to conduct the quasi-judicial proceedings more like judges than legislators. That is why the Commission has established the uniform procedures for quasi-judicial hearings that will be followed today.

The Chair called the proceeding to order.

The clerk confirmed the City complied with advertisement and notice requirements.

The Chair inquired with the Board regarding ex-parte communications and asked the Clerk to call the roll:

Ms. Davis- no  
Mr. Drummond - no  
Mr. Crist - no  
Madam Chair Galinis - no

The Chair opened the public hearing.

The clerk was asked to swear in those wanting to speak during this Quasi-Judicial hearing. Individuals in the audience intending to speak on this item were asked to stand, raise their right hand, and administered an oath to tell the truth, the whole truth, and nothing but the truth. Those that were sworn in were asked to clearly state their name for the record and confirm they were sworn in at such time as they were asked to come forward to testify.

Staff Presentation:

Ryan Altizer, Senior Planner, gave an overview of the application. The applicant is requesting to deviate from city code to allow for a reduction for the side yard buffer for five feet along the southerly property line and seven feet along the northerly property line. The subject 0.65-acre site has twelve (12) parking spaces on the property, which the applicant says are not an adequate number of spaces for their clients as well as not enough space for people to maneuver. Mr. Altizer noted there are no offsite parking areas in which patients could leave their cars while receiving treatment at the center. Mr. Altizer stated the Variance will allow for an additional 16 parking spaces, make the ADA parking spaces more accessible and provide

better flow and movement in the parking area. It is the recommendation of staff to grant approval of the requested variance based upon the justification presented by the applicant with respect to the criteria for granting a Variance.

Board questions for Staff:

Applicant questions for Staff: None

Applicant presentation: Nathaniel Holt, Applicant Representative, sworn, stated they looked at several alternatives to the dead end parking lot. Mr. Holt said this is a good design that functions well and is an improvement to the parking area.

Board questions for Applicant: Mr. Crist asked about the plans for stormwater run off and if the green space buffer is going to be used for onsite mitigation. Mr. Drummond asked if the mitigation for stormwater run off will meet the Engineering code requirements.

Public comment: None

Board comment: None

Applicant final comment: None

The Chair, seeing no one else, closed the public hearing.

Motion was made by Darrell Drummond, and seconded by James Crist to approve the requested variance to deviate from City Code 123-37(6)(a) to allow for a reduction for the side yard buffer for five feet along the southerly property line and seven feet along the northerly property line for the Central Florida Treatment Center, located at 1302 N. Lawnwood Circle, with the condition that the stormwater run off meets current code requirements.

AYE: KeAndrea Davis, Darrell Drummond, James Crist, Madam Chair Jaimebeth Galinis  
Passed

**7. DISCUSSION / OTHER BUSINESS**

**8. COMMENTS FROM THE PUBLIC**

There were no comments from the public.

**9. ADJOURNMENT**

**Planning Board of Adjustment**

Meeting Date: 03/23/2023

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Information

REQUESTED ACTION

Sunshine Presentation

LOCATION

RESPONSIBLE STAFF

RECOMMENDATION

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Attachments

Sunshine Presentation

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**Form Review**

Form Started By: Alicia Rosenthal

Started On: 02/03/2023 10:52 AM

Final Approval Date: 02/03/2023

# Florida's Open Government Laws

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SARA HEDGES

ASSISTANT CITY ATTORNEY

CITY OF FORT PIERCE

# Florida's Open Government Laws

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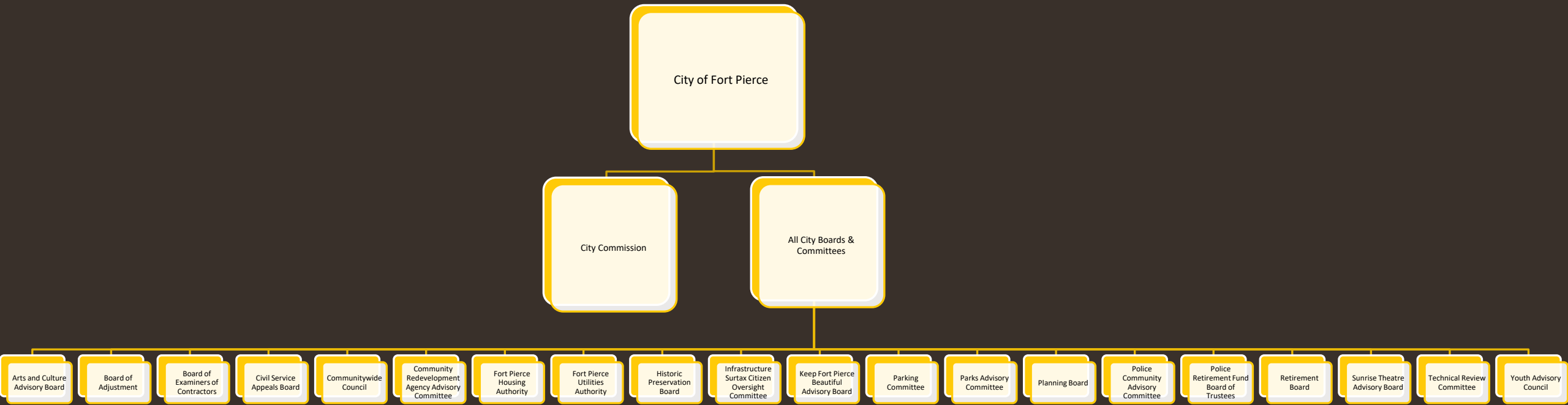
Florida's Government in the Sunshine Law

Florida's Public Records Act

Voting Conflicts of Interest

# Who do these laws apply to?

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# Florida's Government in the Sunshine Law: Chapter 286, Florida Statutes

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Provides for a right of access to governmental proceedings of any board or commission at both the state and local levels of government.

Applies to any gathering of two or more members of a board or commission to discuss any matter which will foreseeably come before them for action.

Applies to both elected and appointed boards or commissions.

# Basic Requirements of Section 286.011, Florida Statutes

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1. Meetings of public boards or commissions must be open to the public
2. Reasonable notice of such meetings must be given
3. Written minutes of the meetings must be taken, promptly recorded, and open to public inspection

# Advisory Boards and Committees

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Sunshine Law applies to advisory boards, even though their recommendations are not binding upon the agencies that created them.

Very limited exception applies to advisory committees established for fact-finding only. However, if the committee has any decision-making function (making recommendations to the governmental body) as part of their duties, the Sunshine Law applies.

“The principle to be followed is very simple: When in doubt, the members of any board, agency, authority or commission should follow the open-meeting policy of the State.”

Town of Palm Beach v. Gradison, 296 So.2d 473 (Fla. 1974).

# Ex Officio Board Members

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An ex officio board member is subject to the Sunshine Law, no matter whether serving in a voting or non-voting capacity.

# Staff and Non-Board Members

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Board members are not prohibited from discussing board business with City staff or non-board members.

Cannot, however, use such individuals as a liaison to communicate with members of your board.

## Examples:

Member of the CRA Advisory Committee speaking to the City's Economic Development Manager regarding an item on the agenda for an upcoming meeting?

Member of the CRA Advisory Committee asking the Economic Development Manager to poll the remaining members of the committee to see how they will vote on the review of upcoming grant applications?

# Types of Gatherings Considered a Meeting

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Gathering does not have to be a formal meeting.

Sunshine Law applies to informal gatherings as well.

# Types of Communication Constituting a Meeting

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Sunshine Law is not limited to just verbal in person communication.

Applies to all communications.

Includes:

Telephone Conversations

Text Conversations

Emails

Public Social Media Posts

Private Social Media Communications

# One Way Communications

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May send documents to other commission or board members for their review.

But, once there is a response to the group or to one individual, that has triggered a meeting for which the Sunshine Law applies.

**BEST PRACTICE:** Do not send such communications. Do not reply to such communications.

# Behavior by Members of the Public

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The public must “be given a reasonable opportunity to be heard on a proposition before a board or commission,” subject to limited exceptions in the statute.

The board or commission is permitted to maintain “orderly conduct or proper decorum in a public meeting.”

May adopt rules or policies for the meetings.

Section 286.0114, Florida Statutes.

# Rules or Policies Governing Opportunity of the Public to be Heard at Public Meetings

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Section 286.0114, Florida Statutes limits the rules or policies to permit those that:

1. Provide guidelines regarding the amount of time an individual has to address the board or commission;
2. Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;
3. Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or
4. Designate a specified period of time for public comment.

# Prohibited Restrictions on Meetings

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Cannot ask certain members of the public to “voluntarily” leave a meeting.

Cannot ban videotaping, tape recording, or photography at public meetings when doing so is nondisruptive.

Cannot require those attending a public meeting to provide identification in order to attend.

# Secret Ballots

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Secret ballots violate the Sunshine Law.

Written ballots may be used so long as the votes are made openly at a public meeting. Ballot must include the name of the person voting and their selection. Ballot must be maintained and made available for public inspection.

# Consequences of Violating the Sunshine Law

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No resolution, rule, regulation, or formal action shall be considered binding except when taken or made at an open meeting.

Civil action can be brought for the violation.

Violations of the Sunshine Law result in those decisions being voided. They will have to be cured by reexamining the decision within the Sunshine.

Waste of time and resources of the City.

# Penalties for Violating the Sunshine Law

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Public officer who violates any provision is guilty of non-criminal infraction, punishable by a fine up to \$500.00.

Member of a board or commission who knowingly violates the provisions by attending a meeting not held in accordance with the Sunshine Law is guilty of a misdemeanor of the second degree, punishable by up to 60 days in the county jail, 6 months of probation, and/or a fine up to \$500.00.

Conduct occurring outside of the State of Florida which would be a knowing violation is a misdemeanor of the second degree, punishable by up to 60 days in the county jail, 6 months of probation, and/or a fine up to \$500.00.

\*May also be suspended or removed from your position\*

# How Serious Should You Take the Sunshine Law?

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Damien Gilliams, Pamela Parris, and Charles Mauti, formerly of the Sebastian City Council.

Accusation was that they held an illegal meeting outside of the Sunshine, where they voted to remove the Mayor and fire the City Manager, City Clerk, and City Attorney.

Mauti entered a plea to two civil infractions. Ordered to pay fines, court costs, cost of investigation, and attend and complete sunshine law training in the cases. Total ordered to be paid equaled \$1,886.00.

Gilliams found guilty at trial of 3 counts of Violation of the Sunshine Law and 1 count of Perjury – Unofficial Proceeding.

Parris found guilty at trial of 1 count of Violation of the Sunshine Law and 2 counts of Perjury – Unofficial Proceeding.

# Damien Gilliams Sentences

3120210065303 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 607, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA  
VS  
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(1)  
VIOLATION OF THE SUNSHINE LAW

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 50 PD FEE \$ \_\_\_\_\_  
COSTS \$ 245 PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ Reserved  
COI \$ Reserved ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ 2608.00 to City of Sebastian; Joint and several
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - Attend the next victim impact panel.
  - Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
- Other No contact with \_\_\_\_\_

3120210065304 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 609, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA  
VS  
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(1)  
VIOLATION OF THE SUNSHINE LAW

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 500 + 25 PD FEE \$ \_\_\_\_\_  
COSTS \$ \_\_\_\_\_ PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ \_\_\_\_\_  
COI \$ \_\_\_\_\_ ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - Attend the next victim impact panel.
  - Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
- Other \_\_\_\_\_

3120210065305 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 611, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA  
VS  
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(1)  
VIOLATION OF THE SUNSHINE LAW

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 500 + 25 PD FEE \$ \_\_\_\_\_  
COSTS \$ \_\_\_\_\_ PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ \_\_\_\_\_  
COI \$ \_\_\_\_\_ ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 45 days in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - Attend the next victim impact panel.
  - Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
- Other \_\_\_\_\_

3120210065306 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF COURT  
BK: 3464 PG: 613, 9/16/2021 8:36 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119AXXXXX

STATE OF FLORIDA  
VS  
DAMIEN HERMAN GILLIAMS

Charge(s): CTC(4)  
PERJURY - NOT IN OFFICIAL PROCEEDING

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:  
 pleaded guilty  
 pleaded no contest  
 been tried and found guilty
- The Court does hereby:  
 Adjudge the Defendant to be Guilty  
 Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:  
FINE \$ 1000 + 50.00 PD FEE \$ \_\_\_\_\_  
COSTS \$ \_\_\_\_\_ PD APP FEE \$ \_\_\_\_\_  
TV AD \$ \_\_\_\_\_ C.O.P. \$ \_\_\_\_\_  
COI \$ \_\_\_\_\_ ADDITIONAL COSTS \$ \_\_\_\_\_
- The Defendant is incarcerated for a period of 6 months in the Indian River County Jail.  
a. \_\_\_\_\_ as a condition of probation. CS CTS Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - Attend the next victim impact panel.
  - Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:  
 26 week Batterer's Intervention Program  
 12 week Living without Violence Program / Anger Mgt. Class  
 ACF Mileposts  Misd. Class  
 Enroll within \_\_\_\_\_ Days.
- Report to CORE Probation within 72 hrs. of release from jail.
- Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
- Other \_\_\_\_\_

# Pamela Parris Sentences

3120210065296 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF  
BK: 3464 PG: 574, 9/16/2021 8:30 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA  
VS  
PAMELA RAPP PARRIS

Charge(s): CTC1  
VIOLATION OF THE SUNSHINE LAW

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
  - pleaded guilty
  - pleaded no contest
  - been tried and found guilty
- The Court does hereby:
  - Adjudge the Defendant to be Guilty
  - Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
 

FINE \$ <u>500</u>	PD FEE \$ _____
COSTS \$ <u>245</u>	PD APP FEE \$ _____
TV AD \$ _____	C.O.P. \$ <u>Reserved</u>
COI \$ <u>Reserved</u>	ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 30 days in the Indian River County Jail.
  - as a condition of probation. CS CRTS Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$4000 to City of Sebastian; Joint and Several
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - Attend the next victim impact panel.
  - Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:
    - 26 week Batterer's Intervention Program
    - 12 week Living without Violence Program / Anger Mgt. Class
    - ACF Mileposts  Misd. Class
    - Enroll within \_\_\_\_\_ Days.
  - Report to CORE Probation within 72 hrs. of release from jail.
  - Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
  - Other No Contact with \_\_\_\_\_

3120210065295 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF  
BK: 3464 PG: 572, 9/16/2021 8:29 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA  
VS  
PAMELA RAPP PARRIS

Charge(s): CTC5  
PERJURY - NOT IN OFFICIAL PROCEEDING

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
  - pleaded guilty
  - pleaded no contest
  - been tried and found guilty
- The Court does hereby:
  - Adjudge the Defendant to be Guilty
  - Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
 

FINE \$ <u>100 + 50.00</u>	PD FEE \$ _____
COSTS \$ _____	PD APP FEE \$ _____
TV AD \$ _____	C.O.P. \$ _____
COI \$ _____	ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 90 days in the Indian River County Jail.
  - as a condition of probation. CS CRTS Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - Attend the next victim impact panel.
  - Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:
    - 26 week Batterer's Intervention Program
    - 12 week Living without Violence Program / Anger Mgt. Class
    - ACF Mileposts  Misd. Class
    - Enroll within \_\_\_\_\_ Days.
  - Report to CORE Probation within 72 hrs. of release from jail.
  - Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
  - Other \_\_\_\_\_

3120210065300 RECORDED IN THE RECORDS OF JEFFREY R. SMITH, CLERK OF  
BK: 3464 PG: 601, 9/16/2021 8:30 AM

IN THE COUNTY COURT, OF THE  
NINETEENTH JUDICIAL CIRCUIT  
IN AND FOR INDIAN RIVER COUNTY  
STATE OF FLORIDA

CRIMINAL COURT

CASE: 312020MM001119BXXXXX

STATE OF FLORIDA  
VS  
PAMELA RAPP PARRIS

Charge(s): CTC6  
PERJURY - NOT IN OFFICIAL PROCEEDING

### JUDGMENT AND SENTENCE

- The Defendant now being before the Court and having:
  - pleaded guilty
  - pleaded no contest
  - been tried and found guilty
- The Court does hereby:
  - Adjudge the Defendant to be Guilty
  - Withhold Adjudication of Guilty
- The Court orders the Defendant to pay a fine, cost and assessments as follows:
 

FINE \$ <u>1000 + 50.00</u>	PD FEE \$ _____
COSTS \$ _____	PD APP FEE \$ _____
TV AD \$ _____	C.O.P. \$ _____
COI \$ _____	ADDITIONAL COSTS \$ _____
- The Defendant is incarcerated for a period of 90 days in the Indian River County Jail.
  - as a condition of probation. CS CRTS Concurrent
- The Defendant is placed on Supervised Probation for \_\_\_\_\_ months with these special conditions:
  - \_\_\_\_\_ hours of community service.
  - Restitution of \$ \_\_\_\_\_ to \_\_\_\_\_
  - Drivers License to be suspended for \_\_\_\_\_ Business Permit  Yes  No
  - Attend the next victim impact panel.
  - Attend DUI School and follow any recommendations.
  - \_\_\_\_\_ Days House Arrest.
  - \_\_\_\_\_ day car impounded / \_\_\_\_\_ Ignition Interlock
  - \_\_\_\_\_ days work program, minimum \_\_\_\_\_ days per week.
  - Attend and complete:
    - 26 week Batterer's Intervention Program
    - 12 week Living without Violence Program / Anger Mgt. Class
    - ACF Mileposts  Misd. Class
    - Enroll within \_\_\_\_\_ Days.
  - Report to CORE Probation within 72 hrs. of release from jail.
  - Pay In Full or Set Up Payment Plan Today or \_\_\_\_\_
  - Other \_\_\_\_\_

# One Last Thought on the Sunshine Law

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“We note that the Sunshine Law was enacted in the public interest to protect the public from ‘closed door’ politics and, as such, the law must be broadly construed to effect its remedial and protective purpose.” Wood v. Marston, 442 So.2d 934 (Fla 1983).

# Florida Public Records Act: Chapter 119, Florida Statutes

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Florida's public records laws create a right of access to records of state and local governments and private entities acting on their behalf.

Material falling within the definition of a "public record" must be disclosed to the public absent a statutory exemption.

Be mindful, a public records exemption does not create a Sunshine Law exemption.

# Definition of “Public Records”

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“Public records’ means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” Section 119.011(12), Florida Statutes

When “intended to perpetuate, communicate, or formalize knowledge of some type.” Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc., 379 So.2d 633 (Fla. 1980).

# Personal Communications and “Public Records”

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Personal notes are a public record if they are intended to communicate, perpetuate, or formalize knowledge of some type.

Emails to and from personal email, texts on personal cell phone, social media exchanges, etc. made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency or intended to communicate, perpetuate, or formalize knowledge of some type are public record.

Personal communications or documents stored on government equipment are not automatically public records, but they may be depending on the circumstances.

# Retention of Public Records

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All public records have a specific retention schedule approved by the Department of State.

Even exempt records must be retained.

Bottom Line: Do **NOT** destroy, delete, or alter a public record. If you are unsure whether something is a public record, **KEEP IT**.

# Public Records Requests

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Cannot be withheld at the request of the sender.

No legitimate purpose or noncommercial interest must be established by the requestor, motivation is irrelevant.

Cannot deny a request because it is overbroad.

Unless a statute authorizes such, requestor cannot be required to identify themselves or make the request in writing.

Cannot delay production of the records requested further than reasonable amount of time to retrieve and redact the records (according to the law).

# Penalties for Noncompliance with Public Records Laws

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## Civil Actions

Civil action to enforce compliance with chapter 119 requires an immediate hearing and takes priority over other matters.

Attorney's fees shall be awarded if agency is found to have unlawfully withheld public records.

## Civil Penalties

An unintentional violation is a non-criminal infraction punishable by up to a \$500.00 fine.

## Criminal Penalties

Knowing and intentional violation is a first degree misdemeanor, punishable by up to 1 year in the county jail, 1 year of probation, and/or up to a \$1,000.00 fine.

\*May also be suspended or removed from your position\*

# Voting Conflicts of Interest: Section 286.012, Florida Statutes

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As a general rule, cannot abstain from voting.

Members must vote unless there is, or appears to be, a possible conflict of interest under Florida Statutes (112.311, 112.313, 112.3143, and 112.326).

If the only conflict or possible conflict is one arising from the additional or more stringent standards adopted pursuant to s. 112.326, the member shall comply with any disclosure requirements adopted pursuant to s. 112.326.

If the official decision, ruling, or act occurs in the context of a quasi-judicial proceeding, a member may abstain from voting on such matter if the abstention is to assure a fair proceeding free from potential bias or prejudice.

# Voting Conflicts of Interest: Section 112.3143, Florida Statutes

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A voting conflict of interest exists when voting on any matter that would inure to the special private gain or loss of the person voting, their relative, their business associate, or a principal by whom they are retained.

Relative: father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, or daughter-in-law.

Business associate: any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, co-owner of property, or corporate shareholder.

Principal by whom retained: individual or entity, other than an agency as defined in s. 112.312(2), that for compensation, salary, pay, consideration, or similar thing of value, has permitted or directed another to act for the individual or entity, and includes, but is not limited to, one's client, employer, or the parent, subsidiary, or sibling organization of one's client or employer.

# Voting Conflicts of Interest: Section 112.3143, Florida Statutes

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Special private gain or loss: an economic benefit or harm that would inure to the officer, his or her relative, business associate, or principal, unless the measure affects a class that includes the officer, his or her relative, business associate, or principal, in which case, at least the following factors must be considered when determining whether a special private gain or loss exists:

1. The size of the class affected by the vote.
2. The nature of the interests involved.
3. The degree to which the interests of all members of the class are affected by the vote.
4. The degree to which the officer, his or her relative, business associate, or principal receives a greater benefit or harm when compared to other members of the class.

The degree to which there is uncertainty at the time of the vote as to whether there would be any economic benefit or harm to the public officer, his or her relative, business associate, or principal and, if so, the nature or degree of the economic benefit or harm must also be considered.

# Additional Conflicts of Interest Statutes

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Section 112.311, Florida Statutes: Legislative Intent and Declaration of Policy.

Excerpt of subsection (5): “It is hereby declared to be the policy of the state that no officer or employee of a state agency or of a county, city, or other political subdivision of the state, and no member of the Legislature or legislative employee, shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his or her duties in the public interest.”

Section 112.313, Florida Statutes: Standards of Conduct for Public Officers, Employees of Agencies, and Local Government Attorneys.

Topics addressed include accepting gifts, doing business with own agency, misuse of public position, etc.

# Voting Conflicts of Interest: Section 112.3143, Florida Statutes

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If you have a voting conflict:

**Must**: Announce the nature of the conflict, abstain from voting, and file a Memorandum of Voting Conflict (Commission on Ethics Form 8B).

**May**: Participate (attempt to influence the decision orally or in writing by self or at your direction) if follow specifically outlined steps in the statute based on when you decide to participate.

**Best Practice**: Disclose the conflict prior to the meeting and remove oneself from the room during that agenda item.

# Questions about Sunshine Law, Public Records Laws, Ethical Concerns, Etc.

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May contact the City Attorney's Office

- Remember, we represent the City and will take a position that best protects the City
- We will advise you to stay "1,000 feet" away from the line
  - Example: voting conflicts of interest
- You should always follow up with:
  - The Commission on Ethics
  - Your own private, personal attorney

Resources Available:

- Sunshine Manual
- Attorney General's Office
- Florida Statutes