



**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS REGULAR MEETING  
COURTHOUSE ANNEX, COMMISSION MEETING ROOM**

**DECEMBER 15, 2020**

**9:00 AM**

**AGENDA**

*The Board of County Commissioners asks that all cell phones are turned off or placed on silent (vibrate) mode. **Any handouts (information) for distribution to the Commission must be submitted to the Board Secretary (Clerk's Office) or to the County Coordinator on or before the Thursday prior to that Tuesday's meeting. Failure to do so will result in your removal from the agenda or a delay of any action relating to your request until a future meeting.***

**Call to Order**

*A. Public Notice*

*To comply with CDC and Government social distancing requirements, the general public will not be allowed in the commission meeting room for this meeting; therefore, this Board of County Commission regular meeting will be conducted via livestream and Zoom. **Those wanting to view the meeting can use the livestream link (<https://facebook.com/forgottencoasttv/>) or go to Forgotten Coast TV's Facebook Page. The livestream feed will promptly start 5 minutes before the meeting commences. **You do not need a Facebook account to view Facebook live.** Those wanting to participate during "Public Comments" should use the Zoom log-in/call-in information provided below. There is a link to a list of videos and Getting Started Resources on the main "Agenda and Minutes" webpage for those unfamiliar with Zoom. If you are experiencing any issues with the livestream or Zoom, call (850) 653-9783 extension 373 for assistance.***

*Any person who wishes to appeal a decision made by the Franklin County Board of County Commissioners, with respect to any matter considered at the meeting, must have a record of the proceedings. He or she may need to ensure that a verbatim record of the proceedings is made.*

- B. This meeting is being held via Zoom and all attendees are muted by default. To join via computer, use the link on the meeting date and time: <https://zoom.us/j/91245430887>

If you do not have speakers or a microphone on your computer or prefer to call, you can dial in for audio. Call (301) 715-8592 or (312) 626- 6799 or (929) 205-6099 and enter ID 912 4543 0887#.

If you would like to speak during the public comment portion of the meeting, you have the following options:

Online - select the "raise your hand" icon.

Phone - press \*9 to raise your hand, \*6 to unmute to submit verbal comments.

Public engagement is important to us, and meeting remotely is still a new process. We appreciate everyone's understanding.

**Prayer and Pledge**

**Recognition of Clerk of Courts Marcia M. Johnson**

**Approval of Minutes**

- C. Approval of December 1, 2020 Meeting Minutes

**Payment of County Bills**

**Public Comments**

*This is an opportunity for the public to comment on agenda or non-agenda items. When you are recognized to be heard by the Chairman, please sign the speaker's log and adhere to the time limit. An individual will be allowed to speak for three minutes whereas a designated representative of a group or faction will be allowed to speak for five minutes.*

**Sheriff's Office -- Ginger Coulter -- Software Update**

**Department Directors Report**

**Superintendent of Public Works – Howard Nabors**

**D. Road Department Board Report**

**Information Items:**

1. Detail of Work Performed and Material Hauled by District (see attached documents)

**Solid Waste Director – Fonda Davis**

**E. Solid Waste Directors Board Report**

**Information Item:**

1. Right-of-Way Debris Pickup/Recycle Material Hauled (See Attached Document)

**Emergency Management Director – Pam Brownell**

**F. Emergency Management Board Report**

**Information Items:**

1. Digital Kiosks have been placed in their assigned locations within the County.
2. EOC staff continue to put together COVID Care Bags and have begun to distribute them to the vulnerable populations in the County.
3. Alligator Point dune walkovers have been obligated.
4. EOC staff are scheduled to meet with DOH 12/15/20 to discuss COVID vaccinations.
5. Message Boards have arrived and are in the process of getting tags for them in order to put them out in the community.
6. EOC Staff continues to work Hurricane Sally from 09/12/20 and continues to work with FDEM and FEMA.
7. EOC Staff continue to participate in the NOAA Tropical Weather Training.
8. EOC has submitted our New LMS Plan and corrections to the state and are awaiting approval.
9. EOC Staff along with our CERT Volunteers continue to distribute washable & reusable cloth mask throughout our community. We have partnered with the City of Carrabelle and City of Apalachicola Chamber of Commerce along with the St. George Island & Eastpoint Visitor Centers to assist with distribution to local businesses and residents. We will continue this effort as long as supplies are available.



10. EOC Staff are working diligently with DOH Staff regarding the COVID-19 virus. This includes hosting meetings with representatives from DOH, Sheriff's Dept. Weems, EMS, as needed. We also are assisting with Conference Calls, information distribution from DOH via Alert Franklin, Facebook and our EOC Website.

11. EOC Staff continue to participate in conference calls with State DEM, Region 2, DOH, FEMA, etc. regarding COVID 19. We also continue to update WebEOC with Local State of Emergency and SitReps.

12. EOC Staff continue to work on FEMA reimbursement claims from Hurricane Michael. This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc. Mitigation takes some time but EOC Staff continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County. We are in contact with our PDMG regularly regarding these projects and will update the Board as soon as the State Review is completed. EOC Staff has also began the FEMA reimbursement claim process for COVID-19 and Hurricane Sally.

13. Below is a copy of the DOH Dashboard regarding COVID-19 Cases in Franklin County as of 12/15/20 at 1:30 pm. (see attached document)

## **Extension Office Director – Erik Lovestrand**

### **G. Extension Board Report**

#### **Informational Items**

##### General Extension Activities:

1. During this period, the Extension office assisted citizens on the topics of a large oak with thinning canopy, home landscaping questions, raccoon issues, citrus greening disease, more trees attacked by pine beetles, damage to old cedar tree, minor fish kill in a pond, and more.

2. Extension Director transported an injured adult Bald Eagle from St. George Island to the veterinary hospital in Tallahassee for surgery.

3. Extension staff collected 63 pounds of peanut butter during the annual Peanut Butter Challenge this year. This is matched each year by the North Florida Peanut Producers and then donated to local food banks in the County.

##### Sea Grant Extension:

4. Extension Director participated in statewide Sea Grant discussion via Zoom to share project work and discuss program needs.

##### 4-H Youth Development:

5. Extension staff are working to initiate another 4-H club as two new adult volunteers are going through the certification/screening process with UF.

6. One of the existing clubs is planning to begin a shooting sports program, beginning with archery. The Extension office is seeking donations for the purchase of start-up sets, targets, etc. All donations are tax deductible as they are processed through UF fiscal procedures.

##### Family and Consumer Sciences:

7. Family Nutrition Program assistant, following school and UF Covid Phase III policies, is continuing to conduct some in-person lessons in local schools.

##### Agriculture/Home Horticulture:

8. Assisted multiple property owners in Apalachicola with oak species identification and issues regarding potential risks to nearby structures.

### **TDC Administrator – John Solomon – Report**

#### **H.** TDC Administrator's Board Report

##### **Information Items:**

1. Collections Report: September Collections were \$140,186.24 Which is a 55.7% increase over September 2019. An increase of \$50,134.67. This is the highest amount ever collected by the Franklin County TDC in the month of September. Also, in the past two years the September Collections has increased by 100% 2018 collections were \$70,419.47.

2. Fiscal Year Collections: The 2019-2020 Fiscal year collections was \$1,432,091.48. Which is an increase of 2.17% over last years collections. Considering vacation rentals were closed for over 2 months this is a remarkable collection number for the year.

3. Visit Florida Flagler Awards: “The Flagler Awards is an annual statewide competition recognizing outstanding Florida tourism marketing. The program was created by VISIT FLORIDA to honor the countless individuals and organizations that help position Florida as the No. 1 travel destination in the world. Each year the Flagler Awards pay tribute to the determined efforts of those who use their skill, resourcefulness, creativity and innovative spirit to market Florida to the world.”

The Franklin County TDC won three Flagler Awards for the 2019-2020 year:

Silver - Direct Marketing – **Open for the Businesses of Peace & Quiet Villages Invitation**

Bronze - Resource /Promotional Materials Consumer – **Franklin County Visitor Guide**

Bronze – Television Advertising – **Discover the Forgotten Coast TV Show**

The Franklin County TDC also assisted Play Hard Florida in the production of the Explore the Forgotten Coast video. That video won the Henry for Rural County Marketing.

I would like to express how proud I am of all of the TDC for their efforts in marketing Franklin County, these awards do not come easily and the level of competition is the best the state has to offer.

4. Occupancy Statistics: Attached you will find two reports, they are comparing the year to date stats for 2020 as well as 2019. Both reports compare Franklin County with Northwest Florida and Florida in average Length of stay and occupancy percentage for the year. In the Average length of stay Franklin County was 8.7 days leading Florida by 2 days and Northwest Florida by 2.7 days. In Paid Occupancy for the year Franklin County increased in 2020 to 62.2% versus 59.1% in 2019. Where Florida and Northwest Florida both had decreases in Occupancy. Florida had a 42.7% Occupancy and Northwest Florida had a 48% Occupancy for 2020.

5. Web Stats for Fiscal Year 2019-2020: Web hits to Floridasforgottencoast.com were 434,053 which is a 10% increase over the previous year 85% was new visitors to the website. Visitor Guide mail out requests were 2,813 which was a 18% increase over previous year. The Franklin County Tourist development facebook page had over 3.6 Million Impressions in this past fiscal year.

6. The Florida’s Forgotten Coast Mobile app is now available for download on both Apple and Google platforms.

### **Weems CEO -- David X Walker -- COVID-19 Vaccine Update**

#### **Public Hearings 10:00 A.M. (ET)**

**I. Due to unforeseen discrepancies with the advertisement of the Public Hearings that were to heard on Tuesday, December 15, 2020 we have had to reschedule them for Tuesday, January 19, 2021**

**Land Use Change of 6.08 Acres- 10:30 AM**

**Re-Zoning Change of 6.08 Acres- 10:35 AM**

**Land Use Change of 10 Acres- 10:40 AM**

**Re-Zoning of 10 Acres- 10:45 AM**

- J.** Consideration of a request for Land Use Change of a 6.08 acre parcel lying in Section 22, Township 6 South, Range 4 West, 2514 Highway 67, Carrabelle, Franklin County, Florida from Residential to Commercial. Request submitted by Jamey and Beverly Sapp, applicants.

**BOARD ACTION:** To Approve, Table or Deny

- K.** Consideration of a request to Re-Zone a 6.08 acre parcel lying in Section 22, Township 6 South, Range 4 West, 2514 Highway 67, Carrabelle, Franklin County, Florida from R-2 Single Family Mobile Home to C-3 Commercial Recreation. Request submitted by Jamey and Beverly Sapp, applicants.

**BOARD ACTION:** To Approve, Table or Deny

- L.** Consideration of a request for Land Use Change of a 10 acre parcel lying in Section 22, Township 6 South, Range 4 West, 2536 Highway 67, Carrabelle, Franklin County, Florida from Agriculture and Residential to Commercial. Request submitted by Jamey and Beverly Sapp, applicants.

**BOARD ACTION:** To Approve, Table or Deny

- M.** Consideration of a request for a Re-Zoning of a 10 acre parcel lying in Section 22, Township 6 South, Range 4 West, 2536 Highway 67, Carrabelle, Franklin County, Florida from A-2 Forestry Agriculture and R-2 Residential to C-3 Commercial Recreation. Request submitted by Jamey and Beverly Sapp, applicants.

**BOARD ACTION:** To Approve, Table or Deny

**Board of Adjustment – Amy Ham-Kelly – Report**

- N.** CONSIDERATION OF A REQUEST FOR A VARIANCE TO CONSTRUCT A 100' X 8' ROCK REVETMENT ON THE SHORELINE OF THE APALACHICOLA RIVER AND 8' X 93' ALONG THE SHORELINE OF A PRIVATE CANAL ALONG AN EXISTING DILAPIDATED SEAWALL (SEAWALL TO BE REPAIRED IF IT CAN BE SALVAGED). THE ROCK REVETMENT WILL NOT BE ANY STEEPER THAT A RATIO OF TWO HORIZONTAL TO ONE VERTICAL (2/1 RATIO) AND WILL EXTEND 8 FEET FROM THE SEAWALL. PROPERTY DESCRIBED AS 11 BIG OAKS, APALACHICOLA, FRANKLIN COUNTY, FLORIDA. STATE AND FEDERAL PERMITS ATTACHED FOR THE 100' X 8' SECTION AND WILL BE CONTINGENT UPON RECIEVING THE STATE AND FEDERATL PERMIT FOR THE 93' X 8' PORTION. REQUEST SUBMITTED BY GARLICK ENVIROMENTAL ASSOCIATES, AGENT FOR CLAY PALM, APPLICANT.

**BOA ACTION: TO APPROVE AS REQUESTED.**

**BOARD ACTION: TO APPROVE, TABLE OR DENY.**

**Planning and Zoning – Amy Ham-Kelly – Report**

- O.** Consideration of a request to construct a Single Family Private Dock located at 381 River Road, Carrabelle, Franklin County, Florida. The dock walkway will be 6' x 10' and the dock width is 12' x 16' with a 18' x 32' Boat Slip. The applicant has the DEP self-certification Request submitted by Craig Shearer, applicant. (House has been permitted)

**Planning & Zoning Recommendation:** Unanimous vote to approve contingent upon receiving the State and Federal Permits.

**BCC ACTION:** To Approve, Table or Deny

- P. Consideration of a request to construct a Single Family Private Dock located at 1927 Indian Harbor Road, Lot 7, Indian Bay Village, St. George Island, Franklin County, Florida. The application will be contingent upon receiving State and Federal Permits. The dock walkway will be 176' x 4' and 61' x 4' with a 6' x 26' terminal platform. Request submitted by Garlick Environmental Associates, Jared Orciani, applicant. (Proposed House)

**Planning & Zoning Recommendation:** Unanimous vote to approve contingent upon receiving the State and Federal Permits.

**BCC ACTION:** To Approve, Table or Deny

- Q. Consideration of a request to construct a Single Family Private Dock at Lot 3 Egret Landing, 2514 Egret Lane, West of Apalachicola, Franklin County, Florida. The dock will be 250' x 4' with a 6' x 20' terminal platform with a 2' step down. The applicant has all State and Federal Permits. Request submitted by Garlick Environmental Associates, agent for Dan Guild, applicant.

**Planning & Zoning Recommendation:** Unanimous vote to approve this item. The applicant has all the State and Federal Permits.

**BCC ACTION:** To Approve, Table or Deny

### Sketch Plat Approval

- R. Consideration of a request for Sketch Plat Approval of a 5.66 acre parcel of land lying in Section 36, Township 8 South, Range 7 West, Eastpoint, Franklin County, Florida. The subdivision will be named "The Bluffs of North Bayshore" and will consist of 5 lots over 1 acre each. Request submitted by Andy Durham, agent for LMKS, LLC.

**Planning & Zoning Recommendation-** Unanimous vote to approve this Sketch Plat with the applicant numbering the lots.

**BOARD ACTION:** To Approve, Table or Deny

### Land Use & Re-Zoning Public Hearing Request

- S. Consideration of a request for a Public Hearing to re-zone a 20 acre parcel lying in Section 30, Township 6 South, Range 7 West, North of Eastpoint, Franklin County, Florida from R-6 Rural Residential to R-1 Single Family Residential. Request submitted by Thomas M. Shuler, applicant.

**Planning & Zoning Recommendation:** Unanimous vote to approve this request for go forward with a Public Hearing.

**BOARD ACTION:** To Approve, Table or Deny request for a Public Hearing

- T. Consideration of a request for a Public Hearing for a Large Scale Land Use Change for a 41.64 acre parcel lying in Section 10, Township 6 South, Range 3 West, located at 471 McIntyre Road, West of the Ochlockonee River from A-1 Forestry Agriculture to C-3 Commercial Recreation. Request submitted by Gary West and William McKinney, agents for BB&G Resorts, LLC, applicant.

**The County has received letter of opposition concerning this project.**

**Planning & Zoning Recommendation:** Unanimous vote to deny the request to go forward with a Public Hearing based on:

- a. **Spot Zoning-** although it is not illegal, it is not good practice.

**b. Historical Features-** The Florida Master Site File shows that the McIntyre area has been captured by "Camp Gordon Johnston" along with undocumented site called "McIntyre Saw Mill Site".

**c. Traffic-**

i- The County has not performed any traffic counts for McIntyre Road and the number of RV and Primitive Camping lots would be a good indicator of the new traffic pattern. At this time there are 32 proposed RV lots an undisclosed number of primitive lots and would definitely increase the traffic on that road.

ii- The County has an Ordinance #92-3 states the prohibited uses of McIntyre Road limiting the number of axles to no more than 2 axles and no driving, operating or pulling any trailer having a load of over 5,000 pounds on McIntyre Road.

**d. Wetlands:** The National Wetlands Inventory Map shows the area within possible wetlands. If there are any jurisdictional wetlands the setback from them would 50 feet. If they are non-jurisdictional wetlands you would have to have state and federal permits to fill them and would require a variance or build up to them, but not within them. At this time a detailed wetlands study has not been conducted.

**e. Water & Sewer-** Water and Sewer is not available to this area. A potable water well for this project would have to be approved and permitted by DEP and the Northwest Florida Water Management. Septic Source- would be required to be approved by the Department of Health.

**Planning & Zoning Recommendation-** Unanimous vote to deny this request based on the information stated above to not send this request to a Public Hearing.

**BOARD ACTION:** To Approve, Table or Deny

**CDBG Administrator – Report (Deborah Belcher)**

U. CDBG Administrator Board Report:

**Action Items:**

1. The County is eligible to apply for Hurricane Michael CDBG Disaster Recovery funds, in the Hometown Revitalization Program. Applications are due February 16, 2021, and can be for a minimum of \$250,000 and up to a maximum of \$15,000,000, with more than 1 application allowed per applicant. This is a commercial revitalization program for business areas that were damaged by Hurricane Michael. Money does not go directly to the business, but the grant funds demolition and rehabilitation of buildings, building facade improvements, and infrastructure repairs/replacement, etc. relating to storm damage. The project must specify a commercial area with at least 3 adjacent businesses. The Eastpoint zip code was identified by HUD as a most-impacted area, and I think we might come up with one or more projects that would fit the program.

*Requested Action: Provide direction regarding pursuing one or more applications for the CDBG-DR Hometown Revitalization Program.*

2. DEO is finalizing an application process for another type of CDBG grant, relating to COVID-19. Applications will probably be due within 3 months. This money can be used for a variety of activities that prevent, prepare for and respond to the Coronavirus pandemic. A list of eligible activities is attached. Assistance to business, public services and public facilities might be appropriate for Franklin County to pursue.

*Requested Action: Provide direction regarding pursuing one or more applications for the CDBG-COVID Program.*

**Information Items:**

3. The CDBG-DR grant application was submitted to DEO 11/30/2020, requesting funds for sand dune restoration on the County's public beach on Saint George Island. With agreement from Alan Pierce and Michael Morón, I put \$5,000 in Restore Act funds into the CDBG-DR application as "leverage". This should result in the application receiving the optional 5 points for local leverage. The application requests funding for dune replacement in the central business area, dune fencing to develop dunes in the remaining area, and planting (sea oats or other) to stabilize the dunes, as well as engineering and administration. I appreciate the assistance provided by Alan Pierce, Mark Curenton, Michael Morón, Lori Hines and Clay Kennedy. A summary of the grant application is attached. It is possible that all, some, or none of the funding will be awarded, depending upon competition.

4. The 7 Eastpoint Wildfire CDBG mobile home replacements in bid package #3 are now complete. An additional 3 more mobile home replacement contracts and CDBG mortgages were executed 11/18/2020 (bid package #4). The 4th proposed replacement will not occur because the homeowner (Daniel Walker) passed away in late November. A late application was submitted by an elderly couple who appear to be eligible. They had a nice double-wide home prior to the fire, and are insisting on a new double-wide as a replacement. I am advertising for proposals for a double wide home of quality comparable to that of the single wide homes we have been purchasing through the CDBG program. The couple already received a donated single wide home, which would have to be transferred to another needy household. If we receive one or more proposals that appear reasonable, and the dealer can guarantee project completion by April 30, 2021 (the grant expiration date), I will bring those proposals to the Board for consideration in January, 2021.

#### **Clerk of Courts – Marcia M. Johnson – Report**

#### **Special Projects Coordinator – Alan Pierce – Report**

##### **V. Special Projects Coordinator Board Report**

###### **Action Items:**

1. Board action on draft letter to USACOE. The Corps has requested the Board send the letter to further confirm the county's commitment to paying the non-federal share of costs related to dredging Eastpoint and Two Mile Channel. While Mr. Shuler and I recognize the Corps is in control of the costs, the Corps has advised that any changes to the proposed language will delay the review and approval of the MOA that is still sitting in Atlanta. In my conversations with Corps personnel I now realize part of the problem in getting this MOA out of the Corps is that it is not standard practice for the Corps to accept non-federal funds to complete projects. Our project is about the second MOA the Mobile office has done in 10 years, so no one in the Corps is familiar or comfortable with what they need. The concern for the Corps is that they are going to be signing the contract with the dredge operator, so they will have the legal requirement to pay the contract, not Franklin County.

2. Board action to authorize the disposal of a 1988 Chevy S-10 Blazer and a 1994 GMC Jimmy. In 2019, Mr. Ted Mosteller brought into the County Finance Office vehicle tags to two vehicles that had been used at the airport but had been deemed no longer road worthy. He brought the tags in as evidence the vehicles would not be driven off the airport property. He parked the vehicles under the Shade Hanger and left them there. In March/April of 2020, Mr. John Collins, AVCON, was called by the contractor building the airport access road and was told there were two abandoned vehicles in the path of the road, and what did Mr. Collins want the contractor to do with the vehicles. The contractor said his options were to charge the county for disposal of the vehicles as they were in the way, or to give the vehicles away if someone would move them at no cost. One of the vehicles was a 1988 Chevy S-10 Blazer and the other vehicle was a 1994 GMC Jimmy.



Mr. Collins called me and asked me what to do. Acting on the information that the vehicles did not have tags I assumed the vehicles had been abandoned and had no value. I did not draw the connection to the vehicles still being owned by the county as there were no plates on the vehicles and they had been moved at some point from beneath the Shade Hanger. I told Mr. Collins to get rid of the vehicles at the lowest cost, which in this case was for the contractor to give the vehicles away.

Now, in December, 2020, someone in Eastpoint has ended up with the 32 year old Chevy S-10 Blazer and needs the title. Board action to acknowledge and authorize the disposal as junked surplus equipment both the 1988 Chevy S-10 Blazer and the 1994 GMC Jimmy during the airport road construction project in 2020. The sprayer equipment that was mounted on the 1988 Chevy Blazer is missing and was not on the vehicle at the time it was in the path of the road. Board action.

**Information Items:**

3. Provide Board with a status report of projects that Commissioner Boldt asked me to create.
4. Inform Board that I have consulted with Bay County regarding the language they use for bidding out county roads being rebuilt with FEMA funds. Bay County is in agreement with what Franklin County does. Bay County uses similar language limiting qualified bidders to FDOT pre-qualified firms, but they do it by citing the appropriate Florida Administrative Code. Dewberry and I are moving forward with re-advertising Alligator Drive.

**County Coordinator – Michael Morón – Report**

W. County Coordinator’s Board Report

**Action Items:**

1. Carrabelle Artificial Reef: At your last meeting, Ms. Lorena Holley and Mr. Frank Gidus of Coastal Conservation Association (CCA) Florida asked the Board to consider applying for a FWC grant to construct an artificial memorial reef, in honor of Dr. Bart Carey, on the Carrabelle 10-mile reef. The Board asked that I meet with Ms. Holley and Mr. Gidus to verify that they would follow the same procedure as the group that is building the Buddy Ward artificial reef around the St. George Island area. Chairman Jones and I met with Ms. Holley and Mr. Gidus and were informed that the CCA would act as the responsible party, agreeing to an MOU, assuming all project costs including permits and reporting. Mr. Gidus stated that since this memorial reef will be constructed on the Carrabelle 10-mile reef which is already a restricted area, so therefore there shouldn’t be any issues with shrimpers. In addition, there have been discussions with those in the seafood industry to make sure there are no issues. I sent a copy of the MOU to Attorney Shuler for his review providing the Board authorizes proceeding with the grant application today. Ms. Holley and Mr. Gidus are available this morning if the Board has any additional questions.

*Request: Board action to authorize Ms. Holley and Mr. Gidus to apply for a FWC grant to construct the Dr. Bart Cary memorial artificial grant.*

2. Animal Control Agreement: During the 2019 – 20 budget process Mr. Fonda Davis, your Animal Control Director, informed the Board that without additional staff his department could not continue to respond to calls in the unincorporated areas of the County and in both the City of Apalachicola and the City of Carrabelle. The Board agreed to add the necessary staff to his department, but in order to reduce the burden of a tax increase to the residents residing in the unincorporated areas of the county, both cities would have to agree to share in the cost and other terms if they wanted continued response to animal complaint calls. If not, the Board would remove both cities from the Animal Control service area by amending the Animal Control Ordinance. Both cities initially agreed to the terms and paid the first year’s cost, however the City of Apalachicola would like to meet to discuss and possibly renegotiate

the agreement and the City of Carrabelle will not participate in any further cost sharing or other terms regarding animal control services. Based on the information provided, is the Board ready to schedule a public hearing to amend the Animal Control Ordinance?

*Request: Board discussion and direction regarding the Animal Control Ordinance.*

3. Business Grant Approvals: At your last meeting a partial list of CARES Act Business Grant applications in addition to food pantry applications were approved. That same afternoon staff received additional approvals from Opportunity Florida, so for bookkeeping and auditing purposes, a complete list of approved applications along with the approved food pantries is before you for final approval. Approval of a separate check run will also be requested. I talked to Mr. Roy Baker of Opportunity Florida regarding the process used to review the applications, as questions regarding the denied applications will be posed to the Board and staff. Mr. Baker explained that Opportunity Florida used the same model developed for Jackson County (first client) when reviewing similar applications and is using that model for all of their other counties. That model was developed with the assistance of Jackson County's Auditor, CARES Act Consultant, Administrative staff, and within the guidelines of the State's available rules and regulations. Mr. Baker is available to discuss this matter further at a future meeting if needed.

*Request: Board action to authorize payment of the final list of approved CARES Act Business Grant applications and authorize a separate check run for these payments.*

4. Public Comments Policy: At your last meeting Chairman Jones discussed possible changes to the Board's meeting public comment procedure. Earlier, I emailed a draft copy of the proposed changes for your review and for today's discussion. Chairman Jones will review the document with the Board this morning.

*Request: Board discussion and possible action on the changes.*

5. Minimum Wage Salary Study: Towards the end of your December 1st meeting the Board discussed preparing for the mandatory \$15 minimum wage increase. After the meeting, Mrs. Erin Griffith forwarded a salary study that was done in 1995 by RES but never adopted by the County. Would the Board consider authorizing staff to develop a Request for Qualifications or Proposals to have a similar study done that would include a plan to adjust county employee wages for the yearly mandatory increases to the minimum wage?

*Request: Board discussion and direction.*

6. H67 Sidewalk Change Order: Franklin County has received Change Order No. 2 for the Highway 67 Sidewalk project. This is the final change order to clean up all the loose ends on the project. There is no change in the dollar amount of the project or the number of days. The only change is in the scope of the project. Some items are added, and some items are deleted.

*Request: Board action to approve Change Order No. 2.*

7. Alligator Point Multi-Use Path FDOT Agreement: FDOT has sent the County the agreement for the construction of another phase of Alligator Point Multi-Use Path from Tom Roberts Road to Gulf Shore Boulevard. We are negotiating with FDOT about what to do with the multi-use path in the area where Alligator Drive will be rebuilt. It appears that FDOT will agree to take the area where the road will be reconstructed out of the multi-use path project with the understanding that Franklin County will provide a connection through this area for bicyclist and pedestrians.

*Request: Board action to approve the agreement for \$369,773.00, and also approve a Resolution authorizing the chairman to sign the agreement.*



8. CR67: FDOT has sent the County a Supplemental Agreement for the CR 67 SCOP Project (FPN 440644-1-54-01) that reduces the amount of the grant from \$4,109,841 to \$3,468,302. This is because the CEI costs and the construction bid were lower than what was originally estimated. This will still leave some contingency funds available in case something comes up during construction, but it will allow FDOT to fund other projects with the excess funds.

*Request: Board action to approve a Resolution authorizing the Chairman to sign the Supplemental Agreement and approve the Supplemental Agreement itself.*

9. CR30A Resurfacing Project: FDOT has sent the County a Supplemental Agreement for the CR 30A SCRAP Project (FPN 440621-2-54-01) that reduces the amount of the grant from \$1,376,018 to \$1,312,301. This is because the CEI costs and the construction bid were lower than what was originally estimated. This will still leave some contingency funds available in case something comes up during construction, but it will allow FDOT to fund other projects with the excess funds.

*Request: Board action to approve a Resolution authorizing the Chairman to sign the Supplemental Agreement and approve the Supplemental Agreement itself.*

10. SCOP, SCRAP, CIGP Grants: The Florida Department of Transportation has announced that the cycle for state funded transportation grants (Small County Road Assistance Program – SCRAP, Small County Outreach Program – SCOP, and County Incentive Grant Program – CIGP) opened yesterday and will close on March 12, 2021. These are the grants the County has frequently used in the past to resurface various County roads. If the Commissioners have any roads that might be eligible for one of these grants, please contact the Planning Department so they can start preparing the grant applications.

*Request: Board discussion and direction.*

11. CRF Fraud Case: Mrs. Lori Switzer-Mills, administrator of your Coronavirus Relief Funds (CRF) program, notified me of a potential fraud case based on an application and supporting documentation that was submitted, approved, and received \$2500 of program funds. I suggested to Ms. Mills that she contact the Sheriff's investigation unit and present the information for their review. The investigator contacted Ms. Mills last week and stated that the applicant is would like to pay back the \$2500 and asked if the County would consider dropping the charges. Mrs. Mills has contacted Florida Housing (State) and is waiting for a response. If the State defers to the County, will the Board accept full restitution and drop any charges or proceed with prosecution?

*Request: Board discussion and direction.*

12. Duck Hunting Issues: You have received complaints regarding actions of out-of-town duck hunters that are negatively affecting certain grass beds and killing more ducks than are allowed based on FWC rules. Commissioner Parrish is very versed on this situation and I will ask him to relay to the Board the same information he did to me last week. Commissioner Boldt volunteered to contact FWC to find out what options the County has to help rectify this situation and would like to discuss those options with the Board. I asked Attorney Shuler to look at what other counties have done that may have experienced this same situation.

*Request: Board discussion and possible action on this matter.*

13. FWC Commission Meeting: The next FWC Commission meeting is scheduled for tomorrow Wednesday, December 16, 2020 and it is a virtual meeting. The first action item on the agenda is the Final Rule on the Apalachicola Bay Oysters. As the Board is aware, at the FWC Commission July 2020 meeting the FWC Commissioners supported restoration efforts in the Apalachicola Bay by approving draft rules to suspend harvest of wild oysters and prohibit on-the-water possession of tongs. Commissioner Lockley, Chairman of the Board of County

Commissioners at the time, spoke at that meeting and expressed his desire for the FWC to provide some type financial relief to the displaced oystermen, frequent reporting of the condition of the Bay to the County Commission, and a possible reduction of the closure from 5 years to 3 years. Chairman Jones plans on addressing the FWC Commission tomorrow morning to repeat those same requests along with any other concerns this Board will discuss today.

*Request: Board discussion.*

14. Legislative Delegation: Franklin County's Legislative Delegation with Representative Shoaf and Senator Ausley is scheduled at 5:00 pm this afternoon here in your meeting room. The agenda format is slightly different than it has been in the past so everyone, including elected officials, have to submit a request to speak by filling out a virtual speaker card. Chairman Jones has submitted a request. Do any other Commissioners plan on speaking or do you prefer the Chairman to present, at the meeting, all items discussed today.

*Request: Board discussion.*

15. Legislative Budget Requests: Senator Ausley office sent out the Legislative Budget Request forms. Below is last legislative session's funding request, which included requests from both cities. This year's legislative session begins on March 2nd, so the deadline to submit our funding request is Friday, January 15th, 2021. I will have a list for your approval at the January 5th, 2021 meeting.

*Request: Board discussion.*

New Emergency Operations Center (\$1,500,000) – County Project

Fort Coombs Armory Fire Sprinkler Installation (\$250,000) – County Project

Wastewater Treatment Plant Repairs (\$528,000) – City of Apalachicola

Drinking Water and Facilities Planning and Design (\$112,250) – City of Carrabelle

Inflow and Infiltration Study and Repairs (\$370,000) – City of Apalachicola

Lift Station #4 Improvement and Repair Project (\$492,000) – City of Apalachicola

16. Armory Rentals: To comply with CDC and Government COVID-19 safety recommendations, the Board suspended event rentals for the Fort Coombs Armory. Staff has received a few calls inquiring about rentals for 2021. Will the Board continue this suspension policy until at least the end of March 2021?

*Request: Board discussion and direction.*

**Special Information Item:**

17. Mrs. Amy Ham-Kelly Resignation: It is with a heavy heart that I inform the Board that your Flood Plain Manager and Zoning Administrator, Mrs. Amy Ham-Kelly, submitted her resignation effective January 22, 2021. Mrs. Ham-Kelly served the County faithfully for 20 years. She decided that it is time to use her skills in a different field of employment. As you can imagine, Mrs. Ham-Kelly will be missed by the Building Department and Planning staff, this Board, the Planning and Zoning Commission members, the Board of Adjustment members, contractors, homeowners, and other residents that asked for her advice when considering building project, large or small. Amy, we wish you the best, and we know that you may no longer be a part of this office, but this office will always be a part of you!

**County Attorney – Michael Shuler – Report**

X. Buddy Ward Artificial Reef Contract Discussion and Possible Action

**Commissioners' Comments**

## **Adjournment**

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
COURTHOUSE ANNEX, COMMISSION MEETING ROOM  
DECEMBER 1, 2020  
9:00 A.M.  
MINUTES**

**Commissioners Present: Ricky Jones-Chairman, Bert Bold, II-Vice-Chairman, Noah Lockley, Joseph Parrish, Jessica V. Ward**

**Others Present: Marcia M. Johnson-Clerk of Court, Michael Shuler-County Attorney, Michael Moron—County Coordinator, Lori P. Hines-Deputy Clerk to the Board.**

**Call to Order**

*A. Public Notice*

*To comply with CDC and Government social distancing requirements, the general public will not be allowed in the commission meeting room for this meeting; therefore, this Board of County Commission regular meeting will be conducted via livestream and Zoom. **Those wanting to view the meeting can use the livestream link (<https://facebook.com/forgottencoasttv/>) or go to Forgotten Coast TV's Facebook Page. The livestream feed will promptly start 5 minutes before the meeting commences. You do not need a Facebook account to view Facebook live. Those wanting to participate during "Public Comments" should use the Zoom log-in/call-in information provided below. There is a link to a list of videos and Getting Started Resources on the main "Agenda and Minutes" webpage for those unfamiliar with Zoom. If you are experiencing any issues with the livestream or Zoom, call (850) 653-9783 extension 373 for assistance.***

*Any person who wishes to appeal a decision made by the Franklin County Board of County Commissioners, with respect to any matter considered at the meeting, must have a record of the proceedings. He or she may need to ensure that a verbatim record of the proceedings is made.*

- B. This meeting is being held via Zoom and all attendees are muted by default. To join via computer, use the link on the meeting date and time:  
<https://zoom.us/j/94236348231>  
If you do not have speakers or a microphone on your computer or prefer to call, you can dial in for audio. Call (301) 715-8592 or (312) 626- 6799 or (929) 205-6099 and enter ID 942 3634 8231#.  
If you would like to speak during the public comment portion of the meeting, you have the following options:  
Online - select the "raise your hand" icon.  
Phone - press \*9 to raise your hand, \*6 to unmute to submit verbal comments.  
Public engagement is important to us, and meeting remotely is still a new process. We appreciate everyone's understanding.

Chairman Jones called the meeting to Order.

### **Prayer and Pledge**

Commissioner Boldt said a prayer followed by the Pledge of Allegiance.

### **Approval of Minutes**

**On motion by Commissioner Parrish, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to approve the minutes from the meeting held on November 17, 2020.**

### **Payment of County Bills**

**Commissioner Ward made a motion to approve payment of the County's bills. Commissioner Boldt seconded the motion.** Mr. Moron explained there will be a temporary approval for the payment to Roberts & Roberts until they get to an item on his report. **Motion carried; 5-0.**

### **Public Comments**

Mrs. Mel Kelly, a resident of Carrabelle, said she hopes they will allow an open meeting soon. She asked for an extension on the airport report because this issue is being rushed through and professionals from the airport group are not being considered. Mrs. Kelly requested extra time for the report to be vetted by individuals chosen for the airport board that were not included in this report.

Mr. Moron asked the Board if they would like him to respond to the comment about the airport report now or during his report later in the meeting. The Board agreed to address this later in the meeting during his report.

### **Department Directors Report**

#### **Superintendent of Public Works – Howard Nabors**

##### **C. Road Department Board Report**

###### **Information Items**

1. Detail of Work Performed and Material Hauled by District (see attached documents)

Mr. Nabors did not have a report for the Board. Chairman Jones stated the contractor should be on North Bayshore Drive today or tomorrow and they will get this area fixed so the county will not have to worry about people continuing to steal the signs. Mr. Nabors reported signs were placed in this location twice and they were stolen. He stated he has a request from Mr. Moron for some signs on St. George Island but they put the signs up and then they are stolen.

Mr. Nabors explained pictures will be taken when the work is done on North Bayshore Drive as the county will need to document the work so hopefully they can get reimbursed from FEMA.

#### **Solid Waste Director – Fonda Davis**

Mr. Davis did not have a report for the Board. Chairman Jones stated yesterday they were talking about Indian Creek and he will let him know about the availability of funds. He said hopefully between him, Mr. Davis and the contractor they can come up with something to finish out this project because people are paying for a dock and do not have a place to dock. Mr. Davis stated one of the people has already looked at the supplies and one of the floating docks but he did not recommend using it.

#### **Emergency Management Director – Pam Brownell**

Mrs. Brownell did not have any action items. She presented the care packages that were purchased with CARES money and will be distributed to the vulnerable population of the county. She stated they will contact the 2 organizations that serve senior citizens and find out how many people they have to make sure everyone receives one of the packages. She reported people on the special needs list will also be contacted and receive a package. Mrs. Brownell said they will also distribute these to employees at businesses instead of giving the packages to the businesses to distribute to the public.

Commissioner Boldt asked if Mr. Davis is working with Mrs. Brownell on construction ready plans for Island View Park. Mrs. Brownell answered no and said a class was offered on procurement but she can assist with the scope of work, the language that must be included on the Request for Proposals (RFP) and the scoring sheets.

#### **D. Emergency Management Board Report Information Items**

1. Digital Kiosks were step-up and programed 11/24/20.
2. Message Boards have arrived and are in the process of getting tags for them in order to put them out in the community.
3. Items for the care bags for the venerable population are arriving and EOC staff and beginning to assemble them.
4. EOC Staff continues to work Hurricane Sally from 09/12/20 and continues to work with FDEM and FEMA.
5. EOC Staff continue to participate in the NOAA Tropical Weather Training.
6. EOC has submitted our New LMS Plan and corrections to the state and are awaiting approval.
7. EOC Staff along with our CERT Volunteers continue to distribute washable & reusable cloth mask throughout our community. We have partnered with the City of Carrabelle and City of Apalachicola Chamber of Commerce along with the St. George Island & Eastpoint Visitor Centers to assist with distribution to local businesses and residents. We will continue this effort as long as supplies are available.
8. EOC Staff are working diligently with DOH Staff regarding the COVID-19 virus. This includes hosting meetings with representatives from DOH, Sheriff's Dept. Weems,

EMS, as needed. We also are assisting with Conference Calls, information distribution from DOH via Alert Franklin, Facebook and our EOC Website.

9. EOC Staff continue to participate in conference calls with State DEM, Region 2, DOH, FEMA, etc. regarding COVID 19. We also continue to update WebEOC with Local State of Emergency and SitReps.

10. EOC Staff continue to work on FEMA reimbursement claims from Hurricane Michael. This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc. Mitigation takes some time but EOC Staff continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County. We are in contact with our PDMG regularly regarding these projects and will update the Board as soon as the State Review is completed. EOC Staff has also began the FEMA reimbursement claim process for COVID-19 and Hurricane Sally.

11. Copy of the DOH Dashboard regarding COVID-19 Cases in Franklin County as of 11/24/20 at 11:00 am (see attached document)

### **Extension Office Director – Erik Lovestrاند**

Mr. Lovestrاند did not have any action items.

#### **E. Extension Director Board Report Informational Items**

General Extension Activities:

1. **NOTE: Short report this period due to the Agent using a week of Annual Leave.**

2. During this period, the Extension office assisted citizens on the topics of small beetles in house (drugstore beetle, *Stegobium paniceum*), plant disease, injured wildlife, biting insects and more.

3. Extension Director attended Friends of the Reserve Board meeting.

4. Extension Director continuing to work on annual report of accomplishments as required by UF/IFAS and due on December 4.

Sea Grant Extension:

5. Extension Director participated in discussions with other faculty regarding potential for a training program for new oyster aquaculture lease-holders in Franklin County.

Family and Consumer Sciences:

6. Family Nutrition Program assistant, following school and UF Covid Phase III policies, is resuming a few in-person lessons in local schools.

Agriculture/Home Horticulture:

7. Received diagnosis of plant disease for ligustrum hedges for client in Eastpoint (disease: *Anthraco*se).

### **Library Director -- Whitney Roundtree**

Mr. Moron said Mrs. Roundtree is not present. Chairman Jones stated they can direct questions to Mr. Moron and he can contact her.

#### **F. Library Director Board Report Information Items**

1. December 18th- Attended virtual meeting with Emily Hart and Marian Deeney, of the Division of Library Information Services, regarding available state grant programs for libraries.
  2. Completed and submitted State Aide to Libraries Grant application November 30th, 2020.
  3. November 30th is the deadline for applications for the vacant fulltime library assistant position. Pam Tullous, president of the Friends of the Franklin County Public Libraries, will be assisting the library director with conducting interviews.
- Library Events:
4. December 2nd- Eastpoint Branch: Diabetes awareness class at 10:00 AM
  5. December 2nd- Eastpoint Branch: Book Chat at 1:30 PM
  6. December 4th- Carrabelle Branch: Book Chat at 1:30 PM
  7. December 8th- Carrabelle Branch: Anime Club (grades 6-12) at 4:00 PM
  8. December 10th- Eastpoint Branch: Anime Club (grades 6-12) at 4:00 PM
  9. December 16th- Eastpoint Branch: Writer's Forum at 1:00 PM
  10. December 16th – Eastpoint Branch: Christmas Story Time (ages 1-6) 4:00 PM
  11. December 17th- Carrabelle Branch: Christmas Story Time (ages 1-6) 4:00 PM
  12. All branches will be closed December 24th, 25th and 26th, as well as January 1st, in observance of the Christmas and New Year's holiday.

**RFP / RFQ / Bids Opening**

G. St. George Island Entry Landscaping:

The Franklin County Board of County Commissioners will receive sealed bids from any qualified person, company or corporation interested in constructing:

**SAINT GEORGE ISLAND ENTRY LANDSCAPING**

The project is located along the SR 300 right-of-way where it enters St. George Island between Bryant Patton Bridge and West Bay Shore Drive. The project consists of miscellaneous landscaping and irrigation improvements within the SR 300 right-of-way.

Plans and specifications can be obtained by contacting Cortni Bankston, Administrative Assistant, at [cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com) or 850-653-9783 x-180. The bid must conform to Section 287.133(3) Florida Statutes, on public entity crimes.

Mr. Alan Pierce opened and read the bid, as follows:

<u>Company</u>	<u>Location</u>	<u>Bid Amount</u>
Lawnsapes of Bay County, Inc.	Panama City, FL	\$129,300.00

A check was included in lieu of a bid bond. Mr. Moron informed the Board this project does not have a 3 bid minimum requirement that most Florida Department of Transportation (FDOT) projects have. He said he will have to ask if there is a review committee. Mr. Pierce explained they will need to refer the bid to Mr. Mark Curenton, County Planner, to make sure the bid amount is within the budget. Mr. Moron stated Mr. Curenton will come back with a recommendation at the next meeting. Chairman Jones inquired if this project addresses one



side of the road or both sides of the road. Mr. Moron said he will need to verify the area. He requested a motion to turn the bid over to Mr. Curenton for review and a recommendation. Commissioner Lockley asked where this project was advertised because they only received one bid. Mr. Moron reported it was advertised in The Apalachicola Times and on the county website which is the standard process. **On motion by Commissioner Parrish, seconded by Commissioner Ward, and by unanimous vote of the Board present, it was agreed to send the bid to Mr. Curenton for review and a recommendation.**

Mrs. Roundtree appeared before the Board and said she has no action items. She offered to answer any questions. Chairman Jones stated the Board authorized her to advertise for a position and he inquired where they are in this process. Mrs. Roundtree responded the advertisement closed yesterday and they had 12 applicants. She stated Ms. Pam Tullous, Friends of the Franklin County Library, will be assisting her with the interviews.

Mrs. Roundtree reported they are working with the new IT person, Mr. Kevin Ward, Eagle Tree Technologies, and he is doing a great job and has already fixed some things.

Mrs. Roundtree said she has a retirement card for Ms. Pat Gilleland, Administrator for Wilderness Coast Public Libraries (WILD), if any of the Board members would like to sign it. Commissioner Boldt reported the WILD Board will meet a week from Monday at 1:30 p.m. at the Wakulla County Library and will be meeting in person for the first time in a long time. Mrs. Roundtree agreed she is looking forward to meeting some of the people in person. Commissioner Boldt stated they will also be meeting Ms. Gilleland's replacement that day. Mrs. Roundtree said she has already met her.

Commissioner Boldt asked if they allocated some money for new computers at the libraries. Mrs. Roundtree said she has a meeting tomorrow and it was mentioned that there may be an allotment for some new computers. She reported they need some staff computers. She stated Mr. Ward is evaluating the computers at this time to see what is needed. Commissioner Boldt said they will standby for a determination.

Commissioner Lockley questioned how the job interviews will be conducted. Mrs. Roundtree stated she and Ms. Tullous will interview all the applicants and Ms. Tullous will assist her with the process. Commissioner Lockley asked what she means by all the applicants. Mrs. Roundtree replied they will interview all the applicants that submitted applications within the time frame. Commissioner Lockley stated they will not be using the applications they have on hand. Mrs. Roundtree said no but she selected the best applicant out of the last group and unfortunately the person got a better job offer and decided to leave. Commissioner Lockley explained the reason he asked is last time they advertised but went into applications they already had. Mrs. Roundtree said they will not use the applications from the last round. She reported one person applied after the deadline last time and she was told she could reapply this time but she does not know if the person submitted an application this time. Chairman

Jones stated Mrs. Roundtree is not aware if the person reapplied. Mrs. Roundtree replied that is correct and anyone was welcome to reapply.

### **CARES Act Funds Consultant -- Traci Buzbee -- Update**

Mrs. Buzbee said they need to talk about the applications that came in, the next deadline and what they are faced with. She reported to date there are 18 applications that were reviewed by Opportunity Florida and 8 applications were approved. Mr. Moron distributed a list of the applications that were approved for business grants. Ms. Buzbee said these business grants are being submitted to the Clerk's Office and when Opportunity Florida sends back the approval and justification and the checks are cut then all of these items will be submitted as a package to the state because they will need to review all these items. She reported the deadline for applications was November 16th and Opportunity Florida extended that another week because people did not turn in the backup documentation. Ms. Buzbee stated they are working on some applications and additional applications were received yesterday but they are getting close to the end of the applications. She offered to answer any questions. Mr. Moron requested the Board approve the business grants presented, the food pantry distributions and a special run for the checks. He explained they are trying to keep the Cares Act items separately for an audit that may follow in a year or two. Commissioner Lockley stated they need to make sure they have all the food pantries. Ms. Buzbee said there are 5 food pantries and that is the next thing she will address. She explained she talked with the state and they have reviewers looking at the packages they are submitting because they want to make sure they are getting everything they need for backup documentation. Ms. Buzbee said this is important because they want to make sure they have all the backup they need to prove why the expenditures were made. She explained December 3<sup>rd</sup> is the last day for them to turn in their Request for Reimbursement (RFR). She reported the state wants to see their entire allocation which is \$2,115,720.00. Ms. Buzbee explained this does not mean the line items above and beyond will not be there but on Thursday, December 3<sup>rd</sup> they can only submit that amount. She said she is hearing rumors the deadline may be extended but they have to work on the December 30<sup>th</sup> deadline. She stated there are a few items such as the items for the Property Appraiser and Tax Collector that will not be in until around December 14<sup>th</sup> and those will be expenditures but they will not have the checks yet. Ms. Buzbee said once they have the spreadsheet to submit on December 3<sup>rd</sup> she will send it to Mr. Moron so the Board can see what is being turned in. She reported they may not see everything on this spreadsheet because some of the other items may come out of another pot at the time. She explained the state representative said to turn in more in case some of the items are not approved by the federal government even though it is approved by the Florida Division of Emergency Management and because there are other counties that have not spent their money. Ms. Buzbee reported that will allow them 3 more weeks to request documentation or say they have more money. Chairman Jones questioned if the action items are approval of the business grants, approval of the money for the food pantries and a special check run. Ms. Buzbee answered yes and asked what the Board's meeting schedule is this month because they may have expenditures coming in that need checks before December 30<sup>th</sup>. Mr. Moron explained the Board will meet on

December 15<sup>th</sup> and at that point she can provide an update and the Board can decide if they need a special meeting or a motion to allow the authorization. Chairman Jones requested the Board have more documentation than just one page. Ms. Buzbee asked if they want to see all the applications. Chairman Jones clarified they want to know what all the other expenditures are and the dollar amounts. Ms. Buzbee stated with the Thursday deadline they do not have this on paper yet but she will send it to Mr. Moron on Friday. Mr. Moron reported Florida Attorney General Ashley Moody joined in with other states in petitioning to extend the deadline date. Ms. Buzbee agreed there are different scenarios for extending the county's current \$2.1 million and she has also heard about additional money but it all depends on what Congress does. She explained they are working on the current deadline because they do not want to leave any money on the table that must be returned. She reported they will get to the current number but they want to include the additional so if they extend the deadline and give more funds the county could say they have these additional items. Mr. Moron said Chairman Jones asked for the additional paperwork so everyone knows what the money is being spent for. **Commissioner Parrish made a motion to approve the business grant applications in front of them, distribution to the 5 food pantries and that these items be done as a special check run. Commissioner Boldt seconded the motion.** Commissioner Parrish verified the December 3<sup>rd</sup> deadline allows the state to see the expenditures the county has already made and see if some counties have not spent all their money and additional funds are left. He stated in relation to Congress the CARES Act runs until December 31<sup>st</sup> just like the Payroll Protection Plan (PPP) and they go back and determine what is forgiven and what is owed back to the federal government. He said everything is handled then unless this deadline is extended. Commissioner Parrish reported just like Chairman Jones he would like to see documentation of where this money has been spent. He stated they need to be able to explain to constituents where all these funds have gone. Commissioner Lockley said he wants to make sure they covered all the food pantries and that they do not leave anyone out. Mr. Moron explained they started with 3 food pantries and then 2 additional groups applied for money and were determined to be food pantries so there are 5 food pantries. He said unless someone submits a request they will not know about another organization. Chairman Jones requested they read the list of food pantries. Ms. Buzbee said the 5 food pantries are Eastpoint Food Pantry, Franklin Foods, Franklin's Promise, Carrabelle Food Pantry and ECCC. Commissioner Boldt suggested they reach out to the food pantries and see if they know about another food pantry. Ms. Buzbee stated she contacted Ms. Joe Taylor, Franklin's Promise, and he provided the established food pantries. Commissioner Lockley said he is satisfied as long as all the food pantries are covered. Mr. Moron asked if they will let him know as soon as possible if someone comes to them with another food pantry. Mrs. Griffith questioned if the \$2 million going to the county includes the allocation to Weems Memorial Hospital. Ms. Buzbee responded no, Weems Memorial Hospital received their own allocation. Commissioner Boldt said they received \$3.2 million. Mr. Moron pointed out Weems Memorial Hospital has a March or April deadline for spending their funds. Ms. Buzbee agreed they are not on the same deadline as the county. She stated the CRS funds going through SHIP do not have the same deadline either. **Motion carried; 5-0.**

## Clerk of Courts – Marcia M. Johnson – Report

### H. Clerk of Courts Board Report Board Matters

Clerk Johnson introduced incoming Clerk Michele Maxwell that will take office on January 1, 2021. She stated Mrs. Maxwell will attend this meeting and the next meeting. She reminded the Board of all the things the Clerk's Office does on these projects such as the CARES Act funding and the extra checks runs they are asking for. Clerk Johnson reported her staff checks all of these items for accuracy. She stated all of the SHIP and CDBG expenditures are also audited by the Clerk's Office and it is a lot of work and they are spending a lot of hours on these items. Clerk Johnson read the following report:

1. Florida Statute 129.06(5) prohibits elected officials who are not seeking reelection from making any budget amendments, transferring funds between itemized appropriations, or expending in a single month more than one-twelfth of any itemized approved appropriation without approval of the Board of County Commissioners. I have two employees who will be retiring or leaving employment at the end of the month and pursuant to the personnel rules, I will need to pay out for their unused leave balances. This payout will exceed 1/12 of the budgeted values in the month of December. This should not affect the remaining portion of the year as the budget will be able to shoulder the payout stretched over the 12 month period due to changes in personnel. **Action requested is Board approval to exceed 1/12 of my budget allocation for the month of December.**

Clerk Johnson said this item was also discussed with Mrs. Maxwell. **On motion by Commissioner Lockley, seconded by Commissioner Parrish, and by unanimous vote of the Board present, it was agreed to allow the Clerk to exceed the 1/12 budget allocation for the month of December.** Commissioner Ward thanked the Clerk for all her office does. Commissioner Boldt said he appreciates how much the legacy is she has brought to the County Clerk position and he encouraged her to stand by with her knowledge so Mrs. Maxwell can use that and as they may need to ask her some historical questions. He stated they welcome her input when they can receive it. Clerk Johnson said she appreciates it and will help Mrs. Maxwell all she can and will be there is anyone ever needs her.

### Special Project Coordinator -- Alan Pierce – Report

Mr. Pierce read the following report:

#### I. Special Projects Coordinator Board Report

##### Action Item:

1. Board action to rescind the motion awarding Anderson Columbia the Alligator Drive FEMA rebuild project. Mr. Clay Kennedy has informed Anderson Columbia of my recommendation and they have told Mr. Kennedy that they have not expended any funds on the project. While I do not like taking this step, after the Nov. 19 teleconference with FEMA personnel specializing in procurement I realize the Board should re-advertise the project. The issues at risk are: Anderson Columbia is not honoring their original bid so the Board is at risk with FEMA for awarding a higher amount to one contractor without giving other contractors the opportunity to revise their bids; the county uses the FDOT list of pre-qualified contractors as the only

contractors who can bid on a project and FEMA advises that the county cannot be so restrictive; and I cannot find any evidence where I sent the bid notice to minority owned businesses in the construction industry.

**Board action to re-advertise this project on a schedule that is consistent with FEMA guidelines and with the hope of opening bids at the January 19 BCC meeting.**

Mr. Pierce explained at the time he was trying to get a contract price and not trying to get a FEMA award so that is the reason these things were not done. He requested the Board rescind the motion awarding the bid to Anderson Columbia for the Alligator Drive FEMA rebuild project and re-advertise the project on a schedule that is consistent with FEMA guidelines. He explained the award was only verbal and they did not sign any documents. He stated they hope to open bids at the January 19<sup>th</sup> meeting. **Commissioner Lockley made a motion to rescind the motion awarding the bid to Anderson Columbia for the Alligator Drive FEMA rebuild project and re-advertise the project on a schedule that is consistent with FEMA guidelines.**

**Commissioner Boldt seconded the motion.** Commissioner Boldt stated this is positive because the money is obligated and the project will move forward. He said once they fine tune the procedures the project will be stronger. Commissioner Parrish stated when they re-advertise they need to provide a date the contractor must get started on the project and a completion date. He explained penalties need to be included if the project is not finished on time and the project needs to move in a timely manner. Commissioner Parrish said the bid advertisement should give a certain date that the contractor must start by. Mr. Pierce said last time there was a 180 day time frame and there were penalties if the work was not completed on time. He reported they do have a timeline for the project. Commissioner Parrish said the Board does not see the bid documents but he wants to make sure these items are included. Mr. Pierce stated they will contact Mr. Clay Kennedy, Dewberry, for the documents and he will discuss these items with him. He reported most counties benefit from using the FDOT prequalified list of contractors because they know they will have a good competent contractor and they just have to determine the lowest best bid. He said he thinks other rural counties are doing the same thing on FEMA road projects. Mr. Pierce explained other counties did not have a separate scoring system and he has requested information from FEMA as they are requiring it now. He said he also requested some samples from Ms. Buzbee. Mr. Pierce explained normally the advertisement says the contractor must be FDOT prequalified to bid. He said he wants the county to be treated fairly and to make sure this is not a new person at FEMA that is requesting this item. Commissioner Parrish said if the contractor is not competent they will not be able to meet the deadlines and will not want to sign something agreeing to pay penalties.

Commissioner Lockley asked if this is a hurry up and wait situation or if the money is in the bank. Mr. Pierce stated the money is in the bank. He explained as soon as the county has a qualified competent contractor and awards the bid, the contractor can start working and they can draw their money and the county can seek reimbursement. Mr. Pierce stated any time he or Ms. Buzbee say obligated it means the money is in the bank such in the following projects: Alligator Drive, Island View, and the C.R. 30A shoreline stabilization project. He explained it is the county's responsibility to get a contractor and get moving on the projects. Mrs. Griffith pointed out the money is in the state's bank. Mr. Pierce agreed as these are handled as

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reimbursements. Commissioner Boldt said the county has a \$1 million reserve and that is the source the money is drawn down from to pay the invoice of the contractor and then they fill that with FEMA money that is obligated. Mrs. Griffith agreed that is correct. Commissioner Boldt asked if \$1 million is enough. Mrs. Griffith replied they should be okay because they are early in the budget cycle and there are a lot of ad valorem tax proceeds coming in. She said the funds they collect are supposed to last for 12 months so they are in month 2 for processing invoices so they will be okay. She explained as soon as they pay a request then they will initiate a request for funds. Mr. Pierce pointed out the state is pretty good about paying the requests. Commissioner Lockley said they were blessed that things did not tear up again this year but sometimes this road is damaged 2-3 times a year. Mr. Pierce stated building the road back with the FEMA funds of \$5.5 million will not make the road secure forever because the weak points will be wherever the revetment ends and the road will blow out again until there is a beach or artificial structure there to protect the road. He stated he wants the people of Alligator Point to understand this is not solving the problem because they are saving one section of the road but other sections will be exposed. Mr. Pierce reported the ultimate solution is a beach renourishment project funded partially by the state and maintained by the property owners who will benefit from the project. He explained the beach is sacrificial to protect the road because without the beach the road will be hit with the waves from the hurricanes and the risk will return every time there is a storm. Commissioner Lockley said this is not on FEMA but on the county and they need to stop talking about it and do something. Mr. Pierce explained the first step was making application for \$200,000 for design money from FDEP and if they receive the design money then they will be on the path to get the beach. He said if they do not receive design money then they will have to face some difficult choices. He stated hopefully the Legislature will award some money in May. Commissioner Boldt reported the vision is if they can rebuild the beach seaward of the repaired area of the road the rebuilding of the beach will be from the center line of the road a mile east and west and then there is a potential benefit to the west of providing a beach area in front of the old KOA and maybe there will be room for parking lot and a bathroom. Chairman Jones said in reference to what Commissioner Parrish mentioned on this project and other bids in the bid package will there be a date on the notice to proceed of when they need to start. Mr. Pierce replied this is fairly standard. He explained once they get the notice to proceed there is a certain timeframe to complete the work. Attorney Shuler reported the sequent of events is the Board advertises, receives the bids, the bids are analyzed and ranked, the Board awards the project and then they enter into a contract. He went on to say once the contract is signed the county is in control of when the project starts and that starts with the issuance of the notice to proceed. Attorney Shuler said there is typically a 60 day window before the penalties start and there is also a provision for extending the contract. He stated the county is more in charge of when the project starts than the contractor because the county analyzes the bids and prepares the contract. Commissioner Lockley said he has been on the Board for 16 years and this is an unluckiest road because every time it is fixed and they get to the completion date within a year or two another storm comes and they start over. He stated they must do something to help protect the road. Chairman Jones agreed he has been here 4 years and this was in existence when he got here. Mr. Pierce stated this is the most exposed road in the state. Commissioner Boldt said about a year ago

they went to the state capitol and Representative Jason Shoaf hosted a meeting relative to this road and they formally asked the state to take the road back and they officially got the answer which was no. He said they even tried to trade something else. **Motion carried; 5-0.**

**Information Item:**

2. Inform the Board that TRIUMPH has accepted AVCON as eligible to complete the design and construction documents for the TRIUMPH project. Mr. Collins, AVCON, is working on the Task Order, and when that is complete I will submit that to TRIUMPH for approval. Once TRIUMPH approves the Task Order, I will then ask the Board to approve the Task Order, and then AVCON can complete the design and begin advertising for construction.

Mr. Pierce said this project is the \$1 million fuel farm.

Chairman Jones asked Mr. Pierce to contact the COE about the return letter they are supposed to get. He explained they signed a letter but the COE wanted some of the language changed and they were supposed to send the letter. Mr. Pierce said they have not received the letter and it is frustrating but everything is not working at full speed with people working from home.

The meeting recessed at 9:59 p.m.

The meeting reconvened at 10:07 a.m.

**County Coordinator – Michael Morón – Report**

Mr. Moron said he wants to discuss the airport master plan because the Board has received some emails about it and there was a public comment this morning about it. He explained at the last meeting he informed the Board the public hearing was held via zoom on October 27<sup>th</sup> and December 2<sup>nd</sup> is the deadline for public comment. He reported there was 36 days for anyone to offer public comments or ask questions of Avcon. Mr. Moron stated he has an issue with people saying they had no opportunity to comment when there were 36 days.

Commissioner Parrish said Mr. Moron reported at the last meeting that the Federal Aviation Administration (FAA) and FDOT said there was no need to grant an extension because 36 days was plenty of time. Mr. Moron stated that is correct and Mr. John Collins, Avcon, checked and both agencies felt like there was no justification for an extension. He explained the county got a grant for Avcon to do the airport master plan and the grant ends in March so they need to wrap up the public comments so they can do the summary report for the Board. Mr. Moron said there is a misunderstanding that the Board has no power or authority over the master plan. He reported the Board hired Avcon to create the airport master plan and then they will bring the plan back and the Board has the final say on what goes into the plan. He explained the public comments must be included in the summary report Avcon will present to the Board. Mr. Moron reported Avcon is not closing the runway but they will explain the problem is there will be no grant funding for a particular runway. Mr. Moron stated the Board must decide if they will leave this runway open until there is an inspection and then they must either repair

the runway or close it. He pointed out the Board will make this decision and not Avcon. He reported there will still be time for the public to comment when the Board reviews the summary report submitted by Avcon. Commissioner Ward said she reviewed the report and believes they want time to review the report. Mr. Moron agreed they want additional time to review the report. Commissioner Ward asked if they are questioning Avcon's master plan data or data from the airport. Mr. Moron was not sure and said all he knows is they want additional time to review the report. He stated if anyone reviews the zoom meeting they will see a gentleman asking about extending the time and he had a discussion with the man after the meeting and told him he would not bring this up until November 17<sup>th</sup> so any group that wanted to review it should have a meeting prior to that time and have conversations with Avcon and present what the issues are to him so he will know if there is a reason to delay the deadline and nothing has been submitted. Commissioner Ward said they will get another opportunity for public comment when the master plan is presented to the Board so they will get to comment a second time. Mr. Moron answered yes, they will have the same opportunity to comment as any other item and can send emails, comments or questions they would like asked publicly. He explained the only difference is those comments will not be part of the summary report. Mr. Moron stated the airport master plan grant ends in March and there is more work to be done. He said they cannot get the summary report done if they leave the public time period open longer. Commissioner Ward reported there is concern about the runway being closed. She said she watched the zoom meeting from October and basically FDOT is going to shut down the runway because of the pavement index and viability of the runway which could make it dangerous. Commissioner Ward reported the county must have the cost to repair the runway of \$7.9 million by 2022. She explained FAA and FDOT are providing funds to maintain the other runways but will not provide funds for this runway because they are going to recommend closing the runway. She verified the \$7.9 million will be an expense of the county. Mr. Moron said that is correct and Mr. Collins can explain it but he thinks either the county must spend this money to maintain the runway or they must close it because based on the inspection they are going to tell the county the runway is not safe anymore. Commissioner Ward reported the county can say no to closing the runway but the FAA can still shut it down for safety reasons. Mr. Moron stated either the county maintains the runway and it passes the inspection or FAA will close the runway. He went on to say because of COVID no one is flying so FAA and FDOT do not have the funds and they are looking at rural airports and if they have more than 2 runways they are not providing funds to maintain the 3<sup>rd</sup> runway. Mr. Moron stated Avcon may have reported that FDOT is not funding some of the projects that were planned in the future. Mr. Pierce agreed the projects have been delayed. He explained the airport is owned by the county and the FAA recommends standards for proper operation but if the county disagrees and wants to keep the 3<sup>rd</sup> runway open when it is not safe then that is on the county. He reported it is not realistic to keep the runway open if they cannot meet the standards. Commissioner Parrish stated the \$7.9 million is the cost now but there will also be future maintenance costs that the county will be responsible for which they do not have. Mr. Moron said the public needs to understand that there was time for public comment and the closing of the runway is a matter of money. Commissioner Parrish pointed out if they had a \$30 million private endowment they could keep the runway open for a number of years. Attorney Shuler stated the closure of the



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3<sup>rd</sup> runway has been talked about for years and is not a new conversation. He said he thought FDOT cut off the funding for the 3<sup>rd</sup> runway years ago. Mr. Pierce stated at least 10 years ago they had a meeting with FDOT officials at the airport and they did not recommend funding the 3<sup>rd</sup> runway. He said there are different ways of closing a runway and the county tried different options for this runway. He stated before the pandemic FDOT provided money to restripe all the runways but provided no maintenance funds for the 3<sup>rd</sup> runway. Mr. Pierce said at least 10 years ago they warned the county they did not need the 3<sup>rd</sup> runway because there was not enough traffic. Attorney Shuler reported FDOT started that conversation. Mr. Pierce agreed. He stated there is an opportunity costs because the 3<sup>rd</sup> runway does not go away from county ownership if it is closed and there are opportunities that could occur on that space that might be beneficial to the airport and the community. He reported this space could turn into a taxiway or service area for someone and they are evaluating that. Mr. Pierce said the drone operator they are talking to would be able to operate their military sized drones in this space if the runway was closed because they would be away from the traffic pattern. He explained if they ever get into a negotiation with that company this may be an issue where they want security and seclusion. Commissioner Parrish commented that is a potential economic benefit. Commissioner Boldt said he is an aviator and a triangular runway is rare and it is special to have 3 runways. He stated it is important to remember that the Emergency Management Department is considering a new building on this property and that is where the emergency operations are going to be based. Commissioner Boldt reported there are aviation choices when they have this triangular runway and Tyndall Air Force base may be interested in training in these areas. He stated there may be money available that they were not aware of for that area. Commissioner Boldt reported shutting down a runway is a big deal. Commissioner Boldt charged the aviation associations involved with the Apalachicola Airport to get moving on this subject and bring in more information for the Board. Commissioner Ward stated hopefully in the future there will be grants to come in and resurface the runway. Mr. Pierce reported if the runway is closed the pavement will not be dug up. He said there is 5,000 linear feet of concrete that is 4-5 inches thick that will stay there. He stated it could be used for something else and if later the county got the money and the traffic patterns increased they could reopen the runway so that option would not go away permanently if the runway closed. Commissioner Ward said the regional airport is for economic growth and the community has needed the airport in the past and it helped with Hurricane Michael and during the Eastpoint fire. Mr. Pierce explained the \$1 million they are getting from Triumph for the fuel farm was based on the response the airport provided to the region because they were the mega center during recovery after Hurricane Michael and the Triumph Board recognized it. He reported they helped to get the money for the fuel farm because the airport had fuel capacity after Hurricane Michael that no one else had. Mr. Moron stated Mr. Ted Mostellar, a resident of Apalachicola, asked about digging up the runway if it is closed and Avcon said no they do not do that anymore. He said there is a possibility of other uses on this runway and that was addressed during the zoom meeting. Chairman Jones asked if there were public comments during the zoom meeting. Mr. Moron replied yes. Commissioner Ward added there were several comments and the same people got to speak multiple times and there was not a time limit. Chairman Jones said that was not the only time to comment because during the public comment period people could

send in comments that would be included. Mr. Moron agreed there were 36 days. Chairman Jones reported things are not being done like before with meetings but they are not in those times now. Mr. Moron said the benefit to the zoom meeting is anyone can view it at any time. He stated for 36 days people had a chance to watch it and comment. Chairman Jones reported the plan will be presented to the Board and if they want changes to be made there will be another chance for the public to comment. He stated there has been plenty of time for anyone to comment. Commissioner Lockley said he has heard this for 10 years and they have known it for 10 years and now all of a sudden they need more time. He stated if they give 100 days they will always need more time. He reported it is time to move on and do what they need to do. Commissioner Lockley said they know what was discussed and Avcon and FAA have also discussed it. He reported the runway is not going away but they do not have \$8 million to keep it open and another \$8 million to keep it maintained. Commissioner Ward said that amount is to keep it open. Commissioner Lockley questioned what the amount is for upkeep and said the county does not have the money and the airport is not producing that kind of money. He explained once they get some things going and have the possibility of making the money back then they would take a chance on keeping it open. Chairman Jones stated hopefully the summary report will provide more information and they will know the direction they should follow. Commissioner Lockley said they want to accommodate people but do not have the money.

Mr. Moron presented his report, as follows:

J. County Coordinator's Board Report  
**Action Items**

1. Fiscal Manager/Grants Coordinator Position: At your last meeting, the Board discussed the need for a Grants Coordinator position that would effectively administer grant funded (especially FEMA) projects. I recommended Mrs. Erin Griffith for that position. The Board then discussed adding the duties and the responsibilities of a County Budget Officer to that position since Mrs. Griffith performs those duties currently as an employee of the Clerk of Courts. I asked for two independent opinions, one from the County's Labor Attorney Leonard Carson, and from County Attorney Michael Shuler, for any advertising and designation requirements, especially relating to F.S. 129.025 which addresses a County Budget Officer. They both came back with the same information, stating that F.S. 129.025 grants the Board of County Commissioners the authority to designate their own Budget Officer, and since this is an appointed position, no advertisement is necessary. I have emailed you a job description for this position for your review and to discuss this morning. If the Board accepts the essential functions of this position, the next step today would be to discuss a salary.

*Request: Board discussion and action on the job description and essential functions along with a salary for a Fiscal Manager/Grants Coordinator Position.*

Commissioner Ward clarified this action will not affect the Clerk of Court's budget. Mr. Moron said it will not and they have discussed this with the current Clerk and the Clerk-elect. He questioned if everyone is okay with the job description. Commissioner Parrish explained at the last Board meeting they were discussing different FEMA projects that are falling through the

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cracks and Mr. Davis is not able to address these things and Mr. Pierce is ready to retire so they need someone to handle these items and Mrs. Griffith will fill that position. He explained the county is also missing out on grant funding because they do not have staff that is currently applying for these grants. He reported Mr. Curenton is in the DROP program and has been the grant manager but he is doing so many jobs he cannot handle all of these things. Commissioner Parrish said the grants would bring more money into the county and fund projects that would not have to be funded with ad valorem taxes. He reported they need to move forward and fill some of these functions that are not currently being filled because they have limited staff and they are dealing with Planning & Zoning issues. Commissioner Parrish said he discussed these FEMA projects with Mrs. Griffith and having the county building inspector going out and inspecting some of these projects to make sure they are done right. He reported Mrs. Griffith has done the budget for years and they trust her to do a good job. Commissioner Parrish stated there are a lot of other items she will be doing that have not been addressed. He explained they are reallocating some responsibilities and there may be some others that come along that they do not know of now. Commissioner Parrish reported the neighboring counties are getting millions of dollars in grants that this county is not getting because they do not have staff to work on this item full time. Commissioner Boldt stated since he has been on the Board he has encouraged Mrs. Griffith to be present at the meetings and that has happened. He said he sees her presence as their formal fiscal manager and grants coordinator as a full time connected position with the Board and nothing but a high quality of communications will occur and this is positive for Mrs. Griffith and the Board. Commissioner Lockley stated this is a good day because he has been asking for a grants writer since he has been here. He said if they check with small counties most counties have their own budget officer and it is set up this way. Commissioner Lockley reported the Board needs this and it will help because right now Mrs. Griffith is working for Clerk Johnson and her time is split but now they can direct her and it will be done. He explained he is not trying to take anything from the Clerk but they need this so Mrs. Griffith can work on some other things. Commissioner Lockley stated he is in favor of this change. Chairman Jones said he, like Commissioner Ward, wanted to know how this would affect the Clerk's budget and he was told it would not. He stated this is a proactive step for the Commission in having a budget officer but knowing that it would not affect the incoming Clerk's budget was what made it worth pursuing. He reported it had to be a win for everyone. Mr. Moron agreed it was a team effort. He asked if everyone is good with the job description. Commissioner Ward inquired if they asked Mrs. Griffith if she is okay with the job description. Mr. Moron said they had several days of negotiations and they agree to a pay scale of \$68,000. He reported these funds will come out of professional services for the remainder of the budget year. Mr. Moron explained Mrs. Griffith will also be looking at grant administration funds which will also help with the budget. He reported her first day will be January 1, 2021 but her first working date will be January 4, 2021. Commissioner Parrish explained as the new grants writer Mrs. Griffith may be able to get grant administration fees which will help to pay her salary. Mr. Moron said the county could not get the grant administration fees before. Commissioner Parrish pointed out because that was only a part time position and not a full time grants writer that could comply with all the rules to get the administration fees. He explained these are ways that allow them to not affect the Clerk's budget and come up with innovative ways to fund Mrs.

Griffith's salary. Commissioner Parrish said this will allow the Clerk-elect to hire someone to handle the duties that will still remain in the Clerk's Office when Mrs. Griffith leaves this position. Mr. Moron said Mrs. Griffith was a staunch defender of leaving this money in the Clerk's budget because she knew the duties that would still remain. Chairman Jones verified they are asking for a motion to create the position, appoint Mrs. Griffith to the position, and set the salary and an effective date of January 1, 2021. Mr. Moron stated they are transferring some of her leave like they did for him. He questioned if there is any objection to transferring her years of service working for the county. The Board did not have any objection.

**Commissioner Ward made a motion to create the position of Fiscal Manager/Grants Coordinator, appoint Mrs. Erin Griffith to this position effective January 1, 2021, set the salary for Mrs. Griffith at \$68,000 annually, and transfer some of her leave and all of her years of working with the county. Commissioner Lockley seconded the motion.** Commissioner Lockley said there are many grants out there and he is glad this is happening. **Motion carried; 5-0.** Mr. Moron stated with Commissioner Ward now serving on Opportunity Florida he thinks the combination of these two things will provide more opportunities. Commissioner Lockley asked about getting the grant administration funds. Mr. Pierce explained there are usually grant administration funds but the CARES Act funding was specifically for emergency personnel. He reported when he handled these items there were not enough grants to warrant the bookkeeping for getting the grant administration fees. He said this is a good move for the county and he supports it but there are still things the Clerk's Office is doing such as special check runs. Mr. Pierce stated there is still a burden on the Clerk's Office that needs to be addressed. Mrs. Griffith pointed out the Clerk's Office is still the custodian of public funds so the Clerk's Office will always have to cut the checks so there is still a level of responsibility there even if she processes the pay requests. She reported these items will still go to the Clerk's Office for payment and that is where these items will be housed. Commissioner Lockley asked why the Clerk's Office cannot get some of the COVID money if they are doing this work. Mr. Pierce said the way the act was written the money is for emergency response personnel and staff does not meet that criteria. He stated they will look into this issue but that is the initial understanding. Commissioner Lockley said they need to write a letter that they are putting extra work on staff and they need to get paid. He reported the private sector is getting paid and the county staff is not getting paid and that is not right. Clerk Johnson explained there was a time she would not have been in favor of this position coming from the Clerk's Office but right now she has such a good relationship with the County Commissioners and she is blessed because that is not the situation with all Clerks. She reported one reason she is in favor of this is because the Clerk's Office is still retaining the responsibilities of auditing the requests, paying the bills and cutting the checks. Clerk Johnson said it is a lot of work and every time the county gets a grant it creates work for the Clerk's Office. She stated she does support this position and she thinks Mrs. Griffith and Mrs. Maxwell will develop a great relationship as well so it is a win for everyone. Clerk Johnson said she is glad they left the funding in the Clerk's Office because Mrs. Maxwell is going to need help as well. Clerk Johnson stated Mrs. Griffith was doing the work of 2 people and Mrs. Linda Phillips, Finance Officer, is also doing the work of 2 people so that is why she is glad they are leaving the money. She said they do this work because that is the kind of workers they are but there may come a point when she asks for additional funds.

Commissioner Boldt stated they have brought in another executive staff member and he wants to address Mr. Moron and consider an increase for him. He said as they moved through COVID issues they can look around and see some of the work he has done in this room. He reported the participation on zoom in this building is better than it was before the pandemic.

Commissioner Boldt stated he talks with Mr. Moron on weekends and after hours and he has helped him to understand the processes they are going through. He reported he would like to make this more in line with the executive salaries. He suggested an increase of \$3,800 a year to bring his salary up to a level of the executive staff. Commissioner Boldt stated this is value added in recognition of his work. Chairman Jones said zoom is not going away soon and they will be doing these IT things for a while and he concurs with what Commissioner Boldt is saying. He stated at the last meeting Commissioner Parrish made a motion to complete the Buddy Ward Seafood Park and Mr. Moron will be the person to complete these things. **Commissioner Boldt made a motion to increase Mr. Moron's salary in the amount of \$3,800 annually.**

**Commissioner Parrish seconded the motion.** Commissioner Lockley asked to add Mr. Curenton to this motion. Chairman Jones agreed Mr. Curenton did the Planning & Zoning and Board of Adjustment work for months. Commissioner Lockley stated he does not want to leave anyone out. Mr. Pierce asked if the Clerk has any ideas about her Finance Office. He stated they talked about the burden of the CARES grant staying with the Clerk's Office so there may be an adjustment for that staff due to the increased work. Clerk Johnson said it would be great if they also approved an increase for Mrs. Phillips. She explained years ago the Board voted to give the 2 Finance Clerks a \$5,000 raise and they turned it down because they felt other county employees would be hurt. Clerk Johnson stated if the Board would be willing to increase her budget for an increase for Mrs. Phillips that would be great. Chairman Jones asked if all these additional monies are coming out of professional services this year and will roll into the budget next year. Mrs. Griffith agreed they would have the ability to pay for this out of professional services this year and most likely it would be reduced for next year. **Commissioner Boldt amended his motion to include a \$3,800 increase for Mr. Curenton and increase the Clerk's budget to give a \$3,800 increase to Mrs. Phillips. Commissioner Parrish amended his second. Motion carried; 5-0.** Mr. Moron thanked the Board. He said it is more important that the Board recognizes that there are a lot of things going on with IT that the public does not see and he feels it is very important that the public has access to the meetings. He agreed with Commissioner Boldt that the participation with the meetings is more now than before COVID and people realize things get done more efficiently if they contact their commissioner or staff ahead of time instead of waiting for the meeting. Commissioner Boldt stated this was done on a value added basis and they saw a stellar performance by the individuals they discussed and they can measure it and document it. Commissioner Lockley said the Board has left the attorney out. Mr. Moron explained while doing research about the new fiscal manager position he found out Franklin County is one of the few counties that pays their attorney an hourly rate instead of as a retainer. He reported if something comes up on a weekend he calls Attorney Shuler and did not know it would cause a problem. Mr. Moron suggested the Board take an average of what Attorney Shuler made over the last few years and turn it into a retainer because it is easier for budgeting. Chairman Jones asked if this would be similar to Mr. John Solomon's position as TDC Director where the salary is divided into 12 payments. Mr. Moron

agreed that would be easier. Commissioner Boldt reported it is about access. **Commissioner Lockley made a motion to give Attorney Shuler a raise.** Mrs. Griffin reported \$100,000 is budgeted for the County Attorney-Legal Services. Mr. Moron suggested they divide this amount by 12. Mrs. Griffith said they would need to pro-rate this amount. Commissioner Lockley said he wants to give him a raise. Mrs. Griffith explained Attorney Shuler has only invoiced through November 14<sup>th</sup> or 15<sup>th</sup> so it would be whatever the balance is less what is already paid. **Commissioner Lockley amended his motion to pro-rate the amount for the rest of the year minus what he has billed and go with a \$10,000 increase. Commissioner Ward seconded the motion. Commissioner Lockley amended his motion to make the amount \$112,000 to be divided into equal increments minus what has already been paid this year. Commissioner Ward amended her second.** Commissioner Boldt asked if they have conferred with Attorney Shuler. Attorney Shuler said he is happy and grateful with the motion because he has not asked for any increase in his fees since 2013. He commented the County Attorney budget has been at \$100,000 since he started in 2001. Attorney Shuler said the retainer payment would be great as he has gone to a flat fee for most of the work in his private practice. He stated he does some hourly work but mostly works on a flat fee basis. He stated this would be a flat retainer paid out in 1/12's and he is thankful for that if that is the Board's decision.  
**Motion carried; 5-0.**

2. CR 67 Award: Clay Kennedy, of Dewberry, has reviewed the low bid for the CR 67 widening and resurfacing project and found the bid to be complete. The Florida Department of Transportation has concurred on awarding the bid to C. W. Roberts Contracting, Inc. in the amount of \$2,813,971.93.  
*Request: Board action to award the CR 67 widening and resurfacing project to C. W. Roberts Contracting, Inc.*

**On motion by Commissioner Ward, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to award the C.R. 67 Widening and Resurfacing Project to C.R. Roberts Contracting, Inc. in the amount of \$2,813,971.93.**

3. CR 30A Award: Clay Kennedy, of Dewberry, has reviewed the low bid for the CR 30A widening and resurfacing project and found the bid to be complete. The Florida Department of Transportation has concurred on awarding the bid to Roberts and Roberts, Inc. in the amount of \$1,079,392.36.  
*Request: Board action to award the CR 30A widening and resurfacing project to Roberts and Roberts, Inc.*

**Commissioner Parrish made a motion to award the C.R. 30A Widening and Resurfacing Project to Roberts and Roberts, Inc. in the amount of \$1,079,392.36. Commissioner Lockley seconded the motion.** Commissioner Ward said they talked about submitting a letter to FDOT to make sure the causeway was paved as well and asked if they have heard back from them. Mr. Moron stated they have not but he is working with Mr. Benny Jacobs, Ferrovial. He reported he will send the Commissioners the link for the 5 year plan. Commissioner Parrish stated on the state right-of-way near Ace Hardware in Apalachicola the culvert is falling in. He asked Mr. Moron to talk with Mr. Jacobs about this culvert while he is talking with him about

the other issue. Mr. Moron agreed to address this item. Commissioner Parrish said Mr. Nabors talked with them last week. Commissioner Parrish stated he told them if they would replace the culvert while the road contractor was here he would pay to pave the area but they said they will wait until January and the contractor will be gone by then. He explained the culvert is on state right-of-way and is their responsibility but it is falling in and needs to be fixed. Commissioner Lockley stated he had a couple of roads paved in the area last time and he missed one road which is the road where people clean fish. He asked Mr. Moron to check on this road. He reported if this road is not private they need to fix the road. Commissioner Ward asked Commissioner Lockley if this road is off of Water Street. Commissioner Lockley answered yes and said he has money in his paving fund to pave the road. Commissioner Lockley said he does not think this is a private road. **Motion carried; 5-0.** Commissioner Parrish reported this property is owned by the City of Apalachicola. Mr. Moron agreed to contact the City about this matter and report back at the next meeting. **Commissioner Lockley made a motion to pave the road contingent upon it meeting all the requirements. Commissioner Parrish seconded the motion.** Commissioner Lockley said that way he will not have to pay the mobilization fee. **Motion carried; 5-0.**

4. In-Person Public Attendance Update: At your last meeting, the Board discussed allowing in-person public attendance to your regular meetings perhaps as early as January 2021. I provided a list of recommendation for the Board to consider keeping the public, staff, and Commissioners as safe as possible. The Board asked Attorney Shuler and I to do some research on what other counties in the state are addressing in-person public attendance. I think it is safe to say there is no consensus on this matter. Some counties are allowing in person with different degrees of mask wearing, social distancing, temperature checks, etc., and other counties are still not allowing in-person attendance. If the Board is ready to set a date to allow in-person public attendance today, I ask that you consider adopting the recommendations listed below.

- Use the allowed seating locations as designated by the 2nd Circuit Court Trial Marshal, which is based on the Florida Supreme Court Chief Justice's order. Designate what seating will reserved for staff, for agenda presenters, and for the public.
- Temperature checks before entering the meeting room.
- Masks are worn in the meeting room unless you are speaking in front of a microphone. Removing your mask to speak allows for a clear understanding of what is being said for the official meeting minutes.
- Continue the use of Zoom and Live-stream. I strongly recommend that applicants, presenters, and public comments for Public Hearings, Planning and Zoning requests, and Board of Adjustment requests are heard virtually via Zoom.
- If there is an overcrowding issue based on limited available seating, those wanting to comment during the Public Comments agenda item will be rotated with anyone waiting at an outside location to speak.
- Planning and Zoning and Board of Adjustment meetings will be conducted via Zoom until further notice.
- The meeting room will be sanitized prior to and after each meeting. A hand sanitizing station will be located at the speaker podium for anyone that addresses the Board from that location.

*Request: Board discussion and possible action on setting a date to allow in-person public attendance and adopting rules as it relates to CDC and State guidelines for the COVID-19 pandemic.*

Mr. Moron said Chairman Jones asked the Florida Association of Counties (FAC) to ask the question about public meetings and there is not a consensus anywhere. Mr. Moron asked the Board to leave the Planning & Zoning and Board of Adjustment meeting via zoom until further notice. Commissioner Lockley asked how many seats they will leave for staff. Mr. Moron explained if they go with what the Chief Judge says there will be 17 available sets and they will reserve some for staff and the rest will be for the public. The Board discussed the number of staff that attend the meetings and the seats they should leave open for them. Chairman Jones asked if the department heads could appear on zoom if they do not have any action items. Commissioner Lockley and Commissioner Ward felt like this was a good idea. Chairman Jones said it would free up space and they would not have to leave their job to come here. Mr. Moron agreed they will try this at the next meeting. Commissioner Lockley said he is not ready for anyone to come in the meetings because COVID is still out there but he will go along with the decision of the Board. Commissioner Boldt stated they are only discussing the changes and he wants to maintain the consistency. He said no one should be there relative to a health care matter. Commissioner Boldt explained how many pathways there are for the public. He said they can hear on zoom and people can call and email the Commissioners. He stated they are accessible and people can also reach out to county staff. Commissioner Boldt reported health is the main matter they need to consider and maintain everything as they have it. Commissioner Ward stated she feels like it is important for the county to be here and have a say. She said zoom is important but they all go other places and it is no different here. Commissioner Ward reported they are taking the safety steps required for social distancing and the seats are marked off but in many stores no one is following these measures. She said they do need to be safe and take into consideration the elderly population and people with health concerns but they cannot keep the public out forever. Chairman Jones stated at some point they do have to make different accommodations and zoom is not going away but people still have to do business person to person. Commissioner Ward asked if they are still hoping to open the meetings in January. Mr. Moron replied yes but he was not sure how far the conversation was going considering the increase in COVID cases. Chairman Jones suggested Mr. Moron clarify the language based on the discussions today and then bring the matter back to the Board at the next meeting. Mr. Moron asked if it will be okay to allow staff to attend by zoom at the next meeting and see how it works. The Board agreed with this suggestion. Mr. Moron said they will try that and then at the next meeting they will be closer to selecting a date to reopen the meetings to the public. Mr. Moron informed the Board at the next meeting there will be a lot of public input on one of the items so he asked the Board not to judge by that public hearing because that is not the normal situation. Commissioner Lockley questioned if people will rotate in and out during a public hearing. Mr. Moron said that is what some counties do is allow people to rotate in and make their comment and then leave. He stated one county has a public kiosk outside of the Board room and they allow everyone to line up and comment. Commissioner Lockley said they will need a deputy present because some people want to stay and listen and provide support but not speak. Mr. Moron explained people must



rotate in to speak and then leave. Chairman Jones informed the Board he is thinking about making some changes to the public comment policy. He explained this was one of the bigger items he faced the brunt of during his campaign as people feel like they are not allowed access with the current policy. Commissioner Ward stated she dealt with the same issues in her campaign because people feel left out and that their voices are not heard with the public comment section. Mr. Moron questioned if the problem is people want to address items as they come up on the agenda. Chairman Jones explained they are fine with public comment at the beginning but they also want to be able to address an item on the agenda and to have discussion with the Board. Commissioner Ward agreed they would like to have feedback. Chairman Jones stated they could continue to take public comment at the beginning and it could be 3 minutes long but then people would be allowed to comment for 1 minute on 3 items on the agenda. He reported he does not have a definite suggestion today. Commissioner Ward said at the beginning they do not hear what is being discussed or comments and then when a subject comes up there are other things they would have said based on the discussion. She reported she is not sure how this would work but they can work together on finding the answer. Chairman Jones stated he would like the meetings to be as short as possible but in some counties public comment in the beginning is for items that are not on the agenda and then people that want to speak on an item on the agenda are allowed to do that during the meeting but not on every item. Commissioner Lockley reported both of them are new Commissioners and people are playing games. Attorney Shuler stated all the statute requires is the Board give a reasonable opportunity for public comment before they take action and how the Board wants to structure that is up to the Chairman and if a majority of the Board does not agree then by majority vote of the Board they can overrule it. Commissioner Lockley left the meeting at this time. Attorney Shuler said normally the Chairman decides the structure and what is on the agenda and not on the agenda. Mr. Moron explained the public comment at the end was what prompted the change because it was not beneficial to the public or the Board. He asked Attorney Shuler to put this question on the county attorney forum to see what other counties are doing. Mr. Moron explained at the delegation meetings everyone fills out a speaker card so they know who is registered to speak prior to the items coming up and then the Chairman can flex the amount of time needed. He stated he needs to speak with each Commissioner and know their preferences and priorities for public comment and then he can come up with a something to present. Chairman Jones said he brought this item up to get input from other commissioners. Mr. Moron agreed he will talk with each commissioner and then talk with Attorney Shuler. Commissioner Lockley returned to the meeting. The Board agreed with this suggestion.

5. Building Official Services: In November, Mr. Garry Millender, the County's Building Official informed me that he plans to resign from his position as the Building Official effective December 31, 2020. Since Mr. Steve Patterson, the County's Building Inspector, will not receive his state provisional certification as a Building Official until sometime in March, Mr. Millender has offered to provide Building Official services to the County via his company Millender Inspection Services LLC. He would provide these services at a rate of \$3500 per month from January – March 2021, and longer if necessary. Attorney Shuler has a copy of the contract, but before he starts a full review, the Board should discuss this matter and offer some direction. I have informed the City of Carrabelle that as of January 1,

2021, we no longer have a Building Official on staff so the County can no longer provide that service to them.

*Request: Board discussion and direction regarding Building Official services for the County.*

Mr. Moron said when Mr. Millender was full time his salary was \$48,000 plus so the \$3,500 per month is not what he was making before. He stated this will probably only be for 3-4 months. He reported Mr. Patterson passed all of his tests the first time so there has been no delay. Mr. Moron explained Mr. Patterson will have a provisional license and then will have 1 year to pass all the other tests to be a certified Building Official. He said Mr. Patterson should receive this provisional license in March or April. He reported this amount is similar to the amount paid to Mr. Millender by other counties. Commissioner Parrish asked if this is under what the Board has budgeted to pay Mr. Millender. Mr. Moron answered yes. Commissioner Parrish asked if the City of Carrabelle has been notified that Mr. Millender could do this work for them. Mr. Moron said Mr. Millender reached out to the City of Carrabelle. Attorney Shuler reported there is currently an interlocal agreement with the City of Carrabelle for Mr. Millender to provide these services so they are aware of this matter. Mr. Moron said the email to the City of Carrabelle said this agreement would terminate. **Commissioner Lockley made a motion to approve Millender Inspection Services, LLC providing services from January- March, 2021 at a rate of \$3,500 per month. Commissioner Parrish seconded the motion.** Mr. Moron said this is contingent upon Attorney Shuler's approval. Attorney Shuler questioned if this is for 4 months. Mr. Moron asked for 3 months and then a month to month extension for 3 more months. **Commissioner Lockley amended his motion make this action contingent upon Attorney Shuler's approval and authorize a month to month extension for 3 months after the initial 3 months. Commissioner Parrish amended his motion. Motion carried; 5-0.**

6. Permitting Clerk: One of the permitting clerks in the Building Department has resigned so the Building Department needs to advertise to fill this vacancy. This position will be advertised publicly, not in house, at the county's \$25,000 starting base salary.

*Request: Board action to authorize advertising the vacant position.*

**On motion by Commissioner Parrish, seconded by Commissioner Ward, and by unanimous vote of the Board present, it was agreed to authorize advertising for the vacant position in the Building Department.**

7. FAC Broadband Resolution: The Florida Association of Counties (FAC) has started ACCESS 67 Initiative. "ACCESS 67 represents a comprehensive approach to address the lack of ACCESS in many of our communities, rural and urban; small, medium, and large; to the required technological resources that our citizens need to navigate this new world." FAC is asking each county to support a resolution similar to the Small County Coalition resolution authorized by the Board at your last meeting. FAC is also asking that we complete a survey regarding broadband access in the County, which Mrs. Cortni Bankston is working on.

*Request: Board action to authorize the Chairman's signature on the ACCESS 67 resolution.*

**On motion by Commissioner Ward, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve the Resolution.**

8. Paving Change Order/Pay Request: Over the last few months the Board took advantage of an opportunity to save on mobilization cost and use the contractor that was building the new airport access road to pave a few county roads. The project is about 85% complete and Roberts and Roberts, the paving contractor, has submitted a Change Order/Pay request for payment. Before the Board considers this request, separate Board action is needed to replace Cape Street, which was approved to add to the approved paving list at an earlier meeting, with Sybil Court. After the Board approved adding Cape Street, right of way and ownership of a section of Cape Street presented an issue. In order to take advantage of the opportunity as the contractor was finishing the paving project, staff authorized paving nearby Sybil Court instead. The final pay application, any additional documentation, and change orders will be submitted for Board review and approval when the project is complete.

*Request 1: Board action to remove Cape Street from the approved paving list and add Sybil Court as a replacement. The total cost to pave Sybil Court is \$43,917.95.*

*Request 2: Board action to approve this Pay Request Application/Change Order for a total of \$241,842.*

**On motion by Commissioner Ward, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve a change order removing Cape Street from the approved paving list and adding Sybil Court at a cost of \$43,917.95. On motion by Commissioner Lockley, seconded by Commissioner Boldt, and by unanimous vote of the Board present, it was agreed to approve the pay request application in the amount of \$241,842.00**

Commissioner Parrish reported he had the same issue with the roads he submitted a month ago because one of the roads could not be paved because it was considered private. He explained the box culvert on Bluff Road is sagging and he talked with Roberts & Roberts about fixing this area as it was repaved only 3-4 years ago. Commissioner Parrish said this will straighten out this area and it will be in good shape and last for many years. **Commissioner Parrish made a motion to include paving this area. Commissioner Lockley seconded the motion.** Commissioner Lockley said they should check the base because something is wrong. Commissioner Parrish agreed a prior contractor caused this problem but this contractor is aware of the issue and will fix it. **Motion carried; 5-0.** Commissioner Boldt said a couple of meetings ago they approved repaving Delaware Street and he met with someone who lives on Delaware Street and he is concerned that some of the pavement went over his property line. He stated he reviewed this area and he would like to have Mr. Moron look into this matter and he has some information about the lot descriptions. Commissioner Boldt reported they paved in the same path of the road that was there for years and has been maintained by the county. Commissioner Lockley asked if the engineers are supposed to check before they pave. Mr. Pierce stated the Board does not usually do surveying before they pave. Attorney Shuler referenced a provision in Chapter 95, Florida Statutes that says if the county has constructed and/or maintained a road for a 4 year period continuously they have an acquired ownership but he would need to talk with Mr. Nabors specifically about Delaware Street. He said according to Mr. Moron he has already looked into this and the county has maintained this road for 4 years or more so the county would have acquired ownership at least the width of the maintenance. Commissioner Lockley questioned if there are any houses past his house. Commissioner Boldt

responded yes. Commissioner Lockley asked how they can go on his property but not anyone else's property. Mr. Moron stated this is the only complaint they have had since they paved the road but he will look into this matter. Commissioner Lockley inquired if this is the first time the road has been paved. Commissioner Boldt answered yes and prior to that it was milled asphalt and compacted. Mr. Moron said he will work with Attorney Shuler and Mr. Nabors to determine how long the county has been maintaining this road and then they will report at the next meeting. Commissioner Boldt stated paving the road enhanced the neighborhood.

9. CRF Funds: At your last meeting the Board authorized Mrs. Lori Switzer-Mills to spend the remaining Coronavirus Relief Funds (CRF) on applicants that had already received funding, as a secondary phase, since there were no new applicants. Since that meeting, Mrs. Switzer-Mills received new applications that qualified for funding, so she stopped any second phase funding and requested an additional \$32,000 from Florida Housing to fund the new applicants. At your August 4, 2020 meeting the Board authorized Mrs. Switzer-Mills to seek additional funding if needed, provided the Board was notified. However, for better recordkeeping purposes, I am asking for Board action to approve this request for funding. Mrs. Switzer-Mills stopped accepting applications as of yesterday at noon.

*Request: Board action to authorize the request for an additional \$32,000 of Coronavirus Relief Funds.*

Mr. Moron said Mrs. Switzer-Mills stopped accepting applications because this is a long procedure to request the money. He stated she called this morning and there will also need to be an amendment to the contract with Florida Housing Finance. **Commissioner Parrish made a motion to authorize requesting the additional money and authorize the Chairman to sign the amendment with Florida Housing Finance. Commissioner Lockley seconded the motion.** Commissioner Parrish commended Mrs. Switzer-Mills for stopping the second phase so they can help some new applicants. Mr. Moron stated because this was discussed in the meeting word got out and they have some new applicants. **Motion carried; 5-0.**

10. RCSC Newsletter: I received an email from Ms. Georgia Ackerman of the Riverkeepers that included a Riparian County Stakeholder Coalition (RCSC) newsletter (attached to the agenda packet) that includes a good overview of the legal challenge to the United States Army Corp of Engineer's (USACE) control of freshwater flow to the Apalachicola River, and ultimately our Bay. "It is expected that the judge will allow non-litigants to submit amicus letters to the court during the first week of January. As you know, the Riparian County Stakeholder Coalition is considering joining onto an amicus brief, along with other businesses and civic interests of our region. The City of Apalachicola is also in the process. The ecological and economic impact of the judge's decision affects many in Franklin County. A pro bono attorney is preparing an amicus brief for the groups."

*Request: Board discussion and direction.*

Attorney Shuler said he is the Chairman of the Amicus Curiae Subcommittee for FAC. He requested the Board consider allowing him to review the amicus brief on behalf of the county before it is filed with the court. He reported Ms. Georgia Ackerman, Apalachicola Riverkeeper, is on the telephone. Ms. Ackerman offered to answer any questions. She said she will forward the draft amicus brief from the attorney when she receives it in a week or so. Attorney Shuler

stated this would be consistent with how the amicus subcommittee works because once they approve the amicus brief being drafted there is someone who volunteers to prepare the amicus brief and then after it is prepared it is sent back to the subcommittee for approval before it is submitted to the court. He explained that is why he would like to review it before it is submitted to the court. Commissioner Parrish said when he talked with Ms. Ackerman they were discussing if the county would take this action or the Riparian County Stakeholders Coalition (RCSC) would do it on behalf of the county and he asked if they agreed to allow the RCSC to file this amicus brief on behalf of the county. Ms. Ackerman said she is not a member of RCSC but in her opinion if RCSC files this it would prove more powerful to a judge. She explained her concern is there are quite a few State of Georgia people intervening on behalf of the court and they want the judge to hear from parties in Franklin and along the Apalachicola River. Ms. Ackerman reported the judge is Atlanta based and the RCSC is made up of members from the 6 counties along the river and that is a powerful voice they would like the judge to hear. Commissioner Parrish stated they discussed if each county should have a signature line on the RCSC amicus brief and asked if they are going to do that or just allow the RCSC to stand on their own. Ms. Ackerman said that is an excellent recommendation but Mr. Ken Jones is the leader of the RCSC and is still listening on the call and she did carry this recommendation to Mr. Jones. She stated if each county that makes up the RCSC is in agreement she thinks that is an excellent recommendation. Ms. Ackerman reported several other counties are also addressing this matter today and Mr. Jones will be talking to them and it is important that each county that is represented by the RCSC knows what is being done and that any questions are answered. She stated the amicus brief is a letter to the judge and they can be impactful. Commissioner Parrish reported he is in favor of the lawsuit filed by the Apalachicola Riverkeepers against the COE and he wishes the state would have done the same. He explained they have spent years litigating this issue but at no time has the COE been brought into the litigation. He reported they cannot bring the COE into the litigation unless they are sued directly. Commissioner Parrish stated the lawsuit was filed against the COE many years ago and he supports their efforts. He said he always represented Franklin County in the water ways and litigation and they are all on the same page and in support and he hopes they are successful in their lawsuit. Ms. Ackerman thanked Commissioner Parrish and said if anyone has questions they can contact her. She reported other groups in the area are working on separate amicus briefs and some will be joining in. She stated if other groups wants information they should let her know. Commissioner Boldt stated the Coastal Marine Lab is a big factor in doing research and he would encourage her to ask them to join in and also the Apalachicola Estuarine Research Reserve. Ms. Ackerman agreed to follow up with this request. Chairman Jones asked what the purpose is for the amicus brief. Ms. Ackerman explained the Apalachicola Riverkeepers and several other conservation groups filed a lawsuit against the COE when they moved to update their water control manual in 2016. She reported they felt the environmental impact statement was incomplete and they were not the only ones because there were many written public comments asking the COE to do a better job. She stated the COE disregarded the recommendations and moved forward with the update of the water control manual. Ms. Ackerman explained the manual dictates how the water is released upriver on the Chattahoochee side and the update had not been done since the 1950's. She reported the

update will bring the county less water than they had before and it does not help with freshwater flow to the bay. Ms. Ackerman stated they filed suit after the update went into effect. She said the briefs are by non-litigants outside of the court case writing to the judge on how the decision could impact them and why the judge should give consideration to the case. Chairman Jones said his understanding is previously the county joined the Apalachicola Riverkeepers on a brief and now they no longer have the river channel dredged. Ms. Ackerman stated that was before her time and she would need to get more information about this item. Chairman Jones stated not having the river channel dredged also impacts how much water gets to the bay because the river gets shallower. Commissioner Parrish reported it has always been hurtful to him that the State of Georgia always intervenes on the side of the court and pays all their attorney's fees and they wonder why the COE always sides with them about water allocation. He said it is simple because it costs the COE nothing because the State of Georgia is paying their legal fees. He reported this has gone on for years and it is crooked. Commissioner Parrish explained the water control manual is how they operate the reservoirs which release or do not release water. Ms. Ackerman agreed to provide some follow-up information to the Board. **On motion by Commissioner Parrish, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to proceed contingent upon Attorney Shuler's review of the amicus brief written by the pro bono attorney.**

11. SGI Lighted Parade: The St. George Island Civic Club is planning a lighted golf cart parade on St. George Island on December 4th, the same night as the 'lighting of the palms' event. The golf carts will be decorated with family friendly decorations and will line up along East Pine, beginning at 5:45 p.m. behind the Sheriff's vehicle. All golf carts will be at least 6ft apart and volunteers will assist with the directing carts during the line-up. The parade will begin a 6:15 p.m. and the parade route is attached for your review.  
*Request: Board action to approve the parade route for the St. George Island lighted golf care parade.*

**On motion by Commissioner Ward, seconded by Commissioner Lockley, and by unanimous vote of the Board present, it was agreed to approve the parade route for the St. George Island lighted golf cart parade.**

#### **Information Items**

12. Sheriff's Office Software: The Sheriff's staff attended your last meeting and explained that starting January 2021, dispatch would be out of compliance with the FBI and FDLE because a particular type of reporting software was not installed. They got quotes from three different vendors and selected one of the three, which was stated at the last meeting, but has asked the County to pause on the purchasing of that software as an additional module may be needed. When the Sheriff's Office is ready to proceed with the purchase, I will inform the Board.

Chairman Jones asked if this item will be ready for the Board to discuss at the next meeting. Mr. Moron said he hopes so but they may be past their time on this item. He explained they provided a presentation to the Board and then contacted Mrs. Griffith that they may be missing a module. Mr. Moron stated he has a meeting with the Sheriff's Department on Wednesday about a piece of equipment that would help bridge cleanup because they have not heard back

from Mr. Collins about using the airport sweeper. He said Mr. Collins indicated they may not be able to use the sweeper for the bridge. Mr. Moron stated he will discuss the software and try to bring it to the next meeting for approval.

13. Artificial Reef Grant: As requested at your last meeting, there is a conference call scheduled tomorrow with Ms. Lorena Holley and Frank Gidus (Coastal Conservation Association) to discuss the protocols and procedure required before the County would consider applying for and supporting a grant from the FWC to construct an artificial reef on the Carrabelle 10 Mile Reef in the honor of Dr. Bart Carey. Hopefully this item will be on my December 15th report.

14. COVID-19 & Sally LSE: As authorized by the Board, Chairman Lockley signed COVID-19 Local State of Emergency (LSE) Declarations on November 2nd, 9th, and 16th, and a Hurricane Sally LSE Declaration on November 3rd. Chairman Jones signed COVID-19 LSE Declarations on November 23rd and 30th.

15.SGI Lighthouse closure: Inform the Board that the St. George Island Lighthouse will be closed for the month of January and potentially a week or two at the beginning of February for some much-needed maintenance. This will be a \$94,000 self-funded project that is scheduled to start in early January and should last 4 – 6 weeks. The Keeper's House Museum and the Gift Shop will remain open while the lighthouse is closed to the public.

16.SGPOA & Mediacom: Inform the Board that the St. George Plantation Owner's Association (SGPOA) has sent an email to Mediacom (attached to agenda packet) regarding the dangerous "Health and Safety" issue that has been created due to Mediacom's violation of the underground burial agreement with SGPOA. There is an incident described in the email where a golf cart driver had a Mediacom cable get wrapped in the axle of the golf cart. The cable was active and carried some amps of electricity. If I am contacted by a SGPOA representative for assistance on this matter, this Board will be informed.

Chairman Jones reported Wakulla County recently got a grant from FWC to buy everything to bear proof the trash cans in the county. He explained whoever the contractor is in Franklin County either provides this or not but there is no mechanism for the citizens to have bear proof trash cans unless they are willing to pay the difference. Mr. Moron reported they have done this before.

Chairman Jones stated under the Payroll Protection Plan (PPP) if a county employee gets COVID they can get paid one time. He questioned if the rest of the Board feels like they need to extend this beyond this year because if someone gets COVID and misses work they will not get paid. Chairman Jones suggested they address it at the next meeting. Mrs. Griffith explained it is the expiration of the extended Family Medical Leave Act which is a federal act and she thinks they may extend it but she has not heard anything. Mrs. Griffith stated the extension expires on December 31<sup>st</sup> so after that employees would have to use their own sick leave. Chairman Jones said he did not realize that was a federal act.

Commissioner Ward stated she talked with Mr. Clay Kennedy, Dewberry, and Mr. Curenton about a multi-use path/sidewalk for her district in Eastpoint from Ridge Road to Vrooman Park

and continuing down C.C. Land Road and a multi-use path/sidewalk on River Road in Carrabelle. She said these are FDOT grant funded items and the deadline for applying is in February so she would like Mr. Curenton to submit the grants. **Commissioner Ward made a motion to authorize Mr. Curenton to submit the grants for these two particular items. Commissioner Lockley seconded the motion.** Commissioner Parrish stated he has had a lot of people from Escape Road ask for this item. Commissioner Ward reported kids go from Ridge Road to the park. **Motion carried; 5-0.**

Commissioner Ward requested a crosswalk at Carrabelle Beach where the RV Park is. She explained the traffic is heavy and someone is going to get hurt crossing the road. Commissioner Ward explained she is trying to get a crosswalk with flashing lights and in speaking with Mr. Kennedy and Mr. Curenton she was informed they need to contact the FDOT contractor Ferrovia. She pointed out this is a state road and it is their responsibility. **Commissioner Ward made a motion to direct staff to contact Ferrovia and request the crosswalk. Commissioner Parrish seconded the motion.** Chairman Jones stated they told him there would never be a crosswalk across Highway 98 and now one is going in near the Express Lane. He explained it is also hard to get crosswalks unless they have somewhere to go which the one at Carrabelle Beach does. **Motion carried; 5-0.**

Commissioner Ward reported she was informed by a constituent in her district that there is no trash pickup north of Highway 65 and she believes the fire tower is the cut off. She stated the individual had a private contractor picking up the garbage but the company is no longer in business. Commissioner Ward explained she and the individual reached out to each of the other garbage carriers Waste Pro and Waste One and they do not offer services past the fire tower on Highway 65. She stated other residents burn their garbage or bring it to the landfill but this person is elderly and cannot do either. Commissioner Ward said she offered to pick up the garbage for her but there are other people in this same situation. She stated she reached out to Mr. Davis about placing a dumpster outside the landfill because some people drive down to work but the landfill is not open. She said she understands this may create other issues. Commissioner Ward stated she does not know what the solution is and Mr. Davis responded but she has not had time to review his response. She said she knows county wide garbage collection is a sensitive subject but she does not know the answer. Chairman Jones agreed it is an issue they need to try and address. He explained if they put a dumpster outside the landfill the residents will never see a benefit because it will already be full when they get there. Commissioner Ward stated people will also place things in the dumpster that do not belong there. Commissioner Lockley asked if Waste Pro works for the county. Chairman Jones said Waste One does the hauling from the landfill to Marianna but they are not doing pickup. Commissioner Ward said their reasoning is they do not have enough business to warrant them going that far which is not fair to the people that are interested in garbage pickup. Commissioner Lockley stated they need county wide pickup. Commissioner Boldt agreed that is needed. **Commissioner Lockley made a motion to get county wide pickup.** Commissioner Ward said she does not know the legalities but she likes the idea of county wide garbage pickup. Commissioner Lockley explained the county is getting bigger and they are steadily



building houses and they need county wide garbage collection. He reported this will also help to clean up the woods. Commissioner Ward said she will be going to a conference and can reach out to other counties and see what their solutions are because this is something they will have to address eventually. Commissioner Lockley reported the 2 cities already have mandatory collection. Commissioner Ward said she has done some research and would like to do some more research. **Commissioner Ward seconded the motion.** Attorney Shuler explained if the Board goes through with this motion his next step will be to prepare an ordinance for a public hearing and he does not think he has enough direction from the Board to prepare the ordinance. He suggested it may not be time for a motion. Attorney Shuler said he will wait for Commissioner Ward to return from this conference with more information and he can start a conversation with Mr. Davis about this matter. He explained the Board has looked at this issue several times over the years but it presents an issue because the Board's only method of billing is the tax bill. He reported no previous Board has been willing to put the cost of garbage pickup on the tax bill because they do not want people to lose their property because they cannot pay their garbage bill. He stated private contractors have always refused to send in direct billing because the county does not have the means to enforce payment of the garbage bill. He reported in the cities they can shut off the water and sewer for non-payment but the county does not have this option. Attorney Shuler said his information is old because it has been many years since the Board has directed him and Mr. Davis to look into this matter but he will be glad to gather new information. Commissioner Lockley stated it is not the county's responsibility to collect the bills if the contractor has the job. He said if a company does not want to collect their bills then they should not bid when the county advertises for bids. Mr. Moron reported if the county does not bill for the service then they will not receive any proposals. He explained he met with Waste Pro and Waste One and if the county is not going to do the billing then they want to be paid up front and then the county collect the money. He stated the second issue is people like to select their own collector and do not want the county to force them to use a certain collector. Mr. Moron reported when this was discussed before it did not move forward because of these issues. Commissioner Parrish said if the garbage company does their own billing and someone does not pay then they will not pick up their garbage anymore and then the county does not have county wide garbage collection. He stated he does not have garbage collection at his home but takes care of his trash in other ways. Commissioner Parrish said some people will pay to have their garbage collected because it is the right thing to do and some people will not pay the bill so they are not covered under garbage collection. He reported some people cannot afford to pay for garbage collection. Commissioner Parrish stated if they are going to have garbage collection then it should be mandatory to everyone. He reported if the county handles the billing then they will have to take money from other taxpayers to fund the garbage bills of people that do not pay because they will put a lien on their property. He went on to say if the people do not ever sell the property then they never pay the lien. Commissioner Parrish stated it is not fair to the taxpayer to pay for other people in addition to the other taxes they pay. He said there are a host of issues that need to be worked through. Commissioner Parrish reported he is not opposed to paying for garbage collection if that is what the Board wants to do but he wants everyone to pay and he does not want to pay for other people. He pointed out some of the commissioners

live in the cities but this action would affect the commissioners that do not live in the cities. **Commissioner Lockley rescinded his motion.** Commissioner Lockley said maybe when they go to the conference they will hear about another option. Commissioner Parrish stated people must be treated fairly and there is no mechanism in place to accomplish that. He agreed there is a problem with people disposing of their garbage properly. Chairman Jones said they could look at adding a ½ cent general tax to pay for garbage collection then everyone is paying including visitors when they shop. He explained then everyone does not have a tax bill. Commissioner Boldt suggested they look at other counties that are doing this starting with Wakulla County. Chairman Jones said Mr. Moron has been taking notes and will research this issue.

### **County Attorney – Michael Shuler – Report**

Attorney Shuler thanked the Board for their support and consideration earlier in the meeting.

Attorney Shuler stated he will not be joining them in Jacksonville for their mid-year conference as the Executive Staff for the County Attorney’s Association cancelled their live meeting and turned it into a zoom meeting.

Attorney Shuler reported the Board is presently scheduled to hear an ordinance at the next meeting updating the Flood Plain Management Ordinance. He stated Mrs. Amy Ham-Kelly understood they had a January 1, 2021 deadline for this update but he talked with a representative from the Department of Emergency Management (DEM) and they do not have a hard deadline for January. Attorney Shuler said Mrs. Ham-Kelly is looking into this matter to determine if there are any issues that need to be changed or if she has any suggested changes. He explained apparently DEM was anticipating some changes for modular homes or mobile homes that needed to be implemented by January 1<sup>st</sup> but FEMA has extended the deadline to sometime in 2021. Attorney Shuler reported the advertisement has already been placed in the newspaper and he has drafted the ordinance but they may or may not have the scheduled public hearing on December 15, 2020.

Mr. Pierce reported the COE called and they are still reviewing the interlocal agreement between the county and the COE. He stated the county might need to write a letter saying that they understand that any additional costs over the federal share will be paid by the county. He said he told them the county understands but he is waiting to see if they need to send a separate letter.

### **Commissioners’ Comments**

Commissioner Lockley stated in the past election they passed a law increasing the minimum wage to \$15.00 an hour. He said the county needs to start looking at this because their future starting salary is \$25,000 and when this becomes effective they will be paying less than minimum wage. Commissioner Lockley explained they have time to deal with this but they

need to increase this amount or they are going to lose workers. Chairman Jones stated the change will be phased in over 4-5 years. Commissioner Lockley said they have time to phase this in but that is what they are facing. Mr. Moron stated the Board will need to speak with the labor attorneys about this matter because previously Ms. Lucy Turner handled these items and she is no longer available. Mrs. Griffith said Ms. Turner created a job classification and pay class scale. She reported another report was done about 20 years ago and they went around and surveyed surrounding counties and created the job classifications. She explained Ms. Turner did a more custom approach and the other company did a report where multiple counties were involved. Mr. Moron said they will have to contact someone to look at this because it will not just affect the pay at the bottom but everyone else also. He reported they have 5 years so they can plan this and it can be part of the budget planning. Mr. Moron offered to look for a company if the Board is interested in starting this work. Mrs. Griffith agreed to scan the previous report to the Board. Commissioner Lockley said the county needs to look at something because this is going to happen. Commissioner Parrish questioned if as salaries increase they are looking at a smaller workforce to reduce the larger costs. Mr. Moron stated in some places they cannot reduce the workforce. Commissioner Parrish said the money has to come from somewhere so they will either cut somewhere or taxes will go up. He explained he is not against looking at the salaries but somewhere they have to offset the costs. Mr. Moron reported since the county provides services to the public if they reduce the workforce they will reduce the services. Chairman Jones agreed there is going to be a pass through cost. He explained he wants things to be affordable but there will be a pass through with this change to minimum wage. Mr. Moron agreed it is a good idea to start planning now so they make changes to the budget year by year and not all at once.

Commissioner Boldt said he would like to recognize yesterday's ribbon cutting ceremony on behalf of Weems Memorial Hospital and Tallahassee Memorial Hospital (TMH). He stated about 50 people attended including executive staff from TMH and staff and it was a great celebration and a strong turning point in the history of health care in Franklin County. Chairman Jones agreed it was a well-attended event.

### **Information Items**

There were no information items.

### **Adjournment**

There being no further business to come before the Board, the meeting was adjourned at 12:43 p.m.

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Ricky Jones - Chairman

C.

Attest:

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Marcia M. Johnson - Clerk of Courts

December 15, 2020  
 Franklin County Road D. Department  
 Detail of Work Performed and Material Hauled by District  
 Detail from 11/25/2020 - 12/9/2020

**District 1**

**Work Performed:**

<u>Work Performed:</u>	<u>Date</u>	<u>Road</u>
VMS Work, Cut Grass, Blowed Sidewalks, Cleaned ditches, Litter pickup	11/25/2020	US HWY 98 (Eastpoint, Ricky Jones)
VMS Work, Cut Grass, Blowed Sidewalks, Cleaned ditches, Litter pickup	11/25/2020	US HWY 98 (Eastpoint, Ricky Jones)
VMS Work, Cut Grass, Blowed Sidewalks, Cleaned ditches, Litter pickup	11/25/2020	US HWY 98 (Eastpoint, Ricky Jones)
VMS Work, Cut Grass, Blowed Sidewalks, Cleaned ditches, Litter pickup	11/25/2020	US HWY 98 (Eastpoint, Ricky Jones)
VMS Work, Cut Grass, Blowed Sidewalks, Cleaned ditches, Litter pickup	11/25/2020	US HWY 98 (Eastpoint, Ricky Jones)
Driveway repair	12/2/2020	State Street
Driveway repair	12/2/2020	State Street
Box drag	12/3/2020	Palmer Street
Box drag	12/3/2020	Gunn Street
Box drag	12/3/2020	E 2nd Street
Box drag	12/3/2020	E 1st Street
Box drag	12/3/2020	Bledsoe Street
Box drag	12/3/2020	Quinn Street
Box drag	12/3/2020	McCloud Street
Box drag	12/3/2020	E 4th Street
Box drag	12/3/2020	Randolph Street
Box drag	12/3/2020	E 10th Street
Box drag	12/3/2020	Wing Street
Box drag	12/3/2020	E 6th Street
Box drag	12/3/2020	E 7th Street
Box drag	12/3/2020	Gibson Street
Box drag	12/3/2020	E 9th Street
Box drag	12/3/2020	Akel Street
Box drag	12/3/2020	E 11th Street
Box drag	12/3/2020	Bell Street
Box drag	12/3/2020	Brinkley Street
Box drag	12/3/2020	Baine Street
Box drag	12/3/2020	E Bay Shore Drive
Box drag	12/3/2020	E 8th Street
Box drag	12/3/2020	W 4th Street
Sign Maintenance	12/3/2020	E 6th Street
Sign Maintenance	12/3/2020	E Pine Avenue
Picture Taking of damages and/or repairs	12/3/2020	N Bay Shore Drive
Box drag	12/3/2020	Brown Street
Box drag	12/3/2020	W 3rd Street
Box drag	12/3/2020	Nedley Street
Box drag	12/3/2020	W 5th Street
Box drag	12/3/2020	W 6th Street
Box drag	12/3/2020	W 8th Street
Box drag	12/3/2020	W 9th Street
Box drag	12/3/2020	W 10th Street

**District 1****Work Performed:**

<u>Work Performed:</u>	<u>Date</u>	<u>Road</u>
Box drag	12/3/2020	Marks Street
Box drag	12/3/2020	Bradford Street
Graded Road(s)	12/4/2020	Land Street
Graded Road(s)	12/4/2020	Cook Street
Graded Road(s)	12/4/2020	Bruce Street
Graded Road(s)	12/4/2020	Patton Street
Graded Road(s)	12/4/2020	Buck Street, St. George Island
Graded Road(s)	12/4/2020	W Sawyer Street
Graded Road(s)	12/4/2020	W Pine Avenue
Picture Taking of damages and/or repairs	12/4/2020	N Bay Shore Drive
Graded Road(s)	12/4/2020	W Bay Shore Drive
Graded Road(s)	12/4/2020	E Sawyer Street
Culvert installation	12/7/2020	Twin Lakes Road

0

**Material HAUL From:**

<u>Material HAUL From:</u>	<u>Date</u>	<u>Road</u>	<u>Cubic Yards</u>	<u>Tons</u>
Busted Broken Concrete	12/3/2020	N Bay Shore Drive	90	0
<b>Busted Broken Concrete</b>		<b>TOTAL</b>	<b>90</b>	<b>0</b>
Debris	12/7/2020	Twin Lakes Road	18	0
<b>Debris</b>		<b>TOTAL</b>	<b>18</b>	<b>0</b>
Ditch Dirt	12/3/2020	N Bay Shore Drive	36	0
Ditch Dirt	12/7/2020	Twin Lakes Road	18	0
<b>Ditch Dirt</b>		<b>TOTAL</b>	<b>54</b>	<b>0</b>
Litter	11/25/2020	US HWY 98 (Eastpoint, Ricky Jones)	4	0
<b>Litter</b>		<b>TOTAL</b>	<b>4</b>	<b>0</b>
<b>Material HAUL To:</b>	<b>Date</b>	<b>Road</b>	<b>Cubic Yards</b>	<b>Tons</b>
Dirty 89 Lime Rock	12/2/2020	State Street	9	0
Dirty 89 Lime Rock	12/3/2020	Nedley Street	18	0
Dirty 89 Lime Rock	12/7/2020	Twin Lakes Road	18	0
<b>Dirty 89 Lime Rock</b>		<b>TOTAL</b>	<b>45</b>	<b>0</b>

**District 2****Work Performed:**

<u>Work Performed:</u>	<u>Date</u>	<u>Road</u>
Litter Pickup	11/30/2020	CR67
Cut grass along shoulders of road on county right of way	12/1/2020	Harry Morrison Island Road
Cut grass along shoulders of road on county right of way	12/1/2020	Sailfish Street
Cut grass along shoulders of road on county right of way	12/1/2020	Bayview Drive
Cut grass along shoulders of road on county right of way	12/1/2020	Angus Morrison
Cut grass along shoulders of road on county right of way	12/1/2020	George Vause Road
Cut grass along shoulders of road on county right of way	12/1/2020	Tarpon Street
Cut grass along shoulders of road on county right of way	12/1/2020	Grouper Street
Cut grass along shoulders of road on county right of way	12/1/2020	Kingfish Street
Cut grass along shoulders of road on county right of way	12/1/2020	Cobia Street
Cut grass along shoulders of road on county right of way	12/1/2020	Clemens Street
Cut grass along shoulders of road on county right of way	12/1/2020	Tom Roberts Road
Cut grass along shoulders of road on county right of way	12/1/2020	Marlin Street
Cut grass along shoulders of road on county right of way	12/1/2020	Alligator Drive
Cut grass along shoulders of road on county right of way	12/1/2020	Fiesta Drive

**District 2****Work Performed:**

<b>Work Performed:</b>	<b>Date</b>	<b>Road</b>
Cut grass along shoulders of road on county right of way	12/1/2020	Carnival Lane
Cut grass along shoulders of road on county right of way	12/1/2020	Carousel Terrace
Cut grass along shoulders of road on county right of way	12/1/2020	Carousel Terrace
Cut grass along shoulders of road on county right of way	12/1/2020	Trout Street
Cut grass along shoulders of road on county right of way	12/1/2020	Sea Shell Avenue
Cut grass along shoulders of road on county right of way	12/1/2020	Cypress Street
Cut grass along shoulders of road on county right of way	12/1/2020	Donax Place
Cut grass along shoulders of road on county right of way	12/1/2020	Alan Lane
Graded Road(s)	12/1/2020	Jeff Sanders Road
Graded Road(s)	12/1/2020	McIntyre Road
Cut grass along shoulders of road on county right of way	12/1/2020	Alligator Drive
Cut grass along shoulders of road on county right of way	12/1/2020	Mardi Gras Way
Litter Pickup	12/1/2020	Alligator Drive
Litter Pickup, Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts	12/1/2020	Alligator Drive
Litter Pickup, Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts	12/1/2020	Bald Point Road
Cut grass along shoulders of road on county right of way	12/1/2020	Bass Street
Litter Pickup, Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts	12/1/2020	Bald Point Road
Cut grass along shoulders of road on county right of way	12/1/2020	Alan Lane
Litter Pickup	12/1/2020	Bald Point Road
Cut grass along shoulders of road on county right of way	12/1/2020	Harry Morrison Island Road
Cut grass along shoulders of road on county right of way	12/1/2020	Tom Roberts Road
Cut grass along shoulders of road on county right of way	12/1/2020	Marlin Street
Cut grass along shoulders of road on county right of way	12/1/2020	Cobia Street
Cut grass along shoulders of road on county right of way	12/1/2020	Trout Street
Cut grass along shoulders of road on county right of way	12/1/2020	Kingfish Street
Cut grass along shoulders of road on county right of way	12/1/2020	Bass Street
Cut grass along shoulders of road on county right of way	12/1/2020	Grouper Street
Cut grass along shoulders of road on county right of way	12/1/2020	Sea Shell Avenue
Cut grass along shoulders of road on county right of way	12/1/2020	Donax Place
Litter Pickup, Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts	12/1/2020	Alligator Drive
Cut grass along shoulders of road on county right of way	12/1/2020	Sailfish Street
Cut grass along shoulders of road on county right of way	12/1/2020	Cypress Street
Cut grass along shoulders of road on county right of way	12/1/2020	Mardi Gras Way
Cut grass along shoulders of road on county right of way	12/1/2020	Carnival Lane
Cut grass along shoulders of road on county right of way	12/1/2020	Tarpon Street
Cut grass along shoulders of road on county right of way	12/1/2020	Alligator Drive
Cut grass along shoulders of road on county right of way	12/1/2020	Clemens Street
Cut grass along shoulders of road on county right of way	12/1/2020	Bayview Drive
Cut grass along shoulders of road on county right of way	12/1/2020	Fiesta Drive
Cut grass along shoulders of road on county right of way	12/1/2020	George Vause Road
Cut grass along shoulders of road on county right of way	12/1/2020	Angus Morrison
Cut grass along shoulders of road on county right of way	12/2/2020	Dunes Boulevard
Road Repair	12/2/2020	Alligator Drive (Temporary Road)
Cut grass along shoulders of road on county right of way	12/2/2020	Pine Street
Cut grass along shoulders of road on county right of way	12/2/2020	Magnolia Street
Cut grass along shoulders of road on county right of way	12/2/2020	Lakeview Drive

**District 2**

**Work Performed:**

<u>Work Performed:</u>	<u>Date</u>	<u>Road</u>
Cut grass along shoulders of road on county right of way	12/2/2020	Surf Drive
Cut grass along shoulders of road on county right of way	12/2/2020	Alligator Drive
Cut grass along shoulders of road on county right of way	12/2/2020	Dunes Boulevard
Cut grass along shoulders of road on county right of way	12/2/2020	Fernway Road
Cut grass along shoulders of road on county right of way	12/2/2020	Mariner Circle
Cut grass along shoulders of road on county right of way	12/2/2020	Fernway Road
Cut grass along shoulders of road on county right of way	12/2/2020	Lakeview Drive
Cut grass along shoulders of road on county right of way	12/2/2020	Mullet Pond Road
Cut grass along shoulders of road on county right of way	12/2/2020	Surf Drive
Cut grass along shoulders of road on county right of way	12/2/2020	Magnolia Street
Cut grass along shoulders of road on county right of way	12/2/2020	Maple Street
Sign Maintenance, Weed Eat & Cut Grass around signs & Culverts	12/2/2020	Bald Point Road
Sign Maintenance, Weed Eat & Cut Grass around signs & Culverts	12/2/2020	Alligator Drive
Weed Eat & Cut Grass around signs & Culverts, Sign Maintenance	12/2/2020	Bald Point Road
Weed Eat & Cut Grass around signs & Culverts, Sign Maintenance	12/2/2020	Alligator Drive
Cut grass along shoulders of road on county right of way	12/2/2020	Maple Street
Cut grass along shoulders of road on county right of way	12/2/2020	Pine Street
Boat Ramp Repair	12/2/2020	Sun N Sand Landing
Cut grass along shoulders of road on county right of way	12/3/2020	Bald Point Road
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Apalachee Street
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Apalachee Street
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Apalachee Street
Litter Pickup	12/9/2020	CR67
Litter Pickup	12/9/2020	CR67
Litter Pickup	12/9/2020	CR67

0

**Material HAUL From:**

<u>Material HAUL From:</u>	<u>Date</u>	<u>Road</u>	<u>Cubic Yards</u>	<u>Tons</u>
Dirty 89 Lime Rock	12/2/2020	Stock Pile, CR 370 - Alligator Drive - Alligator	18	0

**Dirty 89 Lime Rock**

**TOTAL**

**18**

**0**

Litter	11/30/2020	CR67	2	0
Litter	12/1/2020	Alligator Drive	2	0
Litter	12/1/2020	Bald Point Road	2	0
Litter	12/1/2020	Alligator Drive	2	0
Litter	12/1/2020	Bald Point Road	1	0

**Litter**

**TOTAL**

**9**

**0**

**Material HAUL To:**

<u>Material HAUL To:</u>	<u>Date</u>	<u>Road</u>	<u>Cubic Yards</u>	<u>Tons</u>
Dirty 89 Lime Rock	12/2/2020	Alligator Drive (Temporary Road)	18	0
Dirty 89 Lime Rock	12/8/2020	Carrabelle City Hall (City of Carrabelle)	18	0

**Dirty 89 Lime Rock**

**TOTAL**

**36**

**0**

Whole Shells	12/2/2020	Sun N Sand Landing	18	0
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**Whole Shells**

**TOTAL**

**18**

**0**

**District 3**

**Work Performed:**

<u>Work Performed:</u>	<u>Date</u>	<u>Road</u>
Litter Pickup	12/9/2020	Martin Luther King Jr. Ave. (City of Apalachic
Litter Pickup	12/9/2020	Avenue K (City of Apalachicola)



**District 3****Work Performed:**

<u>Work Performed:</u>	<u>Date</u>	<u>Road</u>
Litter Pickup	12/9/2020	Avenue H (City of Apalachicola)
Litter Pickup	12/9/2020	Martin Luther King Jr. Ave. (City of Apalachicola)
Litter Pickup	12/9/2020	9th Street (City of Apalachicola)
Litter Pickup	12/9/2020	Dr. Fredrick Humpry St *7th Street* (City of Apalachicola)
Litter Pickup	12/9/2020	Avenue K (City of Apalachicola)
Litter Pickup	12/9/2020	Dr. Fredrick Humpry St *7th Street* (City of Apalachicola)
Litter Pickup	12/9/2020	Martin Luther King Jr. Ave. (City of Apalachicola)
Litter Pickup	12/9/2020	Avenue K (City of Apalachicola)
Litter Pickup	12/9/2020	Dr. Fredrick Humpry St *7th Street* (City of Apalachicola)
Litter Pickup	12/9/2020	Avenue F (City of Apalachicola)
Litter Pickup	12/9/2020	Avenue H (City of Apalachicola)
Litter Pickup	12/9/2020	9th Street (City of Apalachicola)

0

**Material HAUL To:**

<u>Material HAUL To:</u>	<u>Date</u>	<u>Road</u>	<u>Cubic Yards</u>	<u>Tons</u>
Milled Asphalt	12/2/2020	12th Street (City of Apalachicola)	9	0
<b>Milled Asphalt</b>		<b>TOTAL</b>	<b>9</b>	<b>0</b>

**District 4****Work Performed:**

<u>Work Performed:</u>	<u>Date</u>	<u>Road</u>
Road Repair	12/2/2020	Paradise Lane
Road Repair	12/2/2020	Paradise Lane
Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts, Litter Pickup	12/3/2020	Buddy Ward Park
Weed Eat & Cut Grass around signs & Culverts	12/3/2020	Peachtree Road
Litter Pickup, Weed Eat & Cut Grass around signs & Culverts	12/3/2020	Peachtree Road
Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts, Litter Pickup	12/3/2020	Hathcock Road
Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts, Litter Pickup	12/3/2020	Peachtree Road
Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts, Litter Pickup	12/3/2020	Buddy Ward Park
Litter Pickup, Weed Eat & Cut Grass around signs & Culverts	12/3/2020	Hathcock Road
Cut grass in ditches	12/3/2020	Hathcock Road
Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts, Litter Pickup	12/3/2020	Peachtree Road
Cut grass in ditches	12/3/2020	Peachtree Road
Cut grass along shoulders of road on county right of way, Weed Eat & Cut Grass around signs & Culverts, Litter Pickup	12/3/2020	Hathcock Road
Weed Eat & Cut Grass around signs & Culverts	12/3/2020	Hathcock Road
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Oak Drive
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Bayshore Drive
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Chapman Road
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Marks Street
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Thomas Drive
Cut grass along shoulders of road on county right of way, Litter Pickup	12/7/2020	Bayview Drive

**District 4****Work Performed:**

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Weed Eat & Cut Grass around signs & Culverts

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way

Cut grass along shoulders of road on county right of way

Cut grass along shoulders of road on county right of way

Cut grass along shoulders of road on county right of way

Cut grass along shoulders of road on county right of way

Culvert installation

VMS Work, Cut Grass, Blowed Sidewalks, Cleaned ditches, Litter pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass along shoulders of road on county right of way, Litter Pickup

Cut grass in ditches

**Date**

D.

**Road**

12/7/2020 Jackie Whitehurst Street

12/7/2020 Kevin Road

12/7/2020 26th Avenue

12/7/2020 Paradise Lane

12/7/2020 Chapman Road

12/7/2020 26th Avenue

12/7/2020 Brownsville Road

12/7/2020 Alan Drive

12/7/2020 Thomas Drive

12/7/2020 Abercrombie Lane

12/7/2020 Johnson Lane

12/7/2020 Linden Road

12/7/2020 Sas Road

12/7/2020 Peachtree Road

12/7/2020 Pal Rivers Road

12/7/2020 US HWY 98 (Apalachicola, Smokey)

12/7/2020 Brownsville Road

12/7/2020 Thomas Drive

12/7/2020 Bayshore Drive

12/7/2020 Chapman Road

12/7/2020 Oak Drive

12/7/2020 Bayview Drive

12/7/2020 Jackie Whitehurst Street

12/7/2020 Kevin Road

12/7/2020 Squire Road

12/7/2020 Bayshore Drive

12/7/2020 Bayview Drive

12/7/2020 Jackie Whitehurst Street

12/7/2020 Kevin Road

12/7/2020 26th Avenue

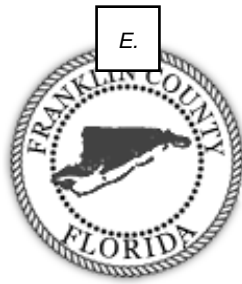
12/7/2020 Brownsville Road

12/7/2020 Oak Drive

12/7/2020 Paradise Lane







**MEETING DATE:** December 15, 2020  
**NAME/DEPARTMENT/AGENCY:** Fonda D. Davis  
 Solid Waste & Recycling, Animal Control, Parks & Recreation  
**TOTAL ATTACHMENTS:** 0

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**SUBJECT(S):**

**FOR BOARD INFORMATION:**

**Right-of-Way Debris Pickup/Recycle Material Hauled  
 November 13, 2020- December 8, 2020**

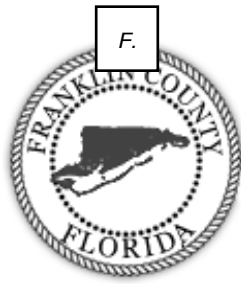
**RIGHT-OF-WAY DEBRIS PICKUP**

Apalachicola	Eastpoint	St George Island	Carrabelle	Lanark	Alligator Point
151.41 TONS	158.25 TONS	89.31 TONS	32.08 TONS	15.88 TONS	4.28 TONS

**RECYCLE MATERIAL HAULED**

	Apalachicola	Eastpoint	St. George Island	Carrabelle	Lanark	Alligator Point	St. James
Cardboard	8.08 TONS	6.27 TONS	4.12 TONS	6.15 TONS	-0- TONS	-0- TONS	.31 TONS
Plastic, Paper, Glass, Aluminum	-0- TONS	-0- TONS	-0- TONS	-0- TONS	-0- TONS	-0- TONS	-0- TONS

**REQUESTED ACTION: None**



**MEETING DATE:** December 15, 2020  
**NAME/DEPARTMENT/AGENCY:** Pamela Brownell, Director, Franklin County Emergency Management  
**TOTAL ATTACHMENTS:** 1

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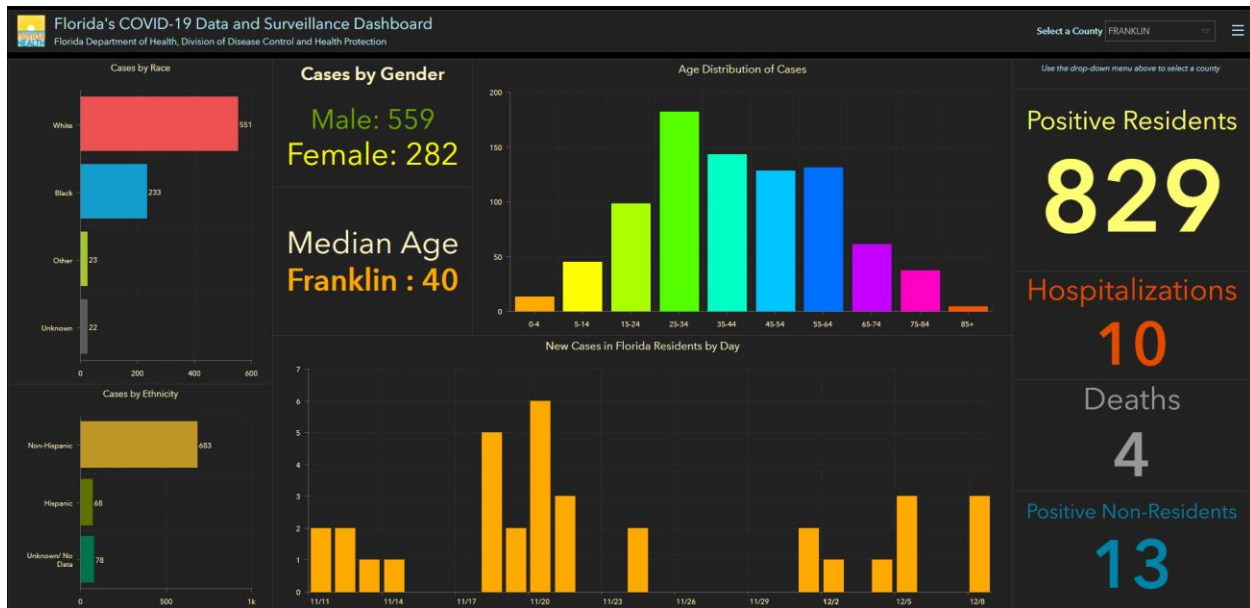
Action Items: None

Information Items:

1. Digital Kiosks have been placed in their assigned locations within the County.
2. EOC staff continue to put together COVID Care Bags and have begun to distribute them to the vulnerable populations in the County.
3. Alligator Point dune walkovers have been obligated.
4. EOC staff are scheduled to meet with DOH 12/15/20 to discuss COVID vaccinations.
5. Message Boards have arrived and are in the process of getting tags for them in order to put them out in the community.
6. EOC Staff continues to work Hurricane Sally from 09/12/20 and continues to work with FDEM and FEMA.
7. EOC Staff continue to participate in the NOAA Tropical Weather Training.
8. EOC has submitted our New LMS Plan and corrections to the state and are awaiting approval.
9. EOC Staff along with our CERT Volunteers continue to distribute washable & reusable cloth mask throughout our community. We have partnered with the City of Carrabelle and City of Apalachicola Chamber of Commerce along with the St. George Island & Eastpoint Visitor Centers to assist with distribution to local businesses and residents. We will continue this effort as long as supplies are available.
10. EOC Staff are working diligently with DOH Staff regarding the COVID-19 virus. This includes hosting meetings with representatives from DOH, Sheriff's Dept. Weems, EMS, as needed. We also are assisting with Conference Calls, information distribution from DOH via Alert Franklin, Facebook and our EOC Website.
11. EOC Staff continue to participate in conference calls with State DEM, Region 2, DOH, FEMA, etc. regarding COVID 19. We also continue to update WebEOC with Local State of Emergency and SitReps.
12. EOC Staff continue to work on FEMA reimbursement claims from Hurricane Michael. This includes working with FEMA staff regarding mitigation of damaged parks, roads, etc.

Mitigation takes some time but EOC Staff F. continue to work diligently with FEMA Staff on the most beneficial repairs for Franklin County. We are in contact with our PDMG regularly regarding these projects and will update the Board as soon as the State Review is completed. EOC Staff has also began the FEMA reimbursement claim process for COVID-19 and Hurricane Sally.

11. Below is a copy of the DOH Dashboard regarding COVID-19 Cases in Franklin County as of 12/15/20 at 1:30 pm.





**MEETING DATE:** December 15, 2020  
**NAME/DEPARTMENT/AGENCY:** UF/IFAS Franklin County Extension Program  
**TOTAL ATTACHMENTS:** None

=====

## Informational Items

### General Extension Activities:

1. During this period, the Extension office assisted citizens on the topics of a large oak with thinning canopy, home landscaping questions, raccoon issues, citrus greening disease, more trees attacked by pine beetles, damage to old cedar tree, minor fish kill in a pond, and more.
2. Extension Director transported an injured adult Bald Eagle from St. George Island to the veterinary hospital in Tallahassee for surgery.
3. Extension staff collected 63 pounds of peanut butter during the annual Peanut Butter Challenge this year. This is matched each year by the North Florida Peanut Producers and then donated to local food banks in the County.

### Sea Grant Extension:

4. Extension Director participated in statewide Sea Grant discussion via Zoom to share project work and discuss program needs.

### 4-H Youth Development:

5. Extension staff are working to initiate another 4-H club as two new adult volunteers are going through the certification/screening process with UF.
6. One of the existing clubs is planning to begin a shooting sports program, beginning with archery. The Extension office is seeking donations for the purchase of start-up sets, targets, etc. All donations are tax deductible as they are processed through UF fiscal procedures.

### Family and Consumer Sciences:

7. Family Nutrition Program assistant, following school and UF Covid Phase III policies, is continuing to conduct some in-person lessons in local schools.

### Agriculture/Home Horticulture:

8. Assisted multiple property owners in Apalachicola with oak species identification and issues regarding potential risks to nearby structures.



**University of Florida’s Institute of Food and Agricultural Sciences**

**Franklin County Educational Team**

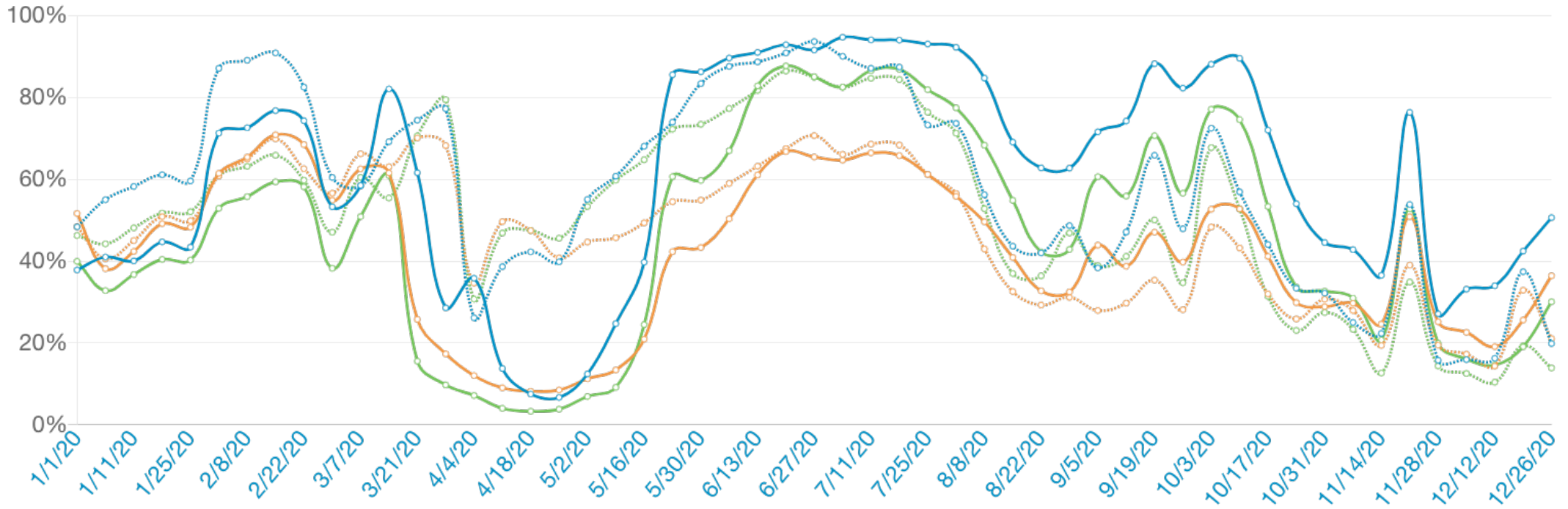
- Erik Lovestrand**, County Extension Director/Sea Grant Regional Specialized Agent
- Michelle Huber**, Office Manager/Program Assistant, Franklin County
- Kayle Mears**, Family Nutrition Program Assistant
- Samantha Kennedy**, Wakulla County Family and Consumer Sciences
- Rachel Pienta**, Ph.D., Wakulla County 4-H Youth Development
- Scott Jackson**, Sea Grant/Agriculture/Technology, Regional Specialized Agent Bay County
- Julie McMillian**, Gulf County 4-H/Family and Consumer Sciences
- Ray Bodrey**, Gulf County CED/Agriculture/Horticulture/Sea Grant
- Heather Kent**, 4-H Regional Specialized Agent
- Pat Williams**, Wakulla County CED/Agriculture/Small Farms/Horticulture
- John Wells**, Northwest Extension District Information Technology Expert
- Pete Vergot III**, Ph.D., Northwest District Extension Director

**Extension Office Location in Apalachicola at 261 Dr. Frederick S. Humphries Street**



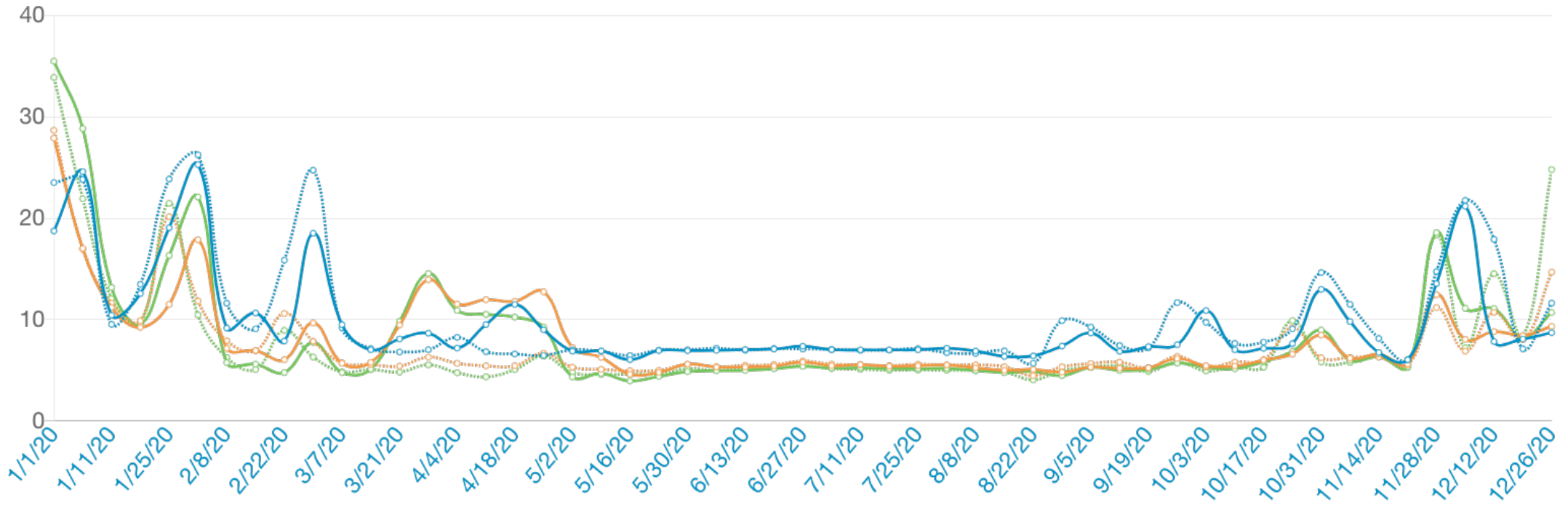
### Florida, Northwest Florida, Franklin Adjusted Paid Occupancy %

Franklin (1/1/2020 to 12/31/2020 as of 11/30/2020) | 62.2%    Franklin (Compared 1/1/2019 to 12/31/2019 as of 12/3/2019) | 59.1%  
Florida (1/1/2020 to 12/31/2020 as of 11/30/2020) | 42.7%    Florida (Compared 1/1/2019 to 12/31/2019 as of 12/3/2019) | 46.6%  
Northwest Florida (1/1/2020 to 12/31/2020 as of 11/30/2020) | 48.0%  
Northwest Florida (Compared 1/1/2019 to 12/31/2019 as of 12/3/2019) | 52.1%



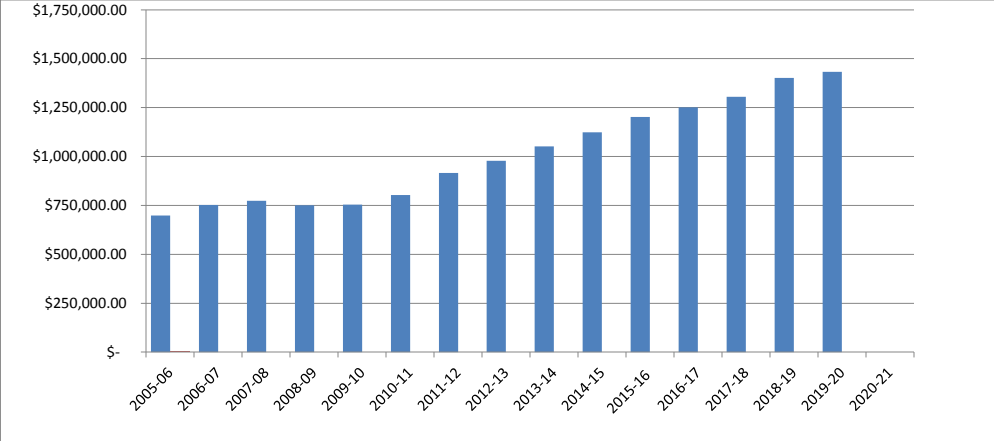
### Florida, Northwest Florida, Franklin Avg. Length of Stay

■ Franklin (1/1/2020 to 12/31/2020 as of 11/30/2020) | 8.7   
 ▨ Franklin (Compared 1/1/2019 to 12/31/2019 as of 12/3/2019) | 8.8  
■ Florida (1/1/2020 to 12/31/2020 as of 11/30/2020) | 6.7   
 ▨ Florida (Compared 1/1/2019 to 12/31/2019 as of 12/3/2019) | 6.5  
■ Northwest Florida (1/1/2020 to 12/31/2020 as of 11/30/2020) | 6.0  
▨ Northwest Florida (Compared 1/1/2019 to 12/31/2019 as of 12/3/2019) | 5.9



**FCTDC Collections Report for  
2019-20 Year H. Date Report  
Through September 2020**

	A	B	C	D	E	F	G	H	I	J	K	L	M
1	Month	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
2	October	\$ 35,408.91	\$ 32,809.57	\$ 39,697.19	\$ 38,597.69	\$ 39,568.32	\$ 36,996.34	\$ 48,383.10	\$ 53,543.22	\$ 57,651.88	\$ 58,875.87	\$ 75,084.59	\$ 95,107.96
3	November	\$ 24,824.38	\$ 24,717.35	\$ 27,182.76	\$ 25,888.92	\$ 25,863.47	\$ 26,438.49	\$ 34,441.98	\$ 40,334.08	\$ 34,740.65	\$ 40,065.78	\$ 44,449.24	\$ 46,043.65
4	December	\$ 20,421.74	\$ 16,055.89	\$ 22,986.95	\$ 23,167.33	\$ 16,530.96	\$ 19,936.19	\$ 21,597.00	\$ 21,510.93	\$ 29,747.90	\$ 30,978.80	\$ 24,692.82	\$ 41,580.49
5	January	\$ 19,681.48	\$ 26,489.68	\$ 22,911.37	\$ 22,960.20	\$ 26,170.57	\$ 23,359.12	\$ 30,392.62	\$ 33,657.09	\$ 34,707.03	\$ 38,805.36	\$ 47,001.63	\$ 41,668.57
6	February	\$ 29,294.47	\$ 44,900.59	\$ 40,835.29	\$ 39,452.32	\$ 33,678.97	\$ 34,980.88	\$ 52,045.79	\$ 49,365.87	\$ 52,883.10	\$ 42,754.53	\$ 64,493.95	\$ 60,422.61
7	March	\$ 51,243.40	\$ 45,643.22	\$ 61,090.70	\$ 49,778.57	\$ 53,116.79	\$ 61,989.52	\$ 66,597.90	\$ 80,880.36	\$ 78,180.12	\$ 83,626.43	\$ 80,017.67	\$ 84,583.19
8	April	\$ 69,608.73	\$ 70,430.06	\$ 66,135.24	\$ 73,880.65	\$ 53,934.68	\$ 70,610.82	\$ 81,641.55	\$ 90,242.68	\$ 81,115.14	\$ 101,310.37	\$ 103,120.37	\$ 89,949.68
9	May	\$ 100,486.16	\$ 114,100.71	\$ 123,221.80	\$ 104,769.28	\$ 120,470.95	\$ 90,634.75	\$ 140,203.97	\$ 115,589.54	\$ 135,897.45	\$ 143,700.44	\$ 131,348.44	\$ 110,484.59
10	June	\$ 107,484.39	\$ 166,403.90	\$ 138,839.79	\$ 143,507.76	\$ 151,640.61	\$ 172,029.99	\$ 143,805.29	\$ 195,838.11	\$ 210,505.76	\$ 195,093.30	\$ 213,948.96	\$ 226,795.48
11	July	\$ 149,857.23	\$ 95,128.02	\$ 128,027.35	\$ 131,276.62	\$ 114,121.18	\$ 147,874.24	\$ 140,000.40	\$ 153,197.77	\$ 164,199.99	\$ 182,235.52	\$ 253,603.30	\$ 242,036.51
12	August	\$ 51,353.14	\$ 69,863.99	\$ 57,497.82	\$ 56,312.21	\$ 71,377.70	\$ 60,698.01	\$ 93,912.12	\$ 86,742.96	\$ 107,783.56	\$ 129,879.50	\$ 82,664.07	\$ 121,808.90
13	September	\$ 38,597.72	\$ 46,282.27	\$ 45,739.57	\$ 41,298.87	\$ 47,760.09	\$ 57,592.93	\$ 63,037.18	\$ 57,170.58	\$ 64,199.48	\$ 75,778.00	\$ 81,869.35	\$ 90,214.19
14	<b>Totals</b>	<b>\$ 698,261.75</b>	<b>\$ 752,825.25</b>	<b>\$ 774,165.83</b>	<b>\$ 750,890.42</b>	<b>\$ 754,234.29</b>	<b>\$ 803,141.28</b>	<b>\$ 916,058.90</b>	<b>\$ 978,073.19</b>	<b>\$ 1,051,612.06</b>	<b>\$ 1,123,103.90</b>	<b>\$ 1,202,294.39</b>	<b>\$ 1,250,695.82</b>
15													
16	YOY %		\$ 54,563.50	\$ 21,340.58	\$ (23,275.41)	\$ 3,343.87	\$ 48,906.99	\$ 112,917.62	\$ 62,014.29	\$ 73,538.87	\$ 71,491.84	\$ 79,190.49	\$ 48,401.43
17			7.8%	2.8%	-3.0%	0.4%	6.5%	14.1%	6.8%	7.5%	6.8%	7.1%	4.0%
18													
19	Month	2017-18	2018-19	2019-20	Increase/Decrease	% of Change							
20	October	\$ 85,823.35	\$ 38,416.89	\$ 89,660.28	\$ 51,243.39	133.39%							
21	November	\$ 49,440.74	\$ 87,784.31	\$ 57,067.01	\$ (30,717.30)	-34.99%							
22	December	\$ 37,182.43	\$ 46,715.00	\$ 52,526.91	\$ 5,811.91	12.44%							
23	January	\$ 51,388.51	\$ 52,063.46	\$ 54,422.25	\$ 2,358.79	4.53%							
24	February	\$ 58,337.94	\$ 66,632.44	\$ 95,017.02	\$ 28,384.58	42.60%							
25	March	\$ 111,947.32	\$ 127,975.20	\$ 71,946.84	\$ (56,028.36)	-43.78%							
26	April	\$ 103,422.44	\$ 82,258.08	\$ 20,066.60	\$ (62,191.48)	-75.61%							
27	May	\$ 140,130.14	\$ 166,129.65	\$ 123,839.27	\$ (42,290.38)	-25.46%							
28	June	\$ 269,049.32	\$ 300,092.38	\$ 283,734.76	\$ (16,357.62)	-5.45%							
29	July	\$ 215,933.34	\$ 209,374.07	\$ 253,488.28	\$ 44,114.21	21.07%							
30	<b>August</b>	<b>\$ 111,322.92</b>	<b>\$ 134,238.67</b>	<b>\$ 190,136.02</b>	<b>\$ 55,897.35</b>	<b>41.64%</b>							
31	September	\$ 70,419.47	\$ 90,051.57	\$ 140,186.24	\$ 50,134.67	55.67%							
32	<b>Totals</b>	<b>\$ 1,304,397.92</b>	<b>\$ 1,401,731.72</b>	<b>\$ 1,432,091.48</b>	<b>\$ 30,359.76</b>	<b>2.17%</b>							
33													
34	YOY %	\$ 53,702.10	\$ 97,333.80	\$ 30,359.76									
35		4.29%	7.46%	2.17%									
36													
37	* October and November 2018 due to Hurricane Michael statistically are outliers.												
38	October and November 2019 compared with 2017-18 amounts are more representative,												
39	thus, these months show increases of 10% and 9% respectively, or YTD increase of 31%.												
40	* Coronavirus-19 March 1 - May 18 2020												
41													
42													





July 15, 2020

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Dear Commissioners;

My name is Oscar Sanders and my family and I live at 4901 Jeff Sanders Road on property that our family has owned since the 1930's.

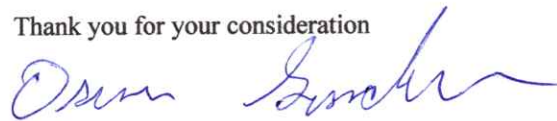
I am writing in objection to a Zoning and Land Use change that has been submitted by Jamey and Beverly Sapp. The land in question is zoned Agriculture/Residential and the applicants want to change to C3 Commercial Recreation. It is my understanding that with a C3 land use change that the applicants would be able to have up to 47 RV spaces.

To my knowledge there is no other C3 zonings on County Road 67. The majority of land along County Road 67 is zoned Agriculture/Residential or Agriculture. This could be a case of spot zoning.

This would affect not only County Road 67, but Jeff Sanders Road as well. The land is next to Pine Log Creek and Crooked River. I am concerned with the impact to these water bodies since there is no centralized water and sewer system in that area. The nearest being at Franklin Correctional Institute several miles away from the land in question.

The project hasn't been looked at by the Planning and Zoning Board. Due to the Covid 19 crisis I've been told that the Planning and Zoning Board has not been able to meet. I would respectfully request that before the BOCC makes a decision on this request submitted by Mr. & Mrs. Sapp that you would table this matter until the Planning and Zoning Board can meet to review, evaluate, take public comment and make a recommendation to the BOCC on this application. The potential impacts of this project are too great to take a chance on it.

Thank you for your consideration



Oscar Sanders

RECEIVED  
JUL 17 2020  
BY: .....AK.....

J.

### Franklin County Jail Facility Inmate Request

RECEIVED  
JUL 20 2020

BY: .....

Name: Royce JOHNS Dayroom: \_\_\_\_\_ Date: \_\_\_\_\_

Directed To:

Sheriff

Jail Administrator

Corrections

Administration

Other

**Nature of Request: Please include all details and what is requested.**

Officer Answering Request: \_\_\_\_\_ Date: \_\_\_\_\_

Legal Mail

7-16-20

Needs TO MAKE IT before

JULY 21 10:40 A.M. TO

FRANKLIN COUNTY BOARD OF COUNTY  
COMMISSIONERS, 33 MARKET STREET,  
SUITE 203 APALACHICOLA FL, 32320



7-16-20

MY NAME IS ROYCE JOHNS,

I've lived AT 2521 HW 67 IN KARRABELLE.  
 I've BEEN informed THAT MR. JAMIE SAPP  
 WANTS TO HAVE 10 ACRES OF LAND AT 2536  
 REZONED ~~FROM~~ FROM A R-2 SINGLE FAMILY  
 MOBILE TO C-3 COMMERCIAL RECREATION. FIRST  
 OFF WHY DOES HE WANT THIS? I'AM  
 THINKING THAT HE'S WANTING TO DO IS  
 MOVE HIS LOGGING COMPANY TO THIS SPOT?  
 IF SO THAT MEANS, THERE'S GOING TO BE  
 A LOT OF NOISE, AND TRAFFIC IN AND OUT  
 IN THE EARLY HOURS OF THE MORNING.  
 AT THE END OF JEFF SANDER'S WHERE IT MEETS  
 HW 67 IS WHERE ALL THE CHILDREN OF  
 THIS COMMUNITY HAVE THEIR BUS STOP.  
 I WOULD FEEL VERY SCARED TO HAVE  
 MY CHILD BE WAITING ON A BUS THERE  
 WITH ALL THAT TRAFFIC COMING IN FROM  
 NORTH 67 OR SOUTH 67 MAKING THAT TURN AT  
 HIGH RATES OF SPEED. IT'S ALL READY DANGEROUS  
 ENOUGH WITH EVERYONE SPEEDING ON 67. THEN THERE'S  
 THE PROBLEM WITH IF HE'S GOING TO HAVE ALL  
 THAT HEAVY EQUIPMENT WOULD HAVE WOULD BE MAKING  
 A LOT OF TURN OFF JEFF SANDER'S ONTO 2536  
 WITH HEAVY LOADED LOG TRAILERS. SO THAT  
 WILL BE TEARING UP THAT DIST ROAD MAKING  
 FOR THE COUNTY TO HAVE TO ~~SPEND~~ SPEND  
 A LOT MORE OF MONEY AND TIME MAINTAINING  
 THIS ROAD. THEN I HAVE A CONCERN WITH  
 IF HE'S MAKING A SHOP AT THIS SPOT  
 ALL THE FLUIDS FROM ALL THE WORKING ON  
 ALL THIS EQUIPMENT LEAKING ALL OVER THE  
 GROUND BATTERIES BEING PLACED ON THE GROUND.  
 I'VE LIVED UP IN THESE WOODS FOR MY



Russell R. Sanders  
850-646-0011  
Carrabelle, Fl. 32322

J.

7/17/2020

I Strongly oppose The Rezoning of  
The property At Hwy 67 AND Jeff Sanders  
Road

Sincerely

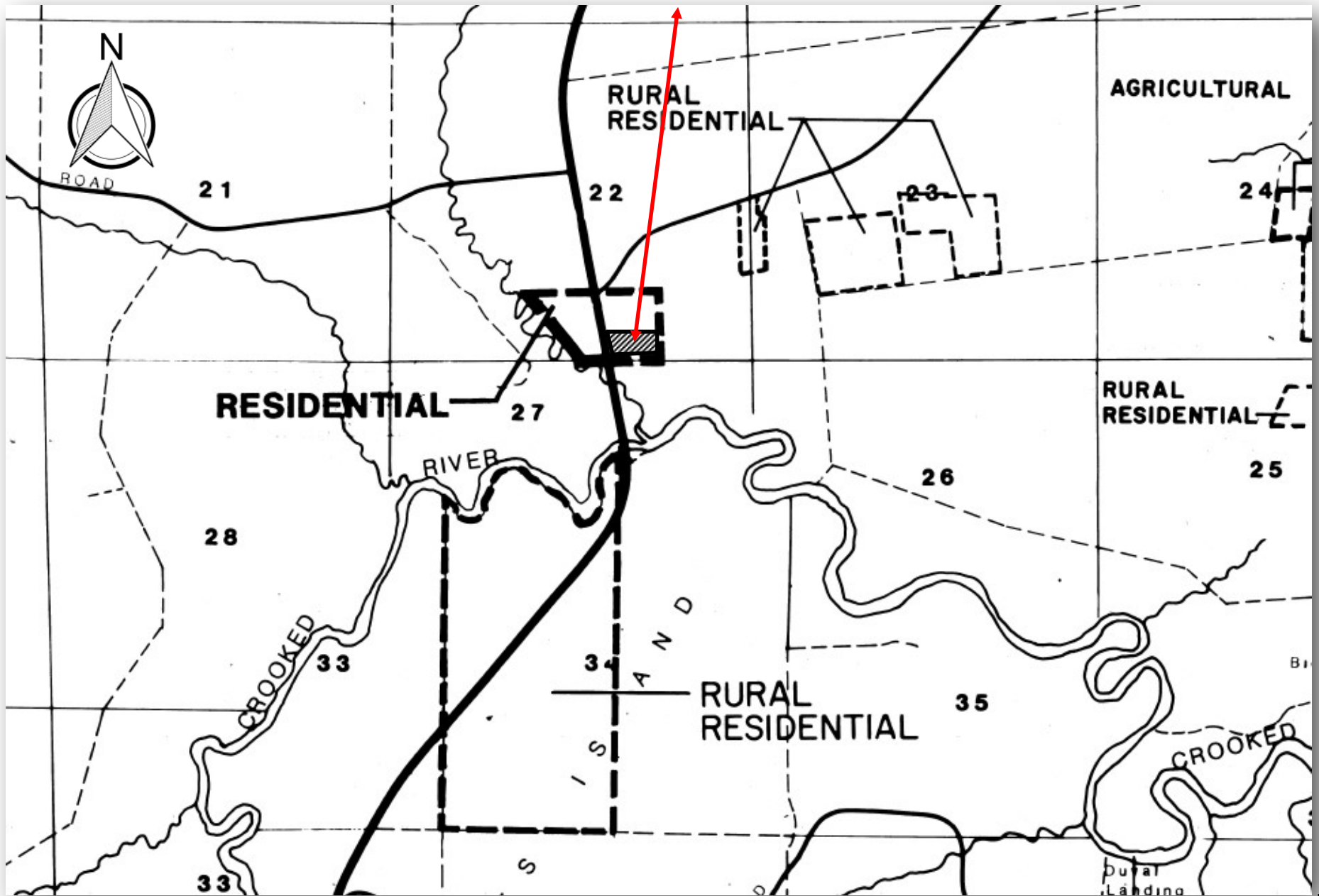


RECEIVED  
JUL 20 2020

BY: .....

J.

**2514 HIGHWAY 97, CARRABELLE, FL**  
**LAND USE CHANGE OF 6.08 ACRES FROM**  
**RESIDENTIAL TO COMMERCIAL**



amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:40 AM  
**To:** Candice Sherian  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Carrabelle Hunters Oppose Pine Log RV Park

RECEIVED  
AUG 28 2020  
BY: ak

Ms. Sheridan

Your email will be added to Tuesday's agenda file. The meeting will be live-streamed and on Zoom. Information for both can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

On Aug 28, 2020, at 7:28 AM, Candice Sherian <[csweetsheridanot@gmail.com](mailto:csweetsheridanot@gmail.com)> wrote:

Dear Mr. Moron,

I would like to start by saying that I oppose the change to commercial zoning of 2536 Highway 67, Carrabelle, Florida. You may think that your decision Tuesday is a simple zoning change, but your small votes today are affecting the citizen's lives and way of life for even future generations. If you haven't noticed, we are at a turning point in Franklin County. Should you change zoning or ordinances that will force the locals to change how they live and play in their own community?

This zoning change will allow for an RV park that will cater to those who use Tate's Hell State Forest. Who is their clientele? Those who fish or kayak mostly come for a day trip or use the State's primitive camping sites which are much less pricey than a modern-day RV park. The primary outdoor enthusiasts, who venture to Tate's Hell Forest for an extended stay, are hunters. Over the past several years, hunting in Tate's Hell has become more and more popular with non-residents of Franklin County. These hunters are primarily from South Florida. The FWC has set up four hunting zones in the state of Florida. Zone A, furthest south, has a general gun season of September 19-October 18 and November 21-January 3. Zone C, which encompasses most of the counties in Florida from the Georgia line to Palm Beach County, has a general gun season of November 7-January 24. Our Zone D is open from December 12-February 21. The local hunters must wait until mid-December to hunt and then compete with those from other counties in January and February who come here after their season has closed. It has become a competition for hunting land. It has become a safety concern for our citizens and a conservation concern for our natural resource. If we promote Tate's Hell as the next tourist attraction in Franklin County that is what it will become, land for the tourists, or in this case hunters from other counties who have enjoyed their season and will come here to take advantage of ours.

I fear gone will be the days of locals enjoying their own lands. The lands that they pay taxes to support.

Think! We are at a turning point. People are moving in expecting locals to change how they live on their property because they just bought a piece of paradise or are looking to turn a profit. Affordable housing for young working people is almost nonexistent. Now the long-standing, recreational activity that our residents enjoy will be gone in the name of tourism. Let them have the beaches and the bay. Leave our hunting lands to our citizens and future generations.

Vote NO to the zoning changes on highway 67 at Pine Log. Feasibility has not been proven.

J.

With Best Regards,

Mrs. Candice Sweet Sheridan

1845 Lighthouse Road, Carrabelle, Florida 32322

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure.



amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:44 AM  
**To:** Nikki Millender  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Zoning Request by Jamey Sapp

RECEIVED  
AUG 28 2020  
BY:.....AK.....

Ms Millender

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

On Aug 28, 2020, at 1:05 AM, Nikki Millender <[millendercatherine@gmail.com](mailto:millendercatherine@gmail.com)> wrote:

Please forward my concerns to all the County Commissioners.

I am a fulltime resident of Franklin County and reside in Carrabelle, I am asking you to please not approve zoning changes requested by Jamie and Beverly Sapp to properties located on Highway 67 North in Carrabelle.

Approving these properties to change it's zoning to Commercial would be detrimental to ther area. The property constantly floods whenever there is a Tropical Storm or Hurricane and with this happening it would cause the river to polluted with Septic Waste because this property would have to have a Septic Tank.

This location is very close to Tate's Hell State Forest , and other property owners that may also want to change their zoning should be the bigger concern. If the door is opened others will follow. People bought out there because of the zoning and density requirements. It's not fair to them. When you are interested in changing zoning on a property you should investigate that option prior. I am totally not in favor of being told what you can or cannot do on your own property EXCEPT when it is changes in zoning issues especially to a commercial designation.

Also, the Boat Ramp located on Highway 67 is not capable of supporting the amount of boat trailer traffic if the property was approved Commercial.

I just feel at this time it is not what is needed in the Carrabelle area. There are already enough campgrounds nearby including camp sites in Tates Hell as well.

Thank You,  
Nikki Millender

Michael Morón  
County Coordinator  
Franklin County

J.

Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 1:45 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Sapp RV park

RECEIVED  
AUG 28 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Pamela Brownell <pamela.brownell@yahoo.com>  
**Date:** August 28, 2020 at 9:30:09 AM EDT  
**To:** Michael Moron <michael@franklincountyflorida.com>  
**Subject:** Sapp RV park

I don't want the Zonning change. Add me to the list.

**amyk@franklincountyflorida.com**

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning pine log

RECEIVED  
AUG 28 2020  
BY: *ak*

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Charlie Thompson <charliet270@yahoo.com>  
**Date:** August 28, 2020 at 1:11:42 PM EDT  
**To:** michael@franklincountyflorida.com  
**Subject:** Rezoning pine log

Hi Michael  
This is a note I sent to the board  
Charlie Thompson

This is Charlie Thompson, my wife Angie and myself are lifetime residents and property owners in Carrabelle. We would like our Franklin county Commissioners to know we are strongly opposed to the rezoning of lands up highway 67 North of Carrabelle in the pine log area for commercial use. There are families with homes and property in that area that thought they had the perfect home and life in a natural and peaceful area. Bringing Commercialism and the proposed RV business into that area would not only destroy these homeowners peaceful home life and reduce their property values but also there could be an environmental impact on the area lands, rivers and the ground water quality, etc. that could be forever changed due to the septic systems that would be needed to run the proposed RV park. Also other business that could follow this land zone change!

Thank you Charlie and Angie Thompson

Sent by Charlie Thompson

Sent by Charlie Thompson



amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: September 1st, 2020 Meeting Agenda Item  
**Attachments:** XL\_FLORIDA\_AQUIFERS\_MAP1.jpg; Untitled attachment 06086.html; tates-hell-state-forest-larger-map.pdf; Untitled attachment 06089.html

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

AUG 28 2020  
BY: *AK*

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure

Begin forwarded message:

**From:** Amber Holton <ambercholton1983@gmail.com>  
**Date:** August 28, 2020 at 11:55:47 AM EDT  
**To:** ricky@franklincountyflorida.com, bert@franklincountyflorida.com, noah@franklincountyflorida.com, smokey@franklincountyflorida.com, william@franklincountyflorida.com, lhines@franklinclerk.com, michael@franklincountyflorida.com, cortnib@franklincountyflorida.com  
**Subject: Re: September 1st, 2020 Meeting Agenda Item**

Good day County Commissioners and other staff of the Franklin Co. BOCC,

I am writing to you today with great concern for one of the agenda items listed for possible adoption on the upcoming Tuesday, Sept. 1st. meeting. They are listed below:

\* Items P through S. - adopting the following by ordinance: An Ordinance changing the Land Use of approximately 32.16 AC (4 separate lots) owned by Jamey and Beverly Sapp from zoning Residential, R-2, Agricultural, A-2 to C-3 Commercial Recreational located at 2514 and 2536 Highway 67 N, Carrabelle, FL 32322

I will start by saying I am a firm supporter in "chasing the American dream" and believe that this country's economy was designed with the intentions of facilitating the goal of families owning and operating businesses. Afterall, that is what most of us strive to do in our lifetime is create a legacy to pass to the next generation. Within the creation of new businesses it is the local government's responsibility to manage and protect the growth and distribution of land use within their communities

of one that best suits the needs of that desired location, as well as the protection of the community as a whole.

Which brings me to my concern for this proposed rezoning of residential land use to commercial. You see, I am a property owner in the area of this proposed zoning. It is an extremely rural community located approximately 5 miles north of the City of Carrabelle. My property is located within the Pine Coast Homeowner's Association off of Hickory Hammock Road (NE in relation from Highway 67 and the property in question). This road is only accessible from Highway 67 by Jeff Sanders Road. All the roads in this area off of Highway 67 are limestone and county maintained. When my parents originally purchased this property in 2007, they did so with the intentions of having their families living nearby, each on their own separate 10 acre parcel, as the area is governed to only allow 1 family residence per 10 acre tract. This protects not only the peacefully secluded amenities this wooded area has to offer, but also protection to overpopulation of such an important part of our local ecosystem. To the east of this area is Ochlockonee River and just to the west is the Crooked River system. These 2 rivers join at Pine Log Bridge (at the edge of one of the proposed properties in question). And now we are faced with the fear of the development of a quite large (estimated 30 +/- RV/Camping site business expected by the Sapp Family) not only in our area, but with an entrance located off of Jeff Sanders Road.

When overpopulation of land adjoining river systems occurs this can cause the following hazardous issues: Reduced groundwater recharge, decreased base flow in streams, increased erosion, reduced natural filtration of water, and negative impact on stream health including pollution and contaminants from septic systems. Due to the rural nature of this area in question 100% of the residents drinking water comes from private wells in the surficial aquifer system and private in ground septic tanks. As seen in the attached photo from the Florida Department of Environmental Protection, these types of surficial aquifers generally produce less water, and, with some exceptions, are used primarily for domestic and smaller public supply wells. The development of a 30 +/- site camping ground in an area where the water supply is limited could be catastrophic for the residents living in this area, bringing not only fears of depletion on our utilized pocket of the surficial aquifer but contamination of the water we drink!

Now let's talk about the effects on the local ecosystem. The property in question is located just outside the boundaries of the Tate's Hell State Forest, including the Womack Creek Wildlife Management Area. These areas are home to many species of wildlife including such rare species as the bald eagle, Florida black bear, gopher tortoise and red-cockaded woodpecker. Recreational hunting is heavily regulated in this area in order to protect this "regrowing" ecosystem which inordinately was negatively affected due to timber production and damaging past land management and regulation in the mid 1900's. While these areas are hunted by local citizens during these regulated seasons, there has also been an extreme influx in the migratory hunting of people from other areas and states during our season when their home areas of managed hunting are closed. While in a perfect world where everyone followed laws and regulations, I would love to believe that an influx of migratory hunters in our area would have no negative effects, however this is far from true. In past years I have knowledge of many instances of some of these migratory hunters rampantly poaching our local wildlife, causing damage to roadways, and committing thefts from State camping sites. The placement of a 30 +/- RV camping site placement just 20 +/- feet across Highway 67 from Tate's Hell State Forest would facilitate an even more abundant influx of those migratory hunters. This leads me to believe the placement and expected land use development by the owners likely has some explanation of what "customers" they would be targeting to serve.

I have been a property owner in this area since 2013 and a police officer since 2009. Throughout my tenure I have witnessed first hand how an increase in both traffic and population (both long and short term tenants) can result in a negative influence on crime rate and emergencies. Some of the major holidays, when our already existing RV parks in the county have an abundance of guests, they often hire



local law enforcement to perform off duty security, J. order to deter noise complaints, fights, and thefts because there is an increase of seeing those types of issues.

As one may suspect, when there is an increased number of vehicles in an area, there will in turn be an increased risk of traffic issues, including crashes and violations of traffic laws. When you take a seemingly rural residential neighborhood and begin changing the land usage to commercial around it, MASS development will follow! This leads to more people and vehicles in the area, which requires more regulation, maintenance, and emergency resources for that area, costing the county more valuable resources to upkeep. As a resident in the area in question, I for one do not wish to see an influx of crime, traffic, roadway damage (limestone roads) and more stress on local emergency services in my residential neighborhood. I personally feel that that is why it is so important to keep residential areas as such and commercial areas designated for the growth of income driven property purchases.

While this opinion is strictly that, my opinion, I would like to bring to the Commission's attention that one of the parcels of property in question currently owned by Jamey and Beverly Sapp was quick claim deeded from Bobby and Brenda Sapp (parents of Jamey Sapp) to Jamey and Beverly Sapp on 2/10/2020 and 3/11/2020 for \$100 each. (Parcel 22-065-04W-0000-0012-0030, 10 acres) according to the Franklin County Property Appraiser's online system. If rezoning of this property from residential to commercial is permitted to happen, what would stop the rezoning and commercial development of the 100 acres currently owned by Bobby and Brenda Sapp that is located adjoining the above parcel? When one develops, more will follow!

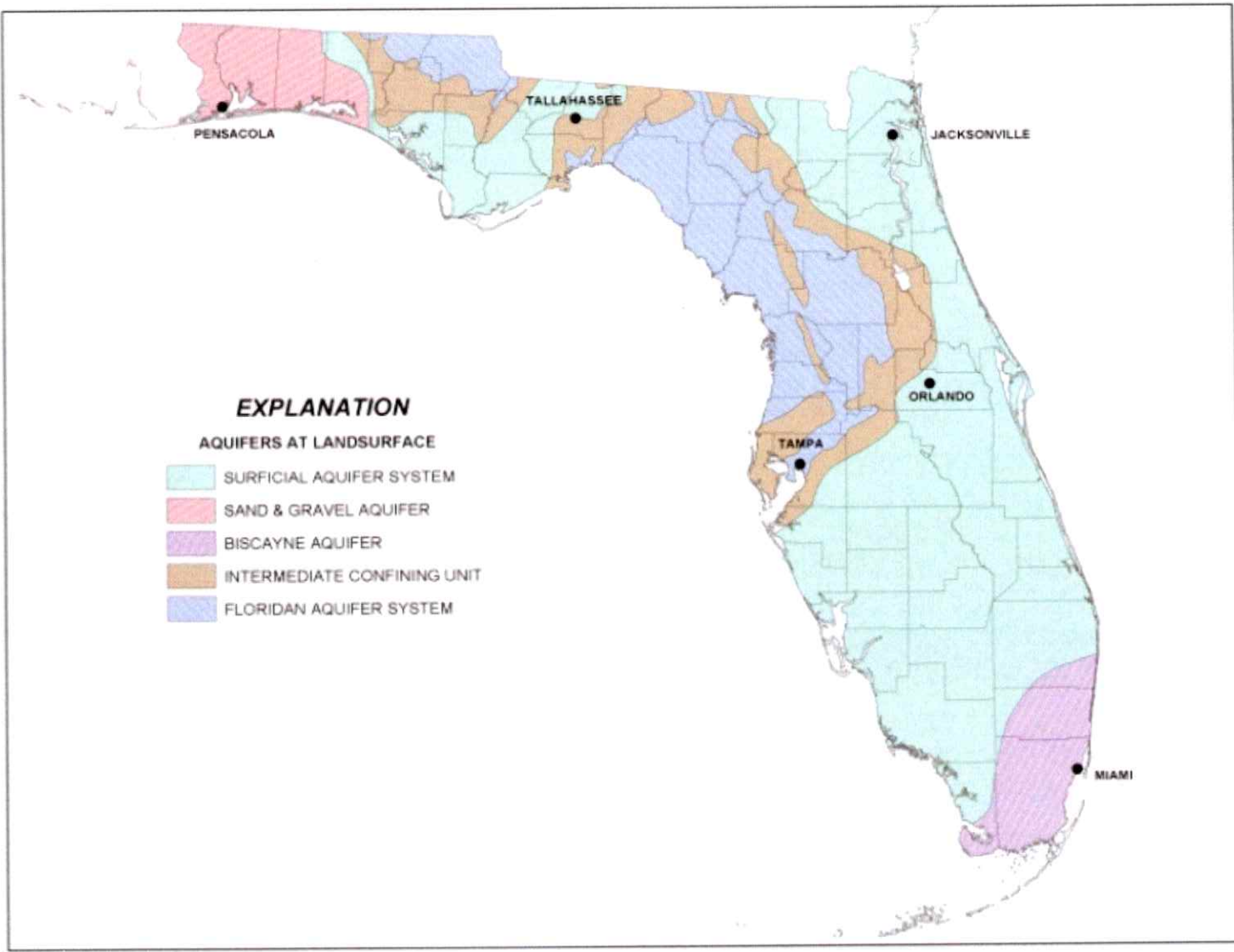
I am humbly coming to you to request that you take into strong consideration the topics I have mentioned in this email. While I can not speak for the other residents of my area, I can speak for myself and my family living in this area after conferring with them. We are all in agreement that the rezoning of this property from residential to commercial will cause some severe negative effects to the future, including ownership and usage sustainability of our own properties and likely cause some catastrophic consequences to the area's environment, infrastructure, and ecosystem. We strongly oppose the adoption of these 4 rezoning ordinances by the board and are expectantly confident that the board will vote NO on this agenda item.

Thank you for your time and attention in this matter,  
Warmest regards,  
Amber C. Holton

Resources:

<https://fldep.dep.state.fl.us/swapp/Aquifer.asp#>

<https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Tate-s-Hell-State-Forest>









J.

August 27, 2020

RECEIVED  
AUG 31 2020

BY: .....ak.....

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Subject: Land Use and Zoning change for Jamey & Beverly Sapp

Dear Commissioners,

We the undersigned, are the adjacent property owners to the property that application has been made by Jamey & Beverly Sapp for a Land Use and Zoning change. The proposed change would take the property from Agriculture/Residential to C3 Commercial/ Recreation.

We, the adjacent property owners are opposed to the Land Use and Zoning change to C3. C3 Commercial /Recreation would allow up to 47 RV's. We are opposed to this project because all of our properties are zoned Agriculture/Residential we do not want Commercial in our front yards.

We would ask the Commission not to allow this project to move ahead and not to change the zoning and land use. We don't want Commercial property out in this area.

Warm Regards,  
Property Owners of the Pine Log Area

Name	Address
Cassie Johns	2533 Hwy 67 Carrabelle
Billy for JFL	2533 HWY 67 Carrabelle
Royce J. Johns	2527 HWY. 67 CARRABELLE
ROYCE JOHN III	2521 HWY 67 Carrabelle
James + Cinnamon Murray	2400 Hwy 67 Carrabelle
TIM BROWN	2507 HWY 67
Earl Bryan Jr.	5571 Jeff Sanders Rd Carrabelle
RR Sanders	4900 Jeff Sanders Rd Carrabelle
Oscar Sooker	4901 JEFF SANDERS RD CARRABELLE
Chap Sander	4901 JEFF SANDERS RD. CARRABELLE

J.

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

AUG 31 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 1:53:53 PM EDT  
**To:** "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>, "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>, "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>, "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>, "william@franklincountyflorida.com" <william@franklincountyflorida.com>, "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>, "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

I own 40 acres in the Pine Coast Plantation in Hickory Hammock and have just recently learned of this proposed zoning change and future development.

I am against it. Most of us in this area bought out properties for the seclusion, peace and quiet and the enjoyment of nature. When my husband and I bought up here the zoning was Agricultural, one dwelling per 40 acres. Some of it has since been divided into 10 acre parcels, which I am O.K. with as long as it doesn't go below that. But to change the above mentioned parcel to C-3, which allows so many possible uses is not at all in keeping with the original zoning and land use intended for this area.

I have talked to several of my neighbors and everyone I have talked to so far has been against this change.

I would appreciate you taking this into consideration J. when reviewing this proposal.

Sincerely ,  
Karen Folks  
Sent from [Mail](#) for Windows 10



[amyk@franklincountyflorida.com](mailto:amyk@franklincountyflorida.com)

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Michael Morón  
 County Coordinator  
 Franklin County  
 Board of County Commissioners  
 Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
 Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 2:21:54 PM EDT  
**To:** "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>,  
 "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>,  
 "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>,  
 "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>,  
 "william@franklincountyflorida.com" <william@franklincountyflorida.com>,  
 "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>,  
 "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Since I just recently found about this zoning and land use change, I would like to let you know that I am against it. When my husband and I bought up here, everything was A-2, one dwelling per 40 acres. We and most of the other buyers bought for the privacy, the peace and quiet and the enjoyment of nature. Some of the 40 acre parcels have since been allowed to be broken down into 10 acre parcels, and I am O.K. with that as long as it doesn't be broken down to any smaller acreage.

This zoning change is a threat to our way of life here, our peace and quiet, our water qualities, our ecosystem, our wildlife and possibly our safety. Therefore I feel that this zoning change and possible development goes against the original intended use for this area and will only be bad for this area.

I would appreciate your consideration on this matter.

J.

Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10

Microsoft Word

J.

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:39 PM  
**To:** Amy Kelly-Ham  
**Subject:** Re: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Good Afternoon

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on Tuesday's agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: ..... *AK* .....

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On Aug 30, 2020, at 2:37 PM, Michael Moron <michael@franklincountyflorida.com> wrote:

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 2:21:54 PM EDT

To: "ricky@franklincountyflorida.com" <[redacted]@franklincountyflorida.com>, <bert@franklincountyflorida.com> <bert@franklincountyflorida.com>, <noah@franklincountyflorida.com> <noah@franklincountyflorida.com>, <smokey@franklincountyflorida.com> <smokey@franklincountyflorida.com>, <william@franklincountyflorida.com> <william@franklincountyflorida.com>, <lhines@franklinclerk.com> <lhines@franklinclerk.com>, <michael@franklincountyflorida.com> <michael@franklincountyflorida.com>, <cortnib@franklincountyflorida.com> <cortnib@franklincountyflorida.com>

**Subject: RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.**

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I would appreciate your consideration on this matter.

Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10



amyk@franklincountyflorida.com

**From:** cortnib@franklincountyflorida.com  
**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** FW: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

Sincerely,

*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: ..... *AK*



**PLEASE ALLOW FROM 7-10 BUSINESS DAYS TO COMPLETE ANY PERMITTING REQUESTS RECEIVED BY EMAIL. FLORIDA BUILDING CODE ALLOWS FOR 30 BUSINESS DAYS FOR A PERMIT TO BE ISSUED ONCE A COMPLETE APPLICATION HAS BEEN SUBMITTED. MANAGEMENT.**

E-Mail addresses are public records under Florida Law and are not exempt from Public Records requirements. If you do not want your email address to be subject to being released pursuant to a public records request do not send electronic mail to this entity. Instead, contact this office by telephone or in writing, via the United States Postal Service.

**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:26 PM  
**To:** smokey@franklincountyflorida.com; bert@franklincountyflorida.com; ricky@franklincountyflorida.com; noah@franklincountyflorida.com; william@franklincountyflorida.com; lhines@franklinclerk.com; michael@franklincountyflorida.com; cortnib@franklincountyflorida.com  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

J.

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Sincerely ,

Karen Folks

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amyk@franklincountyflorida.com

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**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
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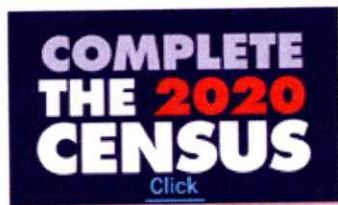
Sincerely,

*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
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BY: ..... *ak* .....



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**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:54 PM  
**To:** ricky@franklincountyflorida.com; <bert@franklincountyflorida.com> <bert@franklincountyflorida.com>; <noah@franklincountyflorida.com> <noah@franklincountyflorida.com>; <smokey@franklincountyflorida.com> <smokey@franklincountyflorida.com>; <william@franklincountyflorida.com> <william@franklincountyflorida.com>; <lhines@franklinclerk.com> <lhines@franklinclerk.com>; <michael@franklincountyflorida.com> <michael@franklincountyflorida.com>; <cortnib@franklincountyflorida.com> <cortnib@franklincountyflorida.com>

J.

**Subject:** RE: Zoning change on 32.16 acres owned by James & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

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Sincerely,

Karen Folks

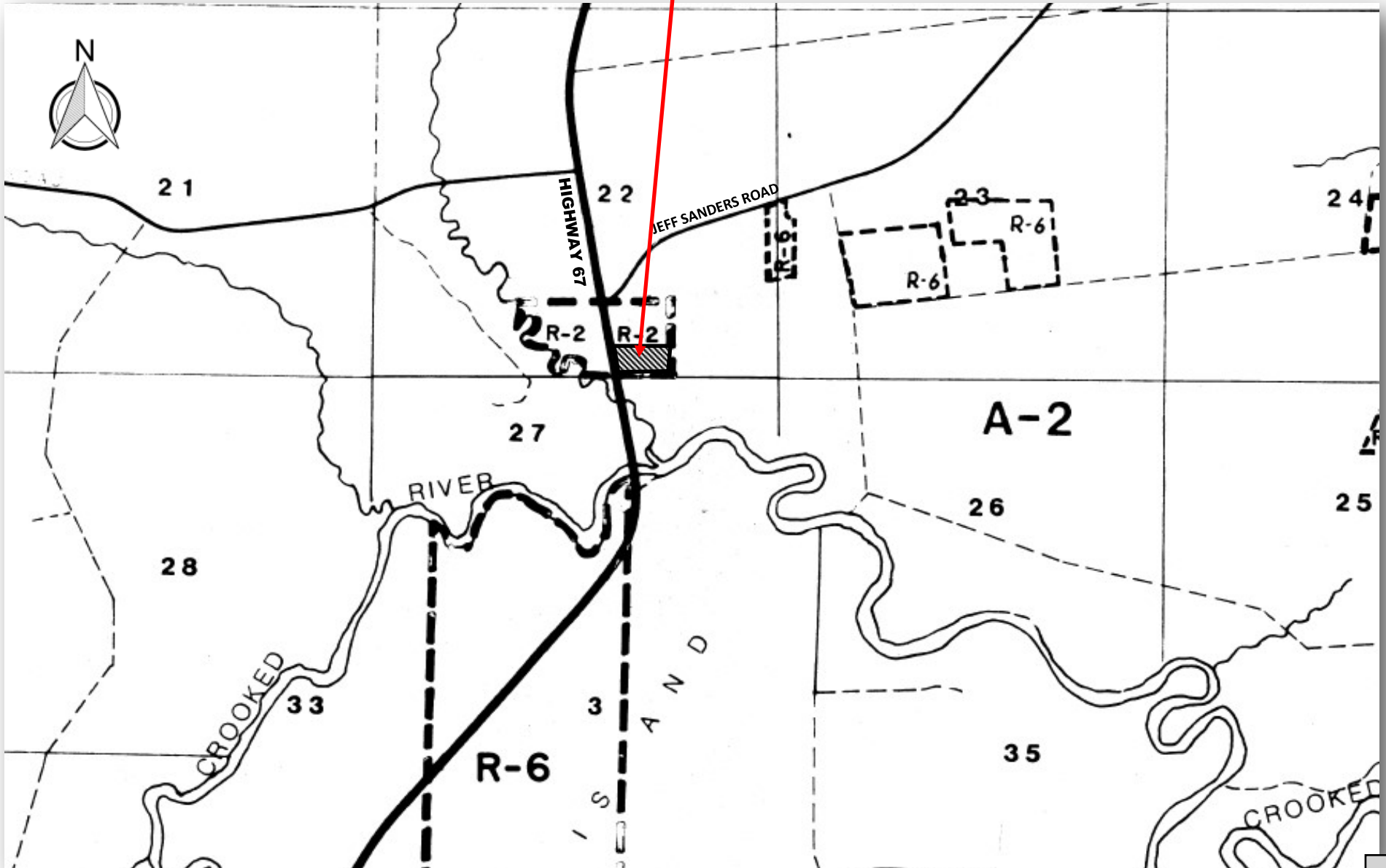
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10



**2514 HIGHWAY 67, CARRABELLE, FL**

**RE-ZONING OF 6.08 ACRES FROM R-2 SINGLE FAMILY MOBILE TO C-3 COMMERCIAL RECREATION**



July 15, 2020

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Dear Commissioners;

My name is Oscar Sanders and my family and I live at 4901 Jeff Sanders Road on property that our family has owned since the 1930's.

I am writing in objection to a Zoning and Land Use change that has been submitted by Jamey and Beverly Sapp. The land in question is zoned Agriculture/Residential and the applicants want to change to C3 Commercial Recreation. It is my understanding that with a C3 land use change that the applicants would be able to have up to 47 RV spaces.

To my knowledge there is no other C3 zonings on County Road 67. The majority of land along County Road 67 is zoned Agriculture/Residential or Agriculture. This could be a case of spot zoning.

This would affect not only County Road 67, but Jeff Sanders Road as well. The land is next to Pine Log Creek and Crooked River. I am concerned with the impact to these water bodies since there is no centralized water and sewer system in that area. The nearest being at Franklin Correctional Institute several miles away from the land in question.

The project hasn't been looked at by the Planning and Zoning Board. Due to the Covid 19 crisis I've been told that the Planning and Zoning Board has not been able to meet. I would respectfully request that before the BOCC makes a decision on this request submitted by Mr. & Mrs. Sapp that you would table this matter until the Planning and Zoning Board can meet to review, evaluate, take public comment and make a recommendation to the BOCC on this application. The potential impacts of this project are too great to take a chance on it.

Thank you for your consideration

Oscar Sanders

RECEIVED  
JUL 17 2020  
BY: .....AK.....

K.

Franklin County Jail Facility  
Inmate Request

RECEIVED  
JUL 20 2020

BY: .....

Name: Royce JOHNS Dayroom: \_\_\_\_\_ Date: \_\_\_\_\_

Directed To:

Sheriff

Jail Administrator

Corrections

Administration

Other

**Nature of Request: Please include all details and what is requested.**

Officer Answering Request: \_\_\_\_\_ Date: \_\_\_\_\_

Legal Mail

7-16-20

Needs TO MAKE IT before

JULY 21 10:40 A.M. TO

FRANKLIN COUNTY BOARD OF COUNTY  
COMMISSIONERS, 33 MARKET STREET,  
SUITE 203 APALACHICOLA FL, 32320



7-16-20

MY NAME IS ROYCE JOHNS,

I've lived AT 2521 HW 6T IN KARRABELLE.  
 I've BEEN informed THAT MR. JAMIE SAPP  
 WANTS TO HAVE 10 ACRES OF LAND AT 2536  
 Rezoned ~~from~~ from A R-2 SINGLE FAMILY  
 Mobile TO C-3 commercial Recreation. FIRST  
 Off Why Does HE WANT THIS? I'AM  
 THINKING THAT he'S WANTING TO DO IS  
 move his logging company TO THIS SPOT?  
 If So THAT MEANS, There'S going TO be  
 A lot of NOISE, AND TRAFFIC IN AND OUT  
 IN REAL EARLY hours OF THE MORNING.  
 AT the end of Jeff SANDER'S where IT MEET'S  
 HW 6T IS where ALL the children OF  
 THIS COMMUNITY HAVE there BUS STOP.  
 I would feel VERY SCARED TO HAVE  
 MY child be WAITING ON A BUS there  
 WITH all THAT TRAFFIC coming IN FROM  
 NORTH 6T OR SOUTH 6T making THAT TURN AT  
 high rates OF speed. IT'S ALL ready DANGEROUS  
 enough WITH everyone speeding ON 6T. THEN there'S  
 the problem WITH if he'S going TO have all  
 THAT heavy equipment would have would be making  
 ALOT OF TURN OFF Jeff SANDER'S ONTO 2536  
 WITH HEAVY loaded logg trailer'S. So THAT  
 WILL be TEARING UP THAT DIST ROAD making  
 for the county TO have TO ~~spend~~ spend  
 ALOT more OF MONEY AND TIME MAINTAINING  
 THIS ROAD. THEN I have a CONCERN WITH  
 if he'S making A SHOP AT THIS SPOT  
 All the fluids from ALL the working ON  
 ALL this equipment leaking ALL over THE  
 ground BATTERIES being PLACED ON THE ground.  
 I've lived UP IN these woods FOR MY

Russell R. Sanders  
850-646-0011  
Carrabelle, Fl. 32322

K.

7/17/2020

I Strongly oppose The Rezoning of  
The property At Hwy 67 AND Jeff Sanders  
Road

Sincerely



RECEIVED  
JUL 20 2020

BY: .....



amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:40 AM  
**To:** Candice Sherian  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Carrabelle Hunters Oppose Pine Log RV Park

RECEIVED  
AUG 28 2020  
BY: ak

Ms. Sheridan

Your email will be added to Tuesday's agenda file. The meeting will be live-streamed and on Zoom. Information for both can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

On Aug 28, 2020, at 7:28 AM, Candice Sherian <[csweetsheridanot@gmail.com](mailto:csweetsheridanot@gmail.com)> wrote:

Dear Mr. Moron,

I would like to start by saying that I oppose the change to commercial zoning of 2536 Highway 67, Carrabelle, Florida. You may think that your decision Tuesday is a simple zoning change, but your small votes today are affecting the citizen's lives and way of life for even future generations. If you haven't noticed, we are at a turning point in Franklin County. Should you change zoning or ordinances that will force the locals to change how they live and play in their own community?

This zoning change will allow for an RV park that will cater to those who use Tate's Hell State Forest. Who is their clientele? Those who fish or kayak mostly come for a day trip or use the State's primitive camping sites which are much less pricey than a modern-day RV park. The primary outdoor enthusiasts, who venture to Tate's Hell Forest for an extended stay, are hunters. Over the past several years, hunting in Tate's Hell has become more and more popular with non-residents of Franklin County. These hunters are primarily from South Florida. The FWC has set up four hunting zones in the state of Florida. Zone A, furthest south, has a general gun season of September 19-October 18 and November 21-January 3. Zone C, which encompasses most of the counties in Florida from the Georgia line to Palm Beach County, has a general gun season of November 7-January 24. Our Zone D is open from December 12-February 21. The local hunters must wait until mid-December to hunt and then compete with those from other counties in January and February who come here after their season has closed. It has become a competition for hunting land. It has become a safety concern for our citizens and a conservation concern for our natural resource. If we promote Tate's Hell as the next tourist attraction in Franklin County that is what it will become, land for the tourists, or in this case hunters from other counties who have enjoyed their season and will come here to take advantage of ours.

I fear gone will be the days of locals enjoying their own lands. The lands that they pay taxes to support.

Think! We are at a turning point. People are moving in expecting locals to change how they live on their property because they just bought a piece of paradise or are looking to turn a profit. Affordable housing for young working people is almost nonexistent. Now the long-standing, recreational activity that our residents enjoy will be gone in the name of tourism. Let them have the beaches and the bay. Leave our hunting lands to our citizens and future generations.

Vote NO to the zoning changes on highway 67 at Pine Log. Feasibility has not been proven.

K.

With Best Regards,

Mrs. Candice Sweet Sheridan

1845 Lighthouse Road, Carrabelle, Florida 32322

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:44 AM  
**To:** Nikki Millender  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Zoning Request by Jamey Sapp

RECEIVED  
AUG 28 2020  
BY:.....AK.....

Ms Millender

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

On Aug 28, 2020, at 1:05 AM, Nikki Millender <[millendercatherine@gmail.com](mailto:millendercatherine@gmail.com)> wrote:

Please forward my concerns to all the County Commissioners.

I am a fulltime resident of Franklin County and reside in Carrabelle, I am asking you to please not approve zoning changes requested by Jamie and Beverly Sapp to properties located on Highway 67 North in Carrabelle.

Approving these properties to change it's zoning to Commercial would be detrimental to ther area. The property constantly floods whenever there is a Tropical Storm or Hurricane and with this happening it would cause the river to polluted with Septic Waste because this property would have to have a Septic Tank.

This location is very close to Tate's Hell State Forest , and other property owners that may also want to change their zoning should be the bigger concern. If the door is opened others will follow. People bought out there because of the zoning and density requirements. It's not fair to them. When you are interested in changing zoning on a property you should investigate that option prior. I am totally not in favor of being told what you can or cannot do on your own property EXCEPT when it is changes in zoning issues especially to a commercial designation.

Also, the Boat Ramp located on Highway 67 is not capable of supporting the amount of boat trailer traffic if the property was approved Commercial.

I just feel at this time it is not what is needed in the Carrabelle area. There are already enough campgrounds nearby including camp sites in Tates Hell as well.

Thank You,  
Nikki Millender

Michael Morón  
County Coordinator  
Franklin County

K.

Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 1:45 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Sapp RV park

RECEIVED  
AUG 28 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Pamela Brownell <pamela.brownell@yahoo.com>  
**Date:** August 28, 2020 at 9:30:09 AM EDT  
**To:** Michael Moron <michael@franklincountyflorida.com>  
**Subject:** Sapp RV park

I don't want the Zonning change. Add me to the list.

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning pine log

RECEIVED  
AUG 28 2020  
BY: *ak*

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Charlie Thompson <charliet270@yahoo.com>  
**Date:** August 28, 2020 at 1:11:42 PM EDT  
**To:** michael@franklincountyflorida.com  
**Subject:** Rezoning pine log

Hi Michael  
This is a note I sent to the board  
Charlie Thompson

This is Charlie Thompson, my wife Angie and myself are lifetime residents and property owners in Carrabelle. We would like our Franklin county Commissioners to know we are strongly opposed to the rezoning of lands up highway 67 North of Carrabelle in the pine log area for commercial use. There are families with homes and property in that area that thought they had the perfect home and life in a natural and peaceful area. Bringing Commercialism and the proposed RV business into that area would not only destroy these homeowners peaceful home life and reduce their property values but also there could be an environmental impact on the area lands, rivers and the ground water quality, etc. that could be forever changed due to the septic systems that would be needed to run the proposed RV park. Also other business that could follow this land zone change!

Thank you Charlie and Angie Thompson

Sent by Charlie Thompson

Sent by Charlie Thompson



amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: September 1st, 2020 Meeting Agenda Item  
**Attachments:** XL\_FLORIDA\_AQUIFERS\_MAP1.jpg; Untitled attachment 06086.html; tates-hell-state-forest-larger-map.pdf; Untitled attachment 06089.html

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

AUG 28 2020  
BY: *AK*

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Begin forwarded message:

**From:** Amber Holton <ambercholton1983@gmail.com>  
**Date:** August 28, 2020 at 11:55:47 AM EDT  
**To:** ricky@franklincountyflorida.com, bert@franklincountyflorida.com, noah@franklincountyflorida.com, smokey@franklincountyflorida.com, william@franklincountyflorida.com, lhines@franklinclerk.com, michael@franklincountyflorida.com, cortnib@franklincountyflorida.com  
**Subject: Re: September 1st, 2020 Meeting Agenda Item**

Good day County Commissioners and other staff of the Franklin Co. BOCC,

I am writing to you today with great concern for one of the agenda items listed for possible adoption on the upcoming Tuesday, Sept. 1st. meeting. They are listed below:

\* Items P through S. - adopting the following by ordinance: An Ordinance changing the Land Use of approximately 32.16 AC (4 separate lots) owned by Jamey and Beverly Sapp from zoning Residential, R-2, Agricultural, A-2 to C-3 Commercial Recreational located at 2514 and 2536 Highway 67 N, Carrabelle, FL 32322

I will start by saying I am a firm supporter in "chasing the American dream" and believe that this country's economy was designed with the intentions of facilitating the goal of families owning and operating businesses. Afterall, that is what most of us strive to do in our lifetime is create a legacy to pass to the next generation. Within the creation of new businesses it is the local government's responsibility to manage and protect the growth and distribution of land use within their communities

of one that best suits the needs of that desired location, as well as the protection of the community as a whole.

Which brings me to my concern for this proposed rezoning of residential land use to commercial. You see, I am a property owner in the area of this proposed zoning. It is an extremely rural community located approximately 5 miles north of the City of Carrabelle. My property is located within the Pine Coast Homeowner's Association off of Hickory Hammock Road (NE in relation from Highway 67 and the property in question). This road is only accessible from Highway 67 by Jeff Sanders Road. All the roads in this area off of Highway 67 are limestone and county maintained. When my parents originally purchased this property in 2007, they did so with the intentions of having their families living nearby, each on their own separate 10 acre parcel, as the area is governed to only allow 1 family residence per 10 acre tract. This protects not only the peacefully secluded amenities this wooded area has to offer, but also protection to overpopulation of such an important part of our local ecosystem. To the east of this area is Ochlockonee River and just to the west is the Crooked River system. These 2 rivers join at Pine Log Bridge (at the edge of one of the proposed properties in question). And now we are faced with the fear of the development of a quite large (estimated 30 +/- RV/Camping site business expected by the Sapp Family) not only in our area, but with an entrance located off of Jeff Sanders Road.

When overpopulation of land adjoining river systems occurs this can cause the following hazardous issues: Reduced groundwater recharge, decreased base flow in streams, increased erosion, reduced natural filtration of water, and negative impact on stream health including pollution and contaminants from septic systems. Due to the rural nature of this area in question 100% of the residents drinking water comes from private wells in the surficial aquifer system and private in ground septic tanks. As seen in the attached photo from the Florida Department of Environmental Protection, these types of surficial aquifers generally produce less water, and, with some exceptions, are used primarily for domestic and smaller public supply wells. The development of a 30 +/- site camping ground in an area where the water supply is limited could be catastrophic for the residents living in this area, bringing not only fears of depletion on our utilized pocket of the surficial aquifer but contamination of the water we drink!

Now let's talk about the effects on the local ecosystem. The property in question is located just outside the boundaries of the Tate's Hell State Forest, including the Womack Creek Wildlife Management Area. These areas are home to many species of wildlife including such rare species as the bald eagle, Florida black bear, gopher tortoise and red-cockaded woodpecker. Recreational hunting is heavily regulated in this area in order to protect this "regrowing" ecosystem which inordinately was negatively affected due to timber production and damaging past land management and regulation in the mid 1900's. While these areas are hunted by local citizens during these regulated seasons, there has also been an extreme influx in the migratory hunting of people from other areas and states during our season when their home areas of managed hunting are closed. While in a perfect world where everyone followed laws and regulations, I would love to believe that an influx of migratory hunters in our area would have no negative effects, however this is far from true. In past years I have knowledge of many instances of some of these migratory hunters rampantly poaching our local wildlife, causing damage to roadways, and committing thefts from State camping sites. The placement of a 30 +/- RV camping site placement just 20 +/- feet across Highway 67 from Tate's Hell State Forest would facilitate an even more abundant influx of those migratory hunters. This leads me to believe the placement and expected land use development by the owners likely has some explanation of what "customers" they would be targeting to serve.

I have been a property owner in this area since 2013 and a police officer since 2009. Throughout my tenure I have witnessed first hand how an increase in both traffic and population (both long and short term tenants) can result in a negative influence on crime rate and emergencies. Some of the major holidays, when our already existing RV parks in the county have an abundance of guests, they often hire



local law enforcement to perform off duty security K order to deter noise complaints, fights, and thefts because there is an increase of seeing those types of issues.

As one may suspect, when there is an increased number of vehicles in an area, there will in turn be an increased risk of traffic issues, including crashes and violations of traffic laws. When you take a seemingly rural residential neighborhood and begin changing the land usage to commercial around it, MASS development will follow! This leads to more people and vehicles in the area, which requires more regulation, maintenance, and emergency resources for that area, costing the county more valuable resources to upkeep. As a resident in the area in question, I for one do not wish to see an influx of crime, traffic, roadway damage (limestone roads) and more stress on local emergency services in my residential neighborhood. I personally feel that that is why it is so important to keep residential areas as such and commercial areas designated for the growth of income driven property purchases.

While this opinion is strictly that, my opinion, I would like to bring to the Commission's attention that one of the parcels of property in question currently owned by Jamey and Beverly Sapp was quick claim deeded from Bobby and Brenda Sapp (parents of Jamey Sapp) to Jamey and Beverly Sapp on 2/10/2020 and 3/11/2020 for \$100 each. (Parcel 22-065-04W-0000-0012-0030, 10 acres) according to the Franklin County Property Appraiser's online system. If rezoning of this property from residential to commercial is permitted to happen, what would stop the rezoning and commercial development of the 100 acres currently owned by Bobby and Brenda Sapp that is located adjoining the above parcel? When one develops, more will follow!

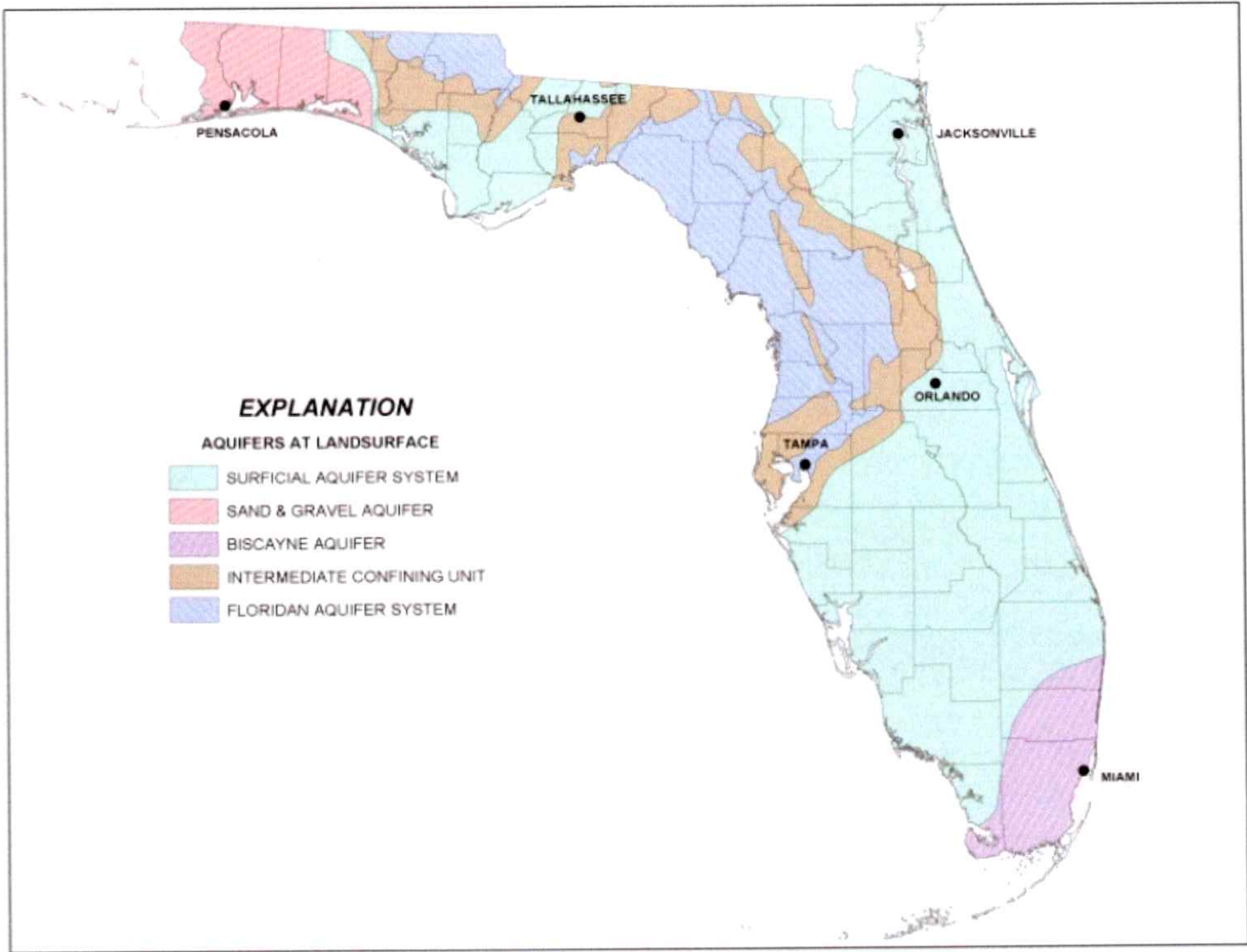
I am humbly coming to you to request that you take into strong consideration the topics I have mentioned in this email. While I can not speak for the other residents of my area, I can speak for myself and my family living in this area after conferring with them. We are all in agreement that the rezoning of this property from residential to commercial will cause some severe negative effects to the future, including ownership and usage sustainability of our own properties and likely cause some catastrophic consequences to the area's environment, infrastructure, and ecosystem. We strongly oppose the adoption of these 4 rezoning ordinances by the board and are expectantly confident that the board will vote NO on this agenda item.

Thank you for your time and attention in this matter,  
Warmest regards,  
Amber C. Holton

Resources:

<https://fldep.dep.state.fl.us/swapp/Aquifer.asp#>

<https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Tate-s-Hell-State-Forest>









K.

August 27, 2020

RECEIVED  
AUG 31 2020

BY: .....ak.....

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Subject: Land Use and Zoning change for Jamey & Beverly Sapp

Dear Commissioners,

We the undersigned, are the adjacent property owners to the property that application has been made by Jamey & Beverly Sapp for a Land Use and Zoning change. The proposed change would take the property from Agriculture/Residential to C3 Commercial/ Recreation.

We, the adjacent property owners are opposed to the Land Use and Zoning change to C3. C3 Commercial /Recreation would allow up to 47 RV's. We are opposed to this project because all of our properties are zoned Agriculture/Residential we do not want Commercial in our front yards.

We would ask the Commission not to allow this project to move ahead and not to change the zoning and land use. We don't want Commercial property out in this area.

Warm Regards,  
Property Owners of the Pine Log Area

Name	Address
Cassie Johns	2533 Hwy 67 Carrabelle
Billy for JFL	2533 HWY 67 Carrabelle
Royce J. Johns	2527 HWY. 67 CARRABELLE
ROYCE JOHN III	2521 HWY 67 Carrabelle
James + Cinnamon Murray	2400 Hwy 67 Carrabelle
TIM BROWN	2507 HWY 67
Earl Bryan Jr.	5571 Jeff Sanders Rd Carrabelle
RR Sanders	4900 Jeff Sanders Rd Carrabelle
Oscar Sooker	4901 JEFF SANDERS RD CARRABELLE
Chap Sooker	4901 JEFF SANDERS RD. CARRABELLE



amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

AUG 31 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 1:53:53 PM EDT  
**To:** "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>, "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>, "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>, "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>, "william@franklincountyflorida.com" <william@franklincountyflorida.com>, "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>, "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

I own 40 acres in the Pine Coast Plantation in Hickory Hammock and have just recently learned of this proposed zoning change and future development.

I am against it. Most of us in this area bought out properties for the seclusion, peace and quiet and the enjoyment of nature. When my husband and I bought up here the zoning was Agricultural, one dwelling per 40 acres. Some of it has since been divided into 10 acre parcels, which I am O.K. with as long as it doesn't go below that. But to change the above mentioned parcel to C-3, which allows so many possible uses is not at all in keeping with the original zoning and land use intended for this area.

I have talked to several of my neighbors and everyone I have talked to so far has been against this change.

I would appreciate you taking this into consideration K. when reviewing this proposal.

Sincerely,  
Karen Folks  
Sent from [Mail](#) for Windows 10

[amyk@franklincountyflorida.com](mailto:amyk@franklincountyflorida.com)

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Michael Morón  
 County Coordinator  
 Franklin County  
 Board of County Commissioners  
 Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
 Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 2:21:54 PM EDT  
**To:** "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>,  
 "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>,  
 "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>,  
 "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>,  
 "william@franklincountyflorida.com" <william@franklincountyflorida.com>,  
 "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>,  
 "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Since I just recently found about this zoning and land use change, I would like to let you know that I am against it. When my husband and I bought up here, everything was A-2, one dwelling per 40 acres. We and most of the other buyers bought for the privacy, the peace and quiet and the enjoyment of nature. Some of the 40 acre parcels have since been allowed to be broken down into 10 acre parcels, and I am O.K. with that as long as it doesn't be broken down to any smaller acreage.

This zoning change is a threat to our way of life here, our peace and quiet, our water qualities, our ecosystem, our wildlife and possibly our safety. Therefore I feel that this zoning change and possible development goes against the original intended use for this area and will only be bad for this area.

I would appreciate your consideration on this matter.

K.

Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10

Microsoft Word

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:39 PM  
**To:** Amy Kelly-Ham  
**Subject:** Re: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Good Afternoon

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on Tuesday's agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: ..... *AK* .....

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On Aug 30, 2020, at 2:37 PM, Michael Moron <michael@franklincountyflorida.com> wrote:

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure

Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 2:21:54 PM EDT



To: "ricky@franklincountyflorida.com" <K.@franklincountyflorida.com>, <bert@franklincountyflorida.com>" <bert@franklincountyflorida.com>, <noah@franklincountyflorida.com>" <noah@franklincountyflorida.com>, <smokey@franklincountyflorida.com>" <smokey@franklincountyflorida.com>, <william@franklincountyflorida.com>" <william@franklincountyflorida.com>, <lhines@franklinclerk.com>" <lhines@franklinclerk.com>, <michael@franklincountyflorida.com>" <michael@franklincountyflorida.com>, <cortnib@franklincountyflorida.com>" <cortnib@franklincountyflorida.com>

**Subject: RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.**

Since I just recently found about this zoning and land use change, I would like to let you know that I am against it. When my husband and I bought up here, everything was A-2, one dwelling per 40 acres. We and most of the other buyers bought for the privacy, the peace and quiet and the enjoyment of nature. Some of the 40 acre parcels have since been allowed to be broken down into 10 acre parcels, and I am O.K. with that as long as it doesn't be broken down to any smaller acreage.

This zoning change is a threat to our way of life here, our peace and quiet, our water qualities, our ecosystem, our wildlife and possibly our safety. Therefore I feel that this zoning change and possible development goes against the original intended use for this area and will only be bad for this area.

I would appreciate your consideration on this matter.

Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10

amyk@franklincountyflorida.com

**From:** cortnib@franklincountyflorida.com  
**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** FW: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

Sincerely,

*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: ..... *AK*



PLEASE ALLOW FROM 7-10 BUSINESS DAYS TO COMPLETE ANY PERMITTING REQUESTS RECEIVED BY EMAIL. FLORIDA BUILDING CODE ALLOWS FOR 30 BUSINESS DAYS FOR A PERMIT TO BE ISSUED ONCE A COMPLETE APPLICATION HAS BEEN SUBMITTED. MANAGEMENT.

E-Mail addresses are public records under Florida Law and are not exempt from Public Records requirements. If you do not want your email address to be subject to being released pursuant to a public records request do not send electronic mail to this entity. Instead, contact this office by telephone or in writing, via the United States Postal Service.

**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:26 PM  
**To:** smokey@franklincountyflorida.com; bert@franklincountyflorida.com; ricky@franklincountyflorida.com; noah@franklincountyflorida.com; william@franklincountyflorida.com; lhines@franklinclerk.com; michael@franklincountyflorida.com; cortnib@franklincountyflorida.com  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

K.

I own 40 acres in the Pine Coast Plantation in Hickory Hammock and have just recently learned of this proposed zoning change and future development.

I am against it. Most of us in this area bought out properties for the seclusion, peace and quiet and the enjoyment of nature. When my husband and I bought up here the zoning was Agricultural, one dwelling per 40 acres. Some of it has since been divided into 10 acre parcels, which I am O.K. with as long as it doesn't go below that. But to change the above mentioned parcel to C-3, which allows so many possible uses is not at all in keeping with the original zoning and land use intended for this area.

I have talked to several of my neighbors and everyone I have talked to so far has been against this change.

I would appreciate you taking this into consideration when reviewing this proposal.

Sincerely ,

Karen Folks

Sent from [Mail](#) for Windows 10

amyk@franklincountyflorida.com

**From:** cortnib@franklincountyflorida.com  
**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** FW: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Sincerely,

*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
AUG 31 2020

BY: ..... *ak* .....



**PLEASE ALLOW FROM 7-10 BUSINESS DAYS TO COMPLETE ANY PERMITTING REQUESTS RECEIVED BY EMAIL. FLORIDA BUILDING CODE ALLOWS FOR 30 BUSINESS DAYS FOR A PERMIT TO BE ISSUED ONCE A COMPLETE APPLICATION HAS BEEN SUBMITTED. MANAGEMENT.**

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**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:54 PM  
**To:** ricky@franklincountyflorida.com; <bert@franklincountyflorida.com> <bert@franklincountyflorida.com>; <noah@franklincountyflorida.com> <noah@franklincountyflorida.com>; <smokey@franklincountyflorida.com> <smokey@franklincountyflorida.com>; <william@franklincountyflorida.com> <william@franklincountyflorida.com>; <lhines@franklinclerk.com> <lhines@franklinclerk.com>; <michael@franklincountyflorida.com> <michael@franklincountyflorida.com>; <cortnib@franklincountyflorida.com> <cortnib@franklincountyflorida.com>



K.

**Subject:** RE: Zoning change on 32.16 acres owned by James & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Since I just recently found about this zoning and land use change, I would like to let you know that I am against it. When my husband and I bought up here, everything was A-2, one dwelling per 40 acres. We and most of the other buyers bought for the privacy, the peace and quiet and the enjoyment of nature. Some of the 40 acre parcels have since been allowed to be broken down into 10 acre parcels, and I am O.K. with that as long as it doesn't be broken down to any smaller acreage.

This zoning change is a threat to our way of life here, our peace and quiet, our water qualities, our ecosystem, our wildlife and possibly our safety. Therefore I feel that this zoning change and possible development goes against the original intended use for this area and will only be bad for this area.

I would appreciate your consideration on this matter.

Sincerely,

Karen Folks

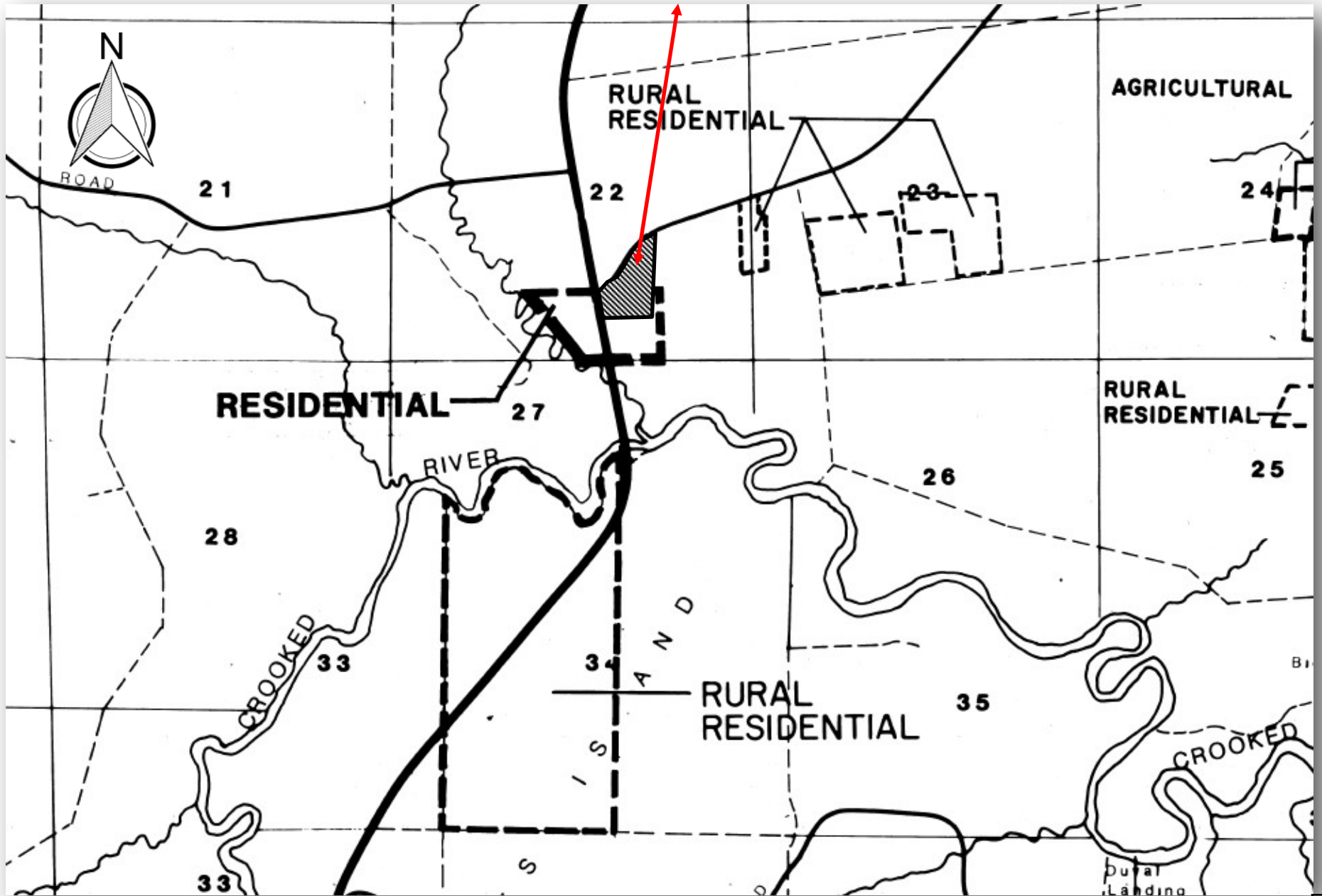
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10



L.

**2536 HIGHWAY 97, CARRABELLE, FL  
LAND USE CHANGE OF 10 ACRES FROM  
AGRICULTURAL & RESIDENTIAL TO COMMERCIAL**



July 15, 2020

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Dear Commissioners;

My name is Oscar Sanders and my family and I live at 4901 Jeff Sanders Road on property that our family has owned since the 1930's.

I am writing in objection to a Zoning and Land Use change that has been submitted by Jamey and Beverly Sapp. The land in question is zoned Agriculture/Residential and the applicants want to change to C3 Commercial Recreation. It is my understanding that with a C3 land use change that the applicants would be able to have up to 47 RV spaces.

To my knowledge there is no other C3 zonings on County Road 67. The majority of land along County Road 67 is zoned Agriculture/Residential or Agriculture. This could be a case of spot zoning.

This would affect not only County Road 67, but Jeff Sanders Road as well. The land is next to Pine Log Creek and Crooked River. I am concerned with the impact to these water bodies since there is no centralized water and sewer system in that area. The nearest being at Franklin Correctional Institute several miles away from the land in question.

The project hasn't been looked at by the Planning and Zoning Board. Due to the Covid 19 crisis I've been told that the Planning and Zoning Board has not been able to meet. I would respectfully request that before the BOCC makes a decision on this request submitted by Mr. & Mrs. Sapp that you would table this matter until the Planning and Zoning Board can meet to review, evaluate, take public comment and make a recommendation to the BOCC on this application. The potential impacts of this project are too great to take a chance on it.

Thank you for your consideration

Oscar Sanders

RECEIVED  
JUL 17 2020  
BY: .....AK.....

**amyk@franklincountyflorida.com**

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:40 AM  
**To:** Candice Sherian  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Carrabelle Hunters Oppose Pine Log RV Park

RECEIVED  
AUG 28 2020  
BY: ak

Ms. Sheridan

Your email will be added to Tuesday's agenda file. The meeting will be live-streamed and on Zoom. Information for both can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

On Aug 28, 2020, at 7:28 AM, Candice Sherian <[csweetsheridanot@gmail.com](mailto:csweetsheridanot@gmail.com)> wrote:

Dear Mr. Moron,

I would like to start by saying that I oppose the change to commercial zoning of 2536 Highway 67, Carrabelle, Florida. You may think that your decision Tuesday is a simple zoning change, but your small votes today are affecting the citizen's lives and way of life for even future generations. If you haven't noticed, we are at a turning point in Franklin County. Should you change zoning or ordinances that will force the locals to change how they live and play in their own community?

This zoning change will allow for an RV park that will cater to those who use Tate's Hell State Forest. Who is their clientele? Those who fish or kayak mostly come for a day trip or use the State's primitive camping sites which are much less pricey than a modern-day RV park. The primary outdoor enthusiasts, who venture to Tate's Hell Forest for an extended stay, are hunters. Over the past several years, hunting in Tate's Hell has become more and more popular with non-residents of Franklin County. These hunters are primarily from South Florida. The FWC has set up four hunting zones in the state of Florida. Zone A, furthest south, has a general gun season of September 19-October 18 and November 21-January 3. Zone C, which encompasses most of the counties in Florida from the Georgia line to Palm Beach County, has a general gun season of November 7-January 24. Our Zone D is open from December 12-February 21. The local hunters must wait until mid-December to hunt and then compete with those from other counties in January and February who come here after their season has closed. It has become a competition for hunting land. It has become a safety concern for our citizens and a conservation concern for our natural resource. If we promote Tate's Hell as the next tourist attraction in Franklin County that is what it will become, land for the tourists, or in this case hunters from other counties who have enjoyed their season and will come here to take advantage of ours.

I fear gone will be the days of locals enjoying their own lands. The lands that they pay taxes to support.

Think! We are at a turning point. People are moving in expecting locals to change how they live on their property because they just bought a piece of paradise or are looking to turn a profit. Affordable housing for young working people is almost nonexistent. Now the long-standing, recreational activity that our residents enjoy will be gone in the name of tourism. Let them have the beaches and the bay. Leave our hunting lands to our citizens and future generations.

Vote NO to the zoning changes on highway 67 at Pine Log. Feasibility has not been proven.

L.

With Best Regards,

Mrs. Candice Sweet Sheridan

1845 Lighthouse Road, Carrabelle, Florida 32322

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:44 AM  
**To:** Nikki Millender  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Zoning Request by Jamey Sapp

RECEIVED  
AUG 28 2020  
BY:.....AK.....

Ms Millender

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

On Aug 28, 2020, at 1:05 AM, Nikki Millender <[millendercatherine@gmail.com](mailto:millendercatherine@gmail.com)> wrote:

Please forward my concerns to all the County Commissioners.

I am a fulltime resident of Franklin County and reside in Carrabelle, I am asking you to please not approve zoning changes requested by Jamie and Beverly Sapp to properties located on Highway 67 North in Carrabelle.

Approving these properties to change it's zoning to Commercial would be detrimental to ther area. The property constantly floods whenever there is a Tropical Storm or Hurricane and with this happening it would cause the river to polluted with Septic Waste because this property would have to have a Septic Tank.

This location is very close to Tate's Hell State Forest , and other property owners that may also want to change their zoning should be the bigger concern. If the door is opened others will follow. People bought out there because of the zoning and density requirements. It's not fair to them. When you are interested in changing zoning on a property you should investigate that option prior. I am totally not in favor of being told what you can or cannot do on your own property EXCEPT when it is changes in zoning issues especially to a commercial designation.

Also, the Boat Ramp located on Highway 67 is not capable of supporting the amount of boat trailer traffic if the property was approved Commercial.

I just feel at this time it is not what is needed in the Carrabelle area. There are already enough campgrounds nearby including camp sites in Tates Hell as well.

Thank You,  
Nikki Millender

Michael Morón  
County Coordinator  
Franklin County



L.

Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 1:45 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Sapp RV park

RECEIVED  
AUG 28 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Pamela Brownell <pamela.brownell@yahoo.com>  
**Date:** August 28, 2020 at 9:30:09 AM EDT  
**To:** Michael Moron <michael@franklincountyflorida.com>  
**Subject:** Sapp RV park

I don't want the Zonning change. Add me to the list.

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning pine log

RECEIVED  
AUG 28 2020  
BY: *ak*

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Charlie Thompson <charliet270@yahoo.com>  
**Date:** August 28, 2020 at 1:11:42 PM EDT  
**To:** michael@franklincountyflorida.com  
**Subject:** Rezoning pine log

Hi Michael  
This is a note I sent to the board  
Charlie Thompson

This is Charlie Thompson, my wife Angie and myself are lifetime residents and property owners in Carrabelle. We would like our Franklin county Commissioners to know we are strongly opposed to the rezoning of lands up highway 67 North of Carrabelle in the pine log area for commercial use. There are families with homes and property in that area that thought they had the perfect home and life in a natural and peaceful area. Bringing Commercialism and the proposed RV business into that area would not only destroy these homeowners peaceful home life and reduce their property values but also there could be an environmental impact on the area lands, rivers and the ground water quality, etc. that could be forever changed due to the septic systems that would be needed to run the proposed RV park. Also other business that could follow this land zone change!

Thank you Charlie and Angie Thompson

Sent by Charlie Thompson

Sent by Charlie Thompson

amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: September 1st, 2020 Meeting Agenda Item  
**Attachments:** XL\_FLORIDA\_AQUIFERS\_MAP1.jpg; Untitled attachment 06086.html; tates-hell-state-forest-larger-map.pdf; Untitled attachment 06089.html

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

AUG 28 2020  
BY: *AK*

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Begin forwarded message:

**From:** Amber Holton <ambercholton1983@gmail.com>  
**Date:** August 28, 2020 at 11:55:47 AM EDT  
**To:** ricky@franklincountyflorida.com, bert@franklincountyflorida.com, noah@franklincountyflorida.com, smokey@franklincountyflorida.com, william@franklincountyflorida.com, lhines@franklinclerk.com, michael@franklincountyflorida.com, cortnib@franklincountyflorida.com  
**Subject: Re: September 1st, 2020 Meeting Agenda Item**

Good day County Commissioners and other staff of the Franklin Co. BOCC,

I am writing to you today with great concern for one of the agenda items listed for possible adoption on the upcoming Tuesday, Sept. 1st. meeting. They are listed below:

\* Items P through S. - adopting the following by ordinance: An Ordinance changing the Land Use of approximately 32.16 AC (4 separate lots) owned by Jamey and Beverly Sapp from zoning Residential, R-2, Agricultural, A-2 to C-3 Commercial Recreational located at 2514 and 2536 Highway 67 N, Carrabelle, FL 32322

I will start by saying I am a firm supporter in "chasing the American dream" and believe that this country's economy was designed with the intentions of facilitating the goal of families owning and operating businesses. Afterall, that is what most of us strive to do in our lifetime is create a legacy to pass to the next generation. Within the creation of new businesses it is the local government's responsibility to manage and protect the growth and distribution of land use within their communities



of one that best suits the needs of that desired location, as well as the protection of the community as a whole.

Which brings me to my concern for this proposed rezoning of residential land use to commercial. You see, I am a property owner in the area of this proposed zoning. It is an extremely rural community located approximately 5 miles north of the City of Carrabelle. My property is located within the Pine Coast Homeowner's Association off of Hickory Hammock Road (NE in relation from Highway 67 and the property in question). This road is only accessible from Highway 67 by Jeff Sanders Road. All the roads in this area off of Highway 67 are limestone and county maintained. When my parents originally purchased this property in 2007, they did so with the intentions of having their families living nearby, each on their own separate 10 acre parcel, as the area is governed to only allow 1 family residence per 10 acre tract. This protects not only the peacefully secluded amenities this wooded area has to offer, but also protection to overpopulation of such an important part of our local ecosystem. To the east of this area is Ochlockonee River and just to the west is the Crooked River system. These 2 rivers join at Pine Log Bridge (at the edge of one of the proposed properties in question). And now we are faced with the fear of the development of a quite large (estimated 30 +/- RV/Camping site business expected by the Sapp Family) not only in our area, but with an entrance located off of Jeff Sanders Road.

When overpopulation of land adjoining river systems occurs this can cause the following hazardous issues: Reduced groundwater recharge, decreased base flow in streams, increased erosion, reduced natural filtration of water, and negative impact on stream health including pollution and contaminants from septic systems. Due to the rural nature of this area in question 100% of the residents drinking water comes from private wells in the surficial aquifer system and private in ground septic tanks. As seen in the attached photo from the Florida Department of Environmental Protection, these types of surficial aquifers generally produce less water, and, with some exceptions, are used primarily for domestic and smaller public supply wells. The development of a 30 +/- site camping ground in an area where the water supply is limited could be catastrophic for the residents living in this area, bringing not only fears of depletion on our utilized pocket of the surficial aquifer but contamination of the water we drink!

Now let's talk about the effects on the local ecosystem. The property in question is located just outside the boundaries of the Tate's Hell State Forest, including the Womack Creek Wildlife Management Area. These areas are home to many species of wildlife including such rare species as the bald eagle, Florida black bear, gopher tortoise and red-cockaded woodpecker. Recreational hunting is heavily regulated in this area in order to protect this "regrowing" ecosystem which inordinately was negatively affected due to timber production and damaging past land management and regulation in the mid 1900's. While these areas are hunted by local citizens during these regulated seasons, there has also been an extreme influx in the migratory hunting of people from other areas and states during our season when their home areas of managed hunting are closed. While in a perfect world where everyone followed laws and regulations, I would love to believe that an influx of migratory hunters in our area would have no negative effects, however this is far from true. In past years I have knowledge of many instances of some of these migratory hunters rampantly poaching our local wildlife, causing damage to roadways, and committing thefts from State camping sites. The placement of a 30 +/- RV camping site placement just 20 +/- feet across Highway 67 from Tate's Hell State Forest would facilitate an even more abundant influx of those migratory hunters. This leads me to believe the placement and expected land use development by the owners likely has some explanation of what "customers" they would be targeting to serve.

I have been a property owner in this area since 2013 and a police officer since 2009. Throughout my tenure I have witnessed first hand how an increase in both traffic and population (both long and short term tenants) can result in a negative influence on crime rate and emergencies. Some of the major holidays, when our already existing RV parks in the county have an abundance of guests, they often hire



local law enforcement to perform off duty security L. order to deter noise complaints, fights, and thefts because there is an increase of seeing those types of issues.

As one may suspect, when there is an increased number of vehicles in an area, there will in turn be an increased risk of traffic issues, including crashes and violations of traffic laws. When you take a seemingly rural residential neighborhood and begin changing the land usage to commercial around it, MASS development will follow! This leads to more people and vehicles in the area, which requires more regulation, maintenance, and emergency resources for that area, costing the county more valuable resources to upkeep. As a resident in the area in question, I for one do not wish to see an influx of crime, traffic, roadway damage (limestone roads) and more stress on local emergency services in my residential neighborhood. I personally feel that that is why it is so important to keep residential areas as such and commercial areas designated for the growth of income driven property purchases.

While this opinion is strictly that, my opinion, I would like to bring to the Commission's attention that one of the parcels of property in question currently owned by Jamey and Beverly Sapp was quick claim deeded from Bobby and Brenda Sapp (parents of Jamey Sapp) to Jamey and Beverly Sapp on 2/10/2020 and 3/11/2020 for \$100 each. (Parcel 22-065-04W-0000-0012-0030, 10 acres) according to the Franklin County Property Appraiser's online system. If rezoning of this property from residential to commercial is permitted to happen, what would stop the rezoning and commercial development of the 100 acres currently owned by Bobby and Brenda Sapp that is located adjoining the above parcel? When one develops, more will follow!

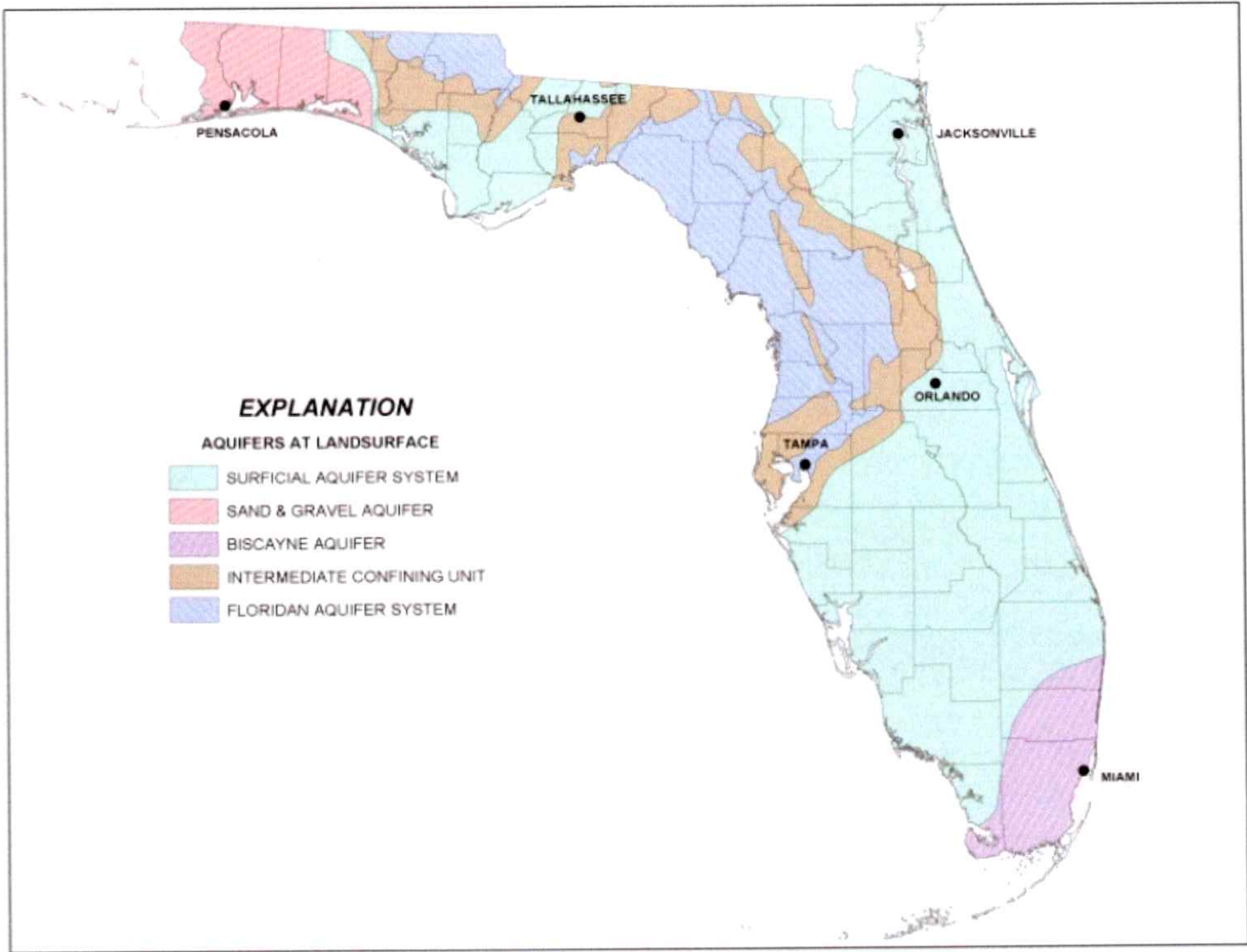
I am humbly coming to you to request that you take into strong consideration the topics I have mentioned in this email. While I can not speak for the other residents of my area, I can speak for myself and my family living in this area after conferring with them. We are all in agreement that the rezoning of this property from residential to commercial will cause some severe negative effects to the future, including ownership and usage sustainability of our own properties and likely cause some catastrophic consequences to the area's environment, infrastructure, and ecosystem. We strongly oppose the adoption of these 4 rezoning ordinances by the board and are expectantly confident that the board will vote NO on this agenda item.

Thank you for your time and attention in this matter,  
Warmest regards,  
Amber C. Holton

Resources:

<https://fldep.dep.state.fl.us/swapp/Aquifer.asp#>

<https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Tate-s-Hell-State-Forest>









L.

August 27, 2020

RECEIVED  
AUG 31 2020

BY: .....ak.....

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Subject: Land Use and Zoning change for Jamey & Beverly Sapp

Dear Commissioners,

We the undersigned, are the adjacent property owners to the property that application has been made by Jamey & Beverly Sapp for a Land Use and Zoning change. The proposed change would take the property from Agriculture/Residential to C3 Commercial/ Recreation.

We, the adjacent property owners are opposed to the Land Use and Zoning change to C3. C3 Commercial /Recreation would allow up to 47 RV's. We are opposed to this project because all of our properties are zoned Agriculture/Residential we do not want Commercial in our front yards.

We would ask the Commission not to allow this project to move ahead and not to change the zoning and land use. We don't want Commercial property out in this area.

Warm Regards,  
Property Owners of the Pine Log Area

Name	Address
Cassie Johns	2533 Hwy 67 Carrabelle
Billy for JFL	2533 HWY 67 Carrabelle
Royce J. Johns	2527 HWY. 67 CARRABELLE
ROYCE JOHNS III	2521 HWY 67 Carrabelle
James + Cinnamon Murray	2400 Hwy 67 Carrabelle
TIM BROWN	2507 HWY 67
Earl Bryan Jr.	5571 Jeff Sanders Rd Carrabelle
RR Sanders	4900 Jeff Sanders Rd Carrabelle
Oscar Sooker	4901 JEFF SANDERS RD CARRABELLE
Chap Sooker	4901 JEFF SANDERS RD. CARRABELLE

amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

AUG 31 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

Florida has a very broad Public Records Law. Most written communications to or from State and Local Officials regarding State or Local business are public records available to the public and media upon request. Your email communications may therefore be subject to public disclosure

Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 1:53:53 PM EDT  
**To:** "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>, "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>, "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>, "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>, "william@franklincountyflorida.com" <william@franklincountyflorida.com>, "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>, "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

I own 40 acres in the Pine Coast Plantation in Hickory Hammock and have just recently learned of this proposed zoning change and future development.

I am against it. Most of us in this area bought out properties for the seclusion, peace and quiet and the enjoyment of nature. When my husband and I bought up here the zoning was Agricultural, one dwelling per 40 acres. Some of it has since been divided into 10 acre parcels, which I am O.K. with as long as it doesn't go below that. But to change the above mentioned parcel to C-3, which allows so many possible uses is not at all in keeping with the original zoning and land use intended for this area.

I have talked to several of my neighbors and everyone I have talked to so far has been against this change.



I would appreciate you taking this into consideration L. when reviewing this proposal.

Sincerely,  
Karen Folks  
Sent from [Mail](#) for Windows 10

[amyk@franklincountyflorida.com](mailto:amyk@franklincountyflorida.com)

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**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Michael Morón  
 County Coordinator  
 Franklin County  
 Board of County Commissioners  
 Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
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[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 2:21:54 PM EDT  
**To:** "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>,  
 "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>,  
 "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>,  
 "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>,  
 "william@franklincountyflorida.com" <william@franklincountyflorida.com>,  
 "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>,  
 "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

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I would appreciate your consideration on this matter.

L.

Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10

Microsoft Word

L.

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:39 PM  
**To:** Amy Kelly-Ham  
**Subject:** Re: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Good Afternoon

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on Tuesday's agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: .....AK.....

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On Aug 30, 2020, at 2:37 PM, Michael Moron <michael@franklincountyflorida.com> wrote:

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
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**Subject: RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.**

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Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10



amyk@franklincountyflorida.com

**From:** cortnib@franklincountyflorida.com  
**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** FW: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

Sincerely,

*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: ..... *AK*



**PLEASE ALLOW FROM 7-10 BUSINESS DAYS TO COMPLETE ANY PERMITTING REQUESTS RECEIVED BY EMAIL. FLORIDA BUILDING CODE ALLOWS FOR 30 BUSINESS DAYS FOR A PERMIT TO BE ISSUED ONCE A COMPLETE APPLICATION HAS BEEN SUBMITTED. MANAGEMENT.**

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**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:26 PM  
**To:** smokey@franklincountyflorida.com; bert@franklincountyflorida.com; ricky@franklincountyflorida.com; noah@franklincountyflorida.com; william@franklincountyflorida.com; lhines@franklinclerk.com; michael@franklincountyflorida.com; cortnib@franklincountyflorida.com  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

L.

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Sincerely ,

Karen Folks

Sent from [Mail](#) for Windows 10

amyk@franklincountyflorida.com

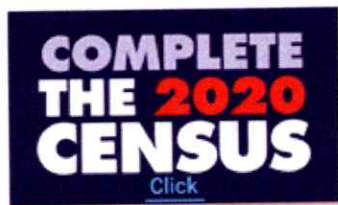
**From:** cortnib@franklincountyflorida.com  
**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** FW: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

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*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
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BY: ..... *ak*



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**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:54 PM  
**To:** ricky@franklincountyflorida.com; <bert@franklincountyflorida.com> <bert@franklincountyflorida.com>; <noah@franklincountyflorida.com> <noah@franklincountyflorida.com>; <smokey@franklincountyflorida.com> <smokey@franklincountyflorida.com>; <william@franklincountyflorida.com> <william@franklincountyflorida.com>; <lhines@franklinclerk.com> <lhines@franklinclerk.com>; <michael@franklincountyflorida.com> <michael@franklincountyflorida.com>; <cortnib@franklincountyflorida.com> <cortnib@franklincountyflorida.com>

L.

**Subject:** RE: Zoning change on 32.16 acres owned by James and Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

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I would appreciate your consideration on this matter.

Sincerely,

Karen Folks

Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10



L.

Franklin County Jail Facility  
Inmate Request

RECEIVED  
JUL 20 2020

BY: .....

Name: Royce JOHNS Dayroom: \_\_\_\_\_ Date: \_\_\_\_\_

Directed To:

Sheriff

Jail Administrator

Corrections

Administration

Other

**Nature of Request: Please include all details and what is requested.**

Officer Answering Request: \_\_\_\_\_ Date: \_\_\_\_\_



Legal Mail

7-16-20

Needs TO MAKE IT before

JULY 21 10:40 A.M. TO

FRANKLIN COUNTY BOARD OF COUNTY  
COMMISSIONERS, 33 MARKET STREET,  
SUITE 203 APALACHICOLA FL, 32320

7-16-20

MY NAME IS ROYCE JOHNS,

I've lived AT 2521 HW 6T IN CARRABELLE.  
 I've BEEN informed THAT MR. JAMIE SAPP  
 WANTS TO HAVE 10 ACRES OF LAND AT 2536  
 REZONED ~~FROM~~ FROM A R-2 SINGLE FAMILY  
 MOBILE TO C-3 COMMERCIAL RECREATION. FIRST  
 OFF WHY DOES HE WANT THIS? I'AM  
 THINKING THAT HE'S WANTING TO DO IS  
 MOVE HIS LOGGING COMPANY TO THIS SPOT?  
 IF SO THAT MEANS, THERE'S GOING TO BE  
 A LOT OF NOISE, AND TRAFFIC IN AND OUT  
 IN THE EARLY HOURS OF THE MORNING.  
 AT THE END OF JEFF SANDER'S WHERE IT MEETS  
 HW 6T IS WHERE ALL THE CHILDREN OF  
 THIS COMMUNITY HAVE THEIR BUS STOP.  
 I WOULD FEEL VERY SCARED TO HAVE  
 MY CHILD BE WAITING ON A BUS THERE  
 WITH ALL THAT TRAFFIC COMING IN FROM  
 NORTH 6T OR SOUTH 6T MAKING THAT TURN AT  
 HIGH RATES OF SPEED. IT'S ALL READY DANGEROUS  
 ENOUGH WITH EVERYONE SPEEDING ON 6T. THEN THERE'S  
 THE PROBLEM WITH IF HE'S GOING TO HAVE ALL  
 THAT HEAVY EQUIPMENT WOULD HAVE WOULD BE MAKING  
 A LOT OF TURN OFF JEFF SANDER'S ONTO 2536  
 WITH HEAVY LOADED LOG TRAILERS. SO THAT  
 WILL BE TEARING UP THAT DIST ROAD MAKING  
 FOR THE COUNTY TO HAVE TO ~~SPEND~~ SPEND  
 A LOT MORE OF MONEY AND TIME MAINTAINING  
 THIS ROAD. THEN I HAVE A CONCERN WITH  
 IF HE'S MAKING A SHOP AT THIS SPOT  
 ALL THE FLUIDS FROM ALL THE WORKING ON  
 ALL THIS EQUIPMENT LEAKING ALL OVER THE  
 GROUND BATTERIES BEING PLACED ON THE GROUND.  
 I'VE LIVED UP IN THESE WOODS FOR MY

Russell R. Sanders  
850-646-0011  
Carrabelle, Fl. 32322

L

7/17/2020

I strongly oppose The Rezoning of  
The property At Hwy 67 AND Jeff Sanders  
Road

Sincerely

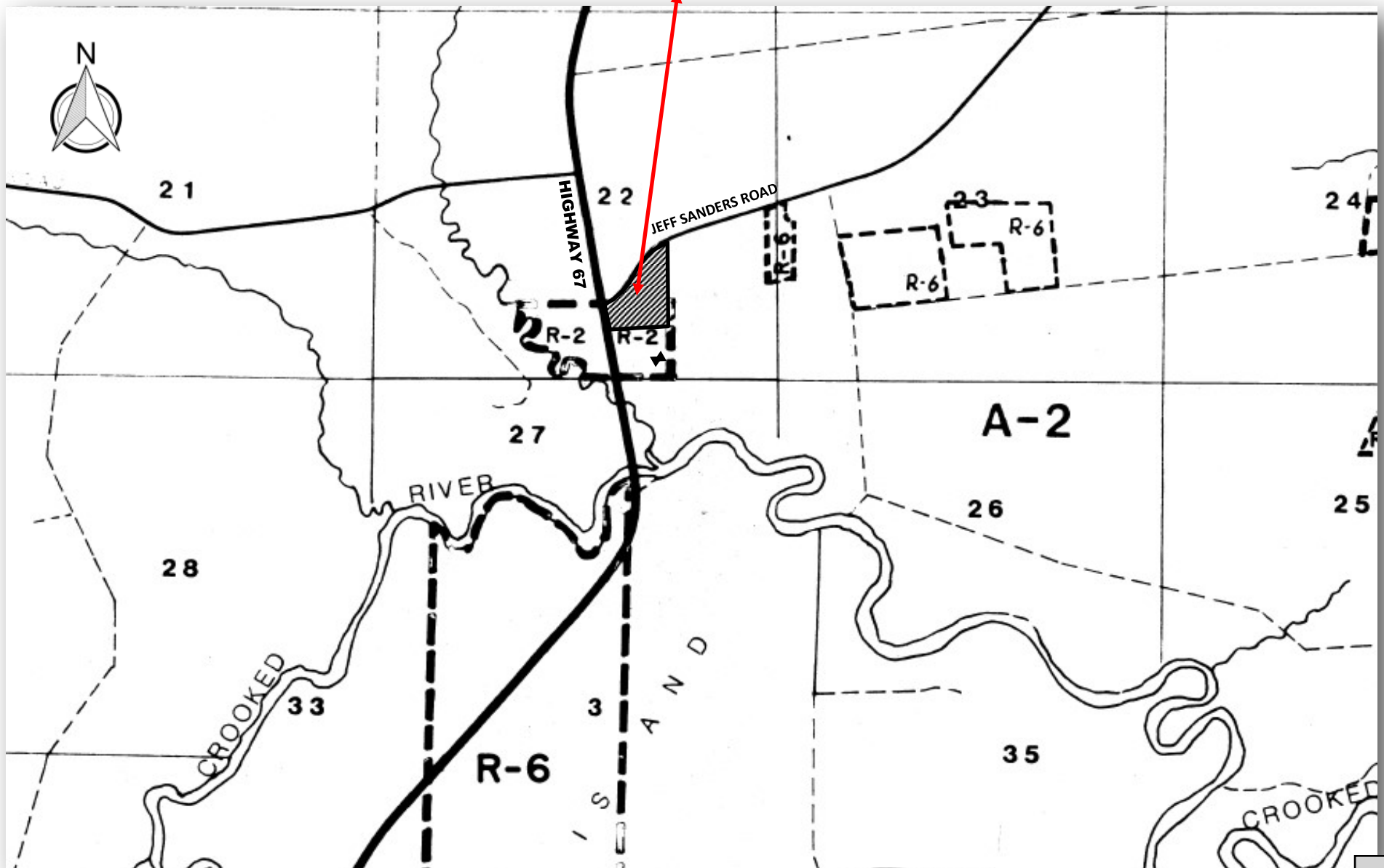


RECEIVED  
JUL 20 2020

BY: .....

**2536 HIGHWAY 67, CARRABELLE, FL**

**RE-ZONING OF 10 ACRES FROM A-2 FORESTRY AGRICULTURE &  
R-2 SINGLE FAMILY MOBILE TO C-3 COMMERCIAL RECREATION**





July 15, 2020

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Dear Commissioners;

My name is Oscar Sanders and my family and I live at 4901 Jeff Sanders Road on property that our family has owned since the 1930's.

I am writing in objection to a Zoning and Land Use change that has been submitted by Jamey and Beverly Sapp. The land in question is zoned Agriculture/Residential and the applicants want to change to C3 Commercial Recreation. It is my understanding that with a C3 land use change that the applicants would be able to have up to 47 RV spaces.

To my knowledge there is no other C3 zonings on County Road 67. The majority of land along County Road 67 is zoned Agriculture/Residential or Agriculture. This could be a case of spot zoning.

This would affect not only County Road 67, but Jeff Sanders Road as well. The land is next to Pine Log Creek and Crooked River. I am concerned with the impact to these water bodies since there is no centralized water and sewer system in that area. The nearest being at Franklin Correctional Institute several miles away from the land in question.

The project hasn't been looked at by the Planning and Zoning Board. Due to the Covid 19 crisis I've been told that the Planning and Zoning Board has not been able to meet. I would respectfully request that before the BOCC makes a decision on this request submitted by Mr. & Mrs. Sapp that you would table this matter until the Planning and Zoning Board can meet to review, evaluate, take public comment and make a recommendation to the BOCC on this application. The potential impacts of this project are too great to take a chance on it.

Thank you for your consideration

Oscar Sanders

RECEIVED  
JUL 17 2020  
BY: .....AK.....



M.

Franklin County Jail Facility  
Inmate Request

RECEIVED  
JUL 20 2020

BY: .....

Name: Royce JOHNS Dayroom: \_\_\_\_\_ Date: \_\_\_\_\_

Directed To:

Sheriff

Jail Administrator

Corrections

Administration

Other

**Nature of Request: Please include all details and what is requested.**

Officer Answering Request: \_\_\_\_\_ Date: \_\_\_\_\_

Legal Mail

7-16-20

Needs TO MAKE IT before

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COMMISSIONERS, 33 MARKET STREET,  
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Russell R. Sanders  
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Carrabelle, Fl. 32322

M.

7/17/2020

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The property At Hwy 67 AND Jeff Sanders  
Road

Sincerely



RECEIVED  
JUL 20 2020

BY: .....



amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:40 AM  
**To:** Candice Sherian  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Carrabelle Hunters Oppose Pine Log RV Park

RECEIVED  
AUG 28 2020  
BY: ak

Ms. Sheridan

Your email will be added to Tuesday's agenda file. The meeting will be live-streamed and on Zoom. Information for both can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

On Aug 28, 2020, at 7:28 AM, Candice Sherian <[csweetsheridanot@gmail.com](mailto:csweetsheridanot@gmail.com)> wrote:

Dear Mr. Moron,

I would like to start by saying that I oppose the change to commercial zoning of 2536 Highway 67, Carrabelle, Florida. You may think that your decision Tuesday is a simple zoning change, but your small votes today are affecting the citizen's lives and way of life for even future generations. If you haven't noticed, we are at a turning point in Franklin County. Should you change zoning or ordinances that will force the locals to change how they live and play in their own community?

This zoning change will allow for an RV park that will cater to those who use Tate's Hell State Forest. Who is their clientele? Those who fish or kayak mostly come for a day trip or use the State's primitive camping sites which are much less pricey than a modern-day RV park. The primary outdoor enthusiasts, who venture to Tate's Hell Forest for an extended stay, are hunters. Over the past several years, hunting in Tate's Hell has become more and more popular with non-residents of Franklin County. These hunters are primarily from South Florida. The FWC has set up four hunting zones in the state of Florida. Zone A, furthest south, has a general gun season of September 19-October 18 and November 21-January 3. Zone C, which encompasses most of the counties in Florida from the Georgia line to Palm Beach County, has a general gun season of November 7-January 24. Our Zone D is open from December 12-February 21. The local hunters must wait until mid-December to hunt and then compete with those from other counties in January and February who come here after their season has closed. It has become a competition for hunting land. It has become a safety concern for our citizens and a conservation concern for our natural resource. If we promote Tate's Hell as the next tourist attraction in Franklin County that is what it will become, land for the tourists, or in this case hunters from other counties who have enjoyed their season and will come here to take advantage of ours.

I fear gone will be the days of locals enjoying their own lands. The lands that they pay taxes to support.

Think! We are at a turning point. People are moving in expecting locals to change how they live on their property because they just bought a piece of paradise or are looking to turn a profit. Affordable housing for young working people is almost nonexistent. Now the long-standing, recreational activity that our residents enjoy will be gone in the name of tourism. Let them have the beaches and the bay. Leave our hunting lands to our citizens and future generations.

Vote NO to the zoning changes on highway 67 at Pine Log. Feasibility has not been proven.



M.

With Best Regards,

Mrs. Candice Sweet Sheridan

1845 Lighthouse Road, Carrabelle, Florida 32322

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 8:44 AM  
**To:** Nikki Millender  
**Cc:** Amy Kelly-Ham  
**Subject:** Re: Zoning Request by Jamey Sapp

RECEIVED  
AUG 28 2020  
BY:.....AK.....

Ms Millender

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on the agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

On Aug 28, 2020, at 1:05 AM, Nikki Millender <[millendercatherine@gmail.com](mailto:millendercatherine@gmail.com)> wrote:

Please forward my concerns to all the County Commissioners.

I am a fulltime resident of Franklin County and reside in Carrabelle, I am asking you to please not approve zoning changes requested by Jamie and Beverly Sapp to properties located on Highway 67 North in Carrabelle.

Approving these properties to change it's zoning to Commercial would be detrimental to ther area. The property constantly floods whenever there is a Tropical Storm or Hurricane and with this happening it would cause the river to polluted with Septic Waste because this property would have to have a Septic Tank.

This location is very close to Tate's Hell State Forest , and other property owners that may also want to change their zoning should be the bigger concern. If the door is opened others will follow. People bought out there because of the zoning and density requirements. It's not fair to them. When you are interested in changing zoning on a property you should investigate that option prior. I am totally not in favor of being told what you can or cannot do on your own property EXCEPT when it is changes in zoning issues especially to a commercial designation.

Also, the Boat Ramp located on Highway 67 is not capable of supporting the amount of boat trailer traffic if the property was approved Commercial.

I just feel at this time it is not what is needed in the Carrabelle area. There are already enough campgrounds nearby including camp sites in Tates Hell as well.

Thank You,  
Nikki Millender

Michael Morón  
County Coordinator  
Franklin County

M.

Board of County Commissioners  
Phone (850)653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 1:45 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Sapp RV park

RECEIVED  
AUG 28 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Pamela Brownell <pamela.brownell@yahoo.com>  
**Date:** August 28, 2020 at 9:30:09 AM EDT  
**To:** Michael Moron <michael@franklincountyflorida.com>  
**Subject:** Sapp RV park

I don't want the Zonning change. Add me to the list.

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning pine log

RECEIVED  
AUG 28 2020  
BY: *ak*

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Charlie Thompson <charliet270@yahoo.com>  
**Date:** August 28, 2020 at 1:11:42 PM EDT  
**To:** michael@franklincountyflorida.com  
**Subject:** Rezoning pine log

Hi Michael  
This is a note I sent to the board  
Charlie Thompson

This is Charlie Thompson, my wife Angie and myself are lifetime residents and property owners in Carrabelle. We would like our Franklin county Commissioners to know we are strongly opposed to the rezoning of lands up highway 67 North of Carrabelle in the pine log area for commercial use. There are families with homes and property in that area that thought they had the perfect home and life in a natural and peaceful area. Bringing Commercialism and the proposed RV business into that area would not only destroy these homeowners peaceful home life and reduce their property values but also there could be an environmental impact on the area lands, rivers and the ground water quality, etc. that could be forever changed due to the septic systems that would be needed to run the proposed RV park. Also other business that could follow this land zone change!

Thank you Charlie and Angie Thompson

Sent by Charlie Thompson

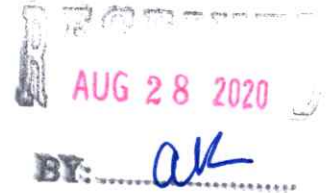
Sent by Charlie Thompson



**amyk@franklincountyflorida.com**

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Friday, August 28, 2020 2:07 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: September 1st, 2020 Meeting Agenda Item  
**Attachments:** XL\_FLORIDA\_AQUIFERS\_MAP1.jpg; Untitled attachment 06086.html; tates-hell-state-forest-larger-map.pdf; Untitled attachment 06089.html

Michael Morón  
 County Coordinator  
 Franklin County  
 Board of County Commissioners  
 Phone (850) 653-9783 Ext.155  
 Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)



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Begin forwarded message:

**From:** Amber Holton <ambercholton1983@gmail.com>  
**Date:** August 28, 2020 at 11:55:47 AM EDT  
**To:** ricky@franklincountyflorida.com, bert@franklincountyflorida.com, noah@franklincountyflorida.com, smokey@franklincountyflorida.com, william@franklincountyflorida.com, lhines@franklinclerk.com, michael@franklincountyflorida.com, cortnib@franklincountyflorida.com  
**Subject: Re: September 1st, 2020 Meeting Agenda Item**

Good day County Commissioners and other staff of the Franklin Co. BOCC,

I am writing to you today with great concern for one of the agenda items listed for possible adoption on the upcoming Tuesday, Sept. 1st. meeting. They are listed below:

\* Items P through S. - adopting the following by ordinance: An Ordinance changing the Land Use of approximately 32.16 AC (4 separate lots) owned by Jamey and Beverly Sapp from zoning Residential, R-2, Agricultural, A-2 to C-3 Commercial Recreational located at 2514 and 2536 Highway 67 N, Carrabelle, FL 32322

I will start by saying I am a firm supporter in "chasing the American dream" and believe that this country's economy was designed with the intentions of facilitating the goal of families owning and operating businesses. Afterall, that is what most of us strive to do in our lifetime is create a legacy to pass to the next generation. Within the creation of new businesses it is the local government's responsibility to manage and protect the growth and distribution of land use within their communities

of one that best suits the needs of that desired M. on, as well as the protection of the community as a whole.

Which brings me to my concern for this proposed rezoning of residential land use to commercial. You see, I am a property owner in the area of this proposed zoning. It is an extremely rural community located approximately 5 miles north of the City of Carrabelle. My property is located within the Pine Coast Homeowner's Association off of Hickory Hammock Road (NE in relation from Highway 67 and the property in question). This road is only accessible from Highway 67 by Jeff Sanders Road. All the roads in this area off of Highway 67 are limestone and county maintained. When my parents originally purchased this property in 2007, they did so with the intentions of having their families living nearby, each on their own separate 10 acre parcel, as the area is governed to only allow 1 family residence per 10 acre tract. This protects not only the peacefully secluded amenities this wooded area has to offer, but also protection to overpopulation of such an important part of our local ecosystem. To the east of this area is Ochlockonee River and just to the west is the Crooked River system. These 2 rivers join at Pine Log Bridge (at the edge of one of the proposed properties in question). And now we are faced with the fear of the development of a quite large (estimated 30 +/- RV/Camping site business expected by the Sapp Family) not only in our area, but with an entrance located off of Jeff Sanders Road.

When overpopulation of land adjoining river systems occurs this can cause the following hazardous issues: Reduced groundwater recharge, decreased base flow in streams, increased erosion, reduced natural filtration of water, and negative impact on stream health including pollution and contaminants from septic systems. Due to the rural nature of this area in question 100% of the residents drinking water comes from private wells in the surficial aquifer system and private in ground septic tanks. As seen in the attached photo from the Florida Department of Environmental Protection, these types of surficial aquifers generally produce less water, and, with some exceptions, are used primarily for domestic and smaller public supply wells. The development of a 30 +/- site camping ground in an area where the water supply is limited could be catastrophic for the residents living in this area, bringing not only fears of depletion on our utilized pocket of the surficial aquifer but contamination of the water we drink!

Now let's talk about the effects on the local ecosystem. The property in question is located just outside the boundaries of the Tate's Hell State Forest, including the Womack Creek Wildlife Management Area. These areas are home to many species of wildlife including such rare species as the bald eagle, Florida black bear, gopher tortoise and red-cockaded woodpecker. Recreational hunting is heavily regulated in this area in order to protect this "regrowing" ecosystem which inordinately was negatively affected due to timber production and damaging past land management and regulation in the mid 1900's. While these areas are hunted by local citizens during these regulated seasons, there has also been an extreme influx in the migratory hunting of people from other areas and states during our season when their home areas of managed hunting are closed. While in a perfect world where everyone followed laws and regulations, I would love to believe that an influx of migratory hunters in our area would have no negative effects, however this is far from true. In past years I have knowledge of many instances of some of these migratory hunters rampantly poaching our local wildlife, causing damage to roadways, and committing thefts from State camping sites. The placement of a 30 +/- RV camping site placement just 20 +/- feet across Highway 67 from Tate's Hell State Forest would facilitate an even more abundant influx of those migratory hunters. This leads me to believe the placement and expected land use development by the owners likely has some explanation of what "customers" they would be targeting to serve.

I have been a property owner in this area since 2013 and a police officer since 2009. Throughout my tenure I have witnessed first hand how an increase in both traffic and population (both long and short term tenants) can result in a negative influence on crime rate and emergencies. Some of the major holidays, when our already existing RV parks in the county have an abundance of guests, they often hire



local law enforcement to perform off duty security M. der to deter noise complaints, fights, and thefts because there is an increase of seeing those types of issues.

As one may suspect, when there is an increased number of vehicles in an area, there will in turn be an increased risk of traffic issues, including crashes and violations of traffic laws. When you take a seemingly rural residential neighborhood and begin changing the land usage to commercial around it, MASS development will follow! This leads to more people and vehicles in the area, which requires more regulation, maintenance, and emergency resources for that area, costing the county more valuable resources to upkeep. As a resident in the area in question, I for one do not wish to see an influx of crime, traffic, roadway damage (limestone roads) and more stress on local emergency services in my residential neighborhood. I personally feel that that is why it is so important to keep residential areas as such and commercial areas designated for the growth of income driven property purchases.

While this opinion is strictly that, my opinion, I would like to bring to the Commission's attention that one of the parcels of property in question currently owned by Jamey and Beverly Sapp was quick claim deeded from Bobby and Brenda Sapp (parents of Jamey Sapp) to Jamey and Beverly Sapp on 2/10/2020 and 3/11/2020 for \$100 each. (Parcel 22-065-04W-0000-0012-0030, 10 acres) according to the Franklin County Property Appraiser's online system. If rezoning of this property from residential to commercial is permitted to happen, what would stop the rezoning and commercial development of the 100 acres currently owned by Bobby and Brenda Sapp that is located adjoining the above parcel? When one develops, more will follow!

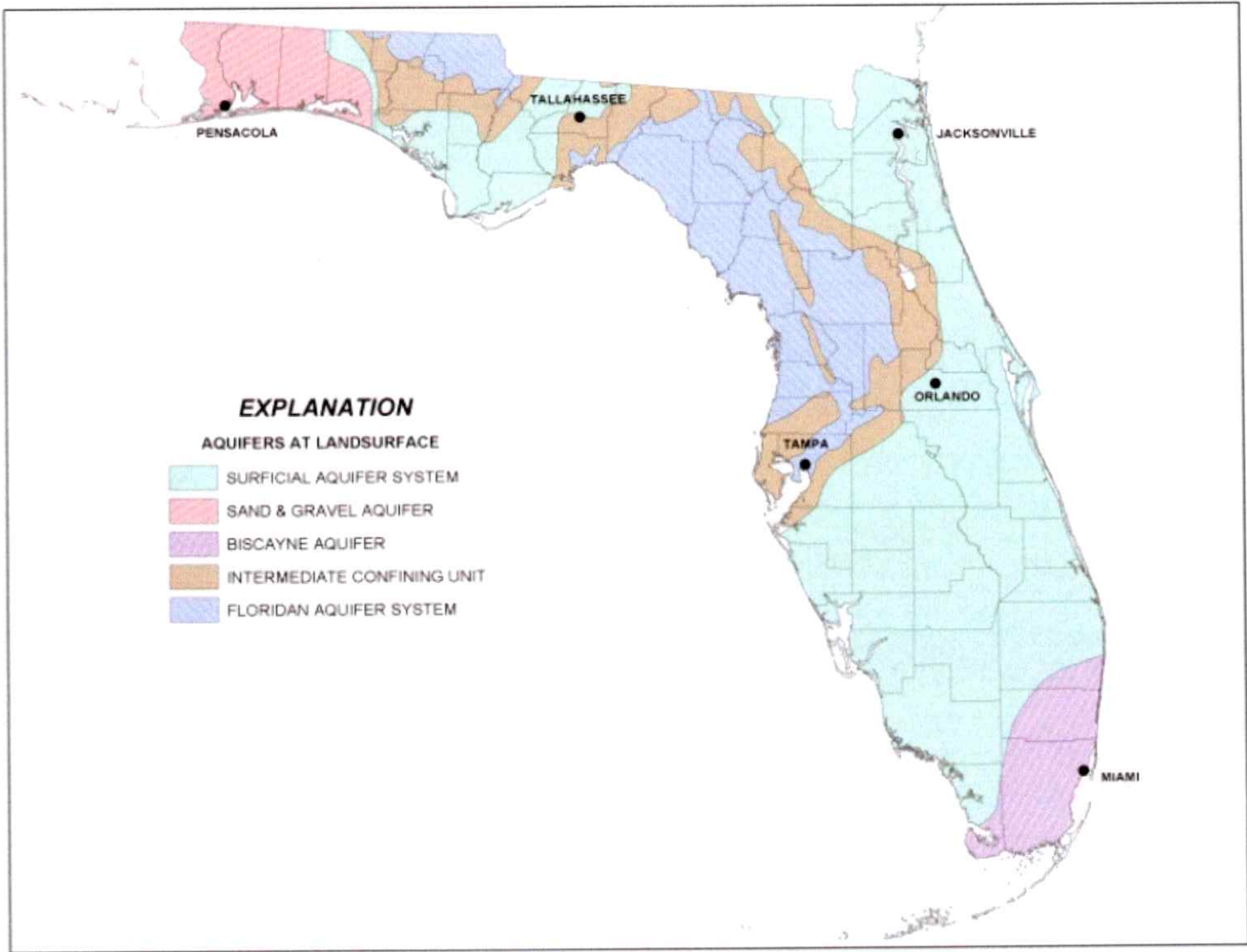
I am humbly coming to you to request that you take into strong consideration the topics I have mentioned in this email. While I can not speak for the other residents of my area, I can speak for myself and my family living in this area after conferring with them. We are all in agreement that the rezoning of this property from residential to commercial will cause some severe negative effects to the future, including ownership and usage sustainability of our own properties and likely cause some catastrophic consequences to the area's environment, infrastructure, and ecosystem. We strongly oppose the adoption of these 4 rezoning ordinances by the board and are expectantly confident that the board will vote NO on this agenda item.

Thank you for your time and attention in this matter,  
Warmest regards,  
Amber C. Holton

Resources:

<https://fldep.dep.state.fl.us/swapp/Aquifer.asp#>

<https://www.fdacs.gov/Divisions-Offices/Florida-Forest-Service/Our-Forests/State-Forests/Tate-s-Hell-State-Forest>









M.

August 27, 2020

RECEIVED  
AUG 31 2020

BY: .....ak.....

Franklin County Board of County Commissioners  
Franklin County Courthouse  
33 Market Street Room 203  
Apalachicola, FL 32320

Subject: Land Use and Zoning change for Jamey & Beverly Sapp

Dear Commissioners,

We the undersigned, are the adjacent property owners to the property that application has been made by Jamey & Beverly Sapp for a Land Use and Zoning change. The proposed change would take the property from Agriculture/Residential to C3 Commercial/ Recreation.

We, the adjacent property owners are opposed to the Land Use and Zoning change to C3. C3 Commercial /Recreation would allow up to 47 RV's. We are opposed to this project because all of our properties are zoned Agriculture/Residential we do not want Commercial in our front yards.

We would ask the Commission not to allow this project to move ahead and not to change the zoning and land use. We don't want Commercial property out in this area.

Warm Regards,  
Property Owners of the Pine Log Area

Name	Address
Cassie Johns	2533 Hwy 67 Carrabelle
Billy for J & L	2533 HWY 67 Carrabelle
Royce J. Johns	2527 HWY. 67 CARRABELLE
ROYCE JOHN III	2521 HWY 67 Carrabelle
James + Cinnamon	Murray 2400 Hwy 67 Carrabelle
TIM BROWN	2507 HWY 67
Earl Bryan Jr.	5571 Jeff Sanders Rd Carrabelle
RR Sanders	4900 Jeff Sanders Rd Carrabelle
Oscar Sooker	4901 JEFF SANDERS RD CARRABELLE
Chap Sooker	4901 JEFF SANDERS RD. CARRABELLE

amyk@franklincountyflorida.com

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

AUG 31 2020  
BY: .....AK.....

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone (850) 653-9783 Ext.155  
Fax (850) 653-9799  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 1:53:53 PM EDT  
**To:** "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>, "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>, "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>, "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>, "william@franklincountyflorida.com" <william@franklincountyflorida.com>, "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>, "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

I own 40 acres in the Pine Coast Plantation in Hickory Hammock and have just recently learned of this proposed zoning change and future development.

I am against it. Most of us in this area bought out properties for the seclusion, peace and quiet and the enjoyment of nature. When my husband and I bought up here the zoning was Agricultural, one dwelling per 40 acres. Some of it has since been divided into 10 acre parcels, which I am O.K. with as long as it doesn't go below that. But to change the above mentioned parcel to C-3, which allows so many possible uses is not at all in keeping with the original zoning and land use intended for this area.

I have talked to several of my neighbors and everyone I have talked to so far has been against this change.

I would appreciate you taking this into consideration M. when reviewing this proposal.

Sincerely,  
Karen Folks  
Sent from [Mail](#) for Windows 10

[amyk@franklincountyflorida.com](mailto:amyk@franklincountyflorida.com)

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:37 PM  
**To:** Amy Kelly-Ham  
**Subject:** Fwd: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Michael Morón  
 County Coordinator  
 Franklin County  
 Board of County Commissioners  
 Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
 Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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Begin forwarded message:

**From:** Karen Folks <kfolks2332@gmail.com>  
**Date:** August 30, 2020 at 2:21:54 PM EDT  
**To:** "ricky@franklincountyflorida.com" <ricky@franklincountyflorida.com>,  
 "bert@franklincountyflorida.com" <bert@franklincountyflorida.com>,  
 "noah@franklincountyflorida.com" <noah@franklincountyflorida.com>,  
 "smokey@franklincountyflorida.com" <smokey@franklincountyflorida.com>,  
 "william@franklincountyflorida.com" <william@franklincountyflorida.com>,  
 "lhines@franklinclerk.com" <lhines@franklinclerk.com>, "michael@franklincountyflorida.com" <michael@franklincountyflorida.com>,  
 "cortnib@franklincountyflorida.com" <cortnib@franklincountyflorida.com>  
**Subject:** RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Since I just recently found about this zoning and land use change, I would like to let you know that I am against it. When my husband and I bought up here, everything was A-2, one dwelling per 40 acres. We and most of the other buyers bought for the privacy, the peace and quiet and the enjoyment of nature. Some of the 40 acre parcels have since been allowed to be broken down into 10 acre parcels, and I am O.K. with that as long as it doesn't be broken down to any smaller acreage.

This zoning change is a threat to our way of life here, our peace and quiet, our water qualities, our ecosystem, our wildlife and possibly our safety. Therefore I feel that this zoning change and possible development goes against the original intended use for this area and will only be bad for this area.

I would appreciate your consideration on this matter.



M.

Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10

Microsoft Word

M.

**amyk@franklincountyflorida.com**

---

**From:** Michael Moron <michael@franklincountyflorida.com>  
**Sent:** Sunday, August 30, 2020 2:39 PM  
**To:** Amy Kelly-Ham  
**Subject:** Re: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Good Afternoon

Your email will be added to Tuesday's agenda file. If interested, the meeting will be live-streamed and on Zoom. Information for both formats can be found on Tuesday's agenda at [www.franklincountyflorida.com](http://www.franklincountyflorida.com).

Michael

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

RECEIVED  
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BY: ..... *AK* .....

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On Aug 30, 2020, at 2:37 PM, Michael Moron <michael@franklincountyflorida.com> wrote:

Michael Morón  
County Coordinator  
Franklin County  
Board of County Commissioners  
Phone  [\(850\) 653-9783 Ext.155](tel:(850)653-9783)  
Fax  [\(850\) 653-9799](tel:(850)653-9799)  
[michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

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**Date:** August 30, 2020 at 2:21:54 PM EDT

To: "ricky@franklincountyflorida.com" <M. @franklincountyflorida.com>, <bert@franklincountyflorida.com>" <bert@franklincountyflorida.com>, <noah@franklincountyflorida.com>" <noah@franklincountyflorida.com>, <smokey@franklincountyflorida.com>" <smokey@franklincountyflorida.com>, <william@franklincountyflorida.com>" <william@franklincountyflorida.com>, <lhines@franklinclerk.com>" <lhines@franklinclerk.com>, <michael@franklincountyflorida.com>" <michael@franklincountyflorida.com>, <cortnib@franklincountyflorida.com>" <cortnib@franklincountyflorida.com>

**Subject: RE: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.**

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Sincerely,  
Karen Folks  
Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10

amyk@franklincountyflorida.com

**From:** cortnib@franklincountyflorida.com  
**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** FW: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.

Sincerely,

*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: ..... *AK*



**PLEASE ALLOW FROM 7-10 BUSINESS DAYS TO COMPLETE ANY PERMITTING REQUESTS RECEIVED BY EMAIL. FLORIDA BUILDING CODE ALLOWS FOR 30 BUSINESS DAYS FOR A PERMIT TO BE ISSUED ONCE A COMPLETE APPLICATION HAS BEEN SUBMITTED. MANAGEMENT.**

E-Mail addresses are public records under Florida Law and are not exempt from Public Records requirements. If you do not want your email address to be subject to being released pursuant to a public records request do not send electronic mail to this entity. Instead, contact this office by telephone or in writing, via the United States Postal Service.

**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:26 PM  
**To:** smokey@franklincountyflorida.com; bert@franklincountyflorida.com; ricky@franklincountyflorida.com; noah@franklincountyflorida.com; william@franklincountyflorida.com; lhines@franklinclerk.com; michael@franklincountyflorida.com; cortnib@franklincountyflorida.com  
**Subject:** RE: Rezoning of 32.16 AC , owned by Jamey & Beverly Sapp at 2524 & 2536 HWY 67N, Carrabelle.



M.

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Karen Folks

Sent from [Mail](#) for Windows 10

amyk@franklincountyflorida.com

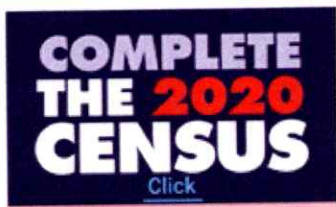
**From:** cortnib@franklincountyflorida.com  
**Sent:** Monday, August 31, 2020 8:38 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** FW: Zoning change on 32.16 acres owned by Jamey & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Sincerely,

*Cortni Bankston*

Administrative Assistant  
Franklin County  
Board of County Commissioners  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320  
850-653-9783, Ext. 180  
850-653-9799, Fax  
[cortnib@franklincountyflorida.com](mailto:cortnib@franklincountyflorida.com)

RECEIVED  
AUG 31 2020  
BY: ..... *ak* .....



**PLEASE ALLOW FROM 7-10 BUSINESS DAYS TO COMPLETE ANY PERMITTING REQUESTS RECEIVED BY EMAIL. FLORIDA BUILDING CODE ALLOWS FOR 30 BUSINESS DAYS FOR A PERMIT TO BE ISSUED ONCE A COMPLETE APPLICATION HAS BEEN SUBMITTED. MANAGEMENT.**

E-Mail addresses are public records under Florida Law and are not exempt from Public Records requirements. If you do not want your email address to be subject to being released pursuant to a public records request do not send electronic mail to this entity. Instead, contact this office by telephone or in writing, via the United States Postal Service.

**From:** Karen Folks <kfolks2332@gmail.com>  
**Sent:** Sunday, August 30, 2020 2:54 PM  
**To:** ricky@franklincountyflorida.com; <bert@franklincountyflorida.com> <bert@franklincountyflorida.com>; <noah@franklincountyflorida.com> <noah@franklincountyflorida.com>; <smokey@franklincountyflorida.com> <smokey@franklincountyflorida.com>; <william@franklincountyflorida.com> <william@franklincountyflorida.com>; <lhines@franklinclerk.com> <lhines@franklinclerk.com>; <michael@franklincountyflorida.com> <michael@franklincountyflorida.com>; <cortnib@franklincountyflorida.com> <cortnib@franklincountyflorida.com>

M.

**Subject:** RE: Zoning change on 32.16 acres owned by James & Beverly Sapp from R-2 & A-2 to C-3. Land located at 2514 and 2536 Hwy 67 N, Carrabelle, FL.

Since I just recently found about this zoning and land use change, I would like to let you know that I am against it. When my husband and I bought up here, everything was A-2, one dwelling per 40 acres. We and most of the other buyers bought for the privacy, the peace and quiet and the enjoyment of nature. Some of the 40 acre parcels have since been allowed to be broken down into 10 acre parcels, and I am O.K. with that as long as it doesn't be broken down to any smaller acreage.

This zoning change is a threat to our way of life here, our peace and quiet, our water qualities, our ecosystem, our wildlife and possibly our safety. Therefore I feel that this zoning change and possible development goes against the original intended use for this area and will only be bad for this area.

I would appreciate your consideration on this matter.

Sincerely,

Karen Folks

Home Owner in Pine Coast Plantation, Hickory Hammock

Sent from [Mail](#) for Windows 10





**ADVISORY BOARD OF ADJUSTMENT APPLICATION**  
**FRANKLIN COUNTY BUILDING DEPARTMENT**  
34 Forbes Street, Suite 1, Apalachicola, Florida 32320  
Phone: 850-653-9783 Fax: 850-653-9799  
[http://www.franklincountyflorida.com/planning\\_building.aspx](http://www.franklincountyflorida.com/planning_building.aspx)

**ADVISORY BOARD OF ADJUSTMENT APPLICATION**

PROPERTY OWNER'S NAME: Richard C. + Cindy A. Palm  
MAILING ADDRESS: 128 Sweet Bay Trace City/State/Zip: Dothan, AL 36303  
PHONE #: 334-685-3229 CELL #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

AGENT'S NAME: DAN GARLICK - Garlick Environmental Assoc. Inc  
MAILING ADDRESS: Post Office Box 385 City/State/Zip: Apalachicola, FL 32329  
PHONE #: 653-8899 CELL #: 850-899-5252 EMAIL: dane@garlickenv.com

**PROPERTY DESCRIPTION:** 911 Address: 2700 Bluff Road (11 Bigoaks Dr.)  
Lot/s: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Unit: \_\_\_\_\_  
Parcel Identification #: 21-08S-08W-0000-0040-0060

**JURISDICTION:**  Franklin County  
 Apalachicola  Eastpoint  St. George Island  Carrabelle  Dog Island  Lanark/ St. James  St. Teresa  Alligator Point

**LEGAL DESCRIPTION OF THE PROPERTY: (MUST ATTACH LEGAL DESCRIPTION)**

**DESCRIPTION OF REQUEST:** Placement of Riprap along an existing dilapidated  
Seawall - The Riprap will NOT be any steeper than a ratio  
of two horizontal to one vertical (2:1) and will extend approximately  
8 FT horizontally from the Seawall.  
8'x100' along the Apalachicola River and 8'x93' along the private canal.

**ADVISORY BOARD OF ADJUSTMENT DATE:** \_\_\_\_\_

**RECOMMENDED APPROVAL:** \_\_\_\_\_ **RECOMMENDED DENIAL:** \_\_\_\_\_ **RECOMMENDED TO TABLE:** \_\_\_\_\_  
**CONDITIONS:** \_\_\_\_\_

**BOARD OF COUNTY COMMISSION MEETING DATE:** \_\_\_\_\_  
**APPROVED:** \_\_\_\_\_ **DENIED:** \_\_\_\_\_ **TABLED:** \_\_\_\_\_  
**CONDITIONS:** \_\_\_\_\_

**Instructions:** Complete application, including proof of ownership in the form of deed, detailed description of request including any necessary information supporting request (site plan/survey) and application fee of \$250.00. Return to the following address:

**Franklin County**  
**34 Forbes Street, Suite 1**  
**Apalachicola, FL 32320**

**THIS VARIANCE REQUEST WILL EXPIRE ONE YEAR FROM DATE OF APPROVAL BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONER.**



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

N.



APPLICANT/CLIENT: Clay Palm  
WATERBODY/CLASS: Apalachicola River  
PURPOSE: Environmental Permitting  
PROJECT LOCATION / USGS: Apalachicola / Franklin County  
LATITUDE: 29° 45' 58"  
LONGITUDE: 85° 2' 26.24"  
SECTION: 21 TWSHP: 8 South RNG: 8 West

JOB: 20-065  
DEP:  
COE:  
OTHER:  
DATE: October 9, 2020  
SHEET: 1/5





PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Clay Palm  
WATERBODY/CLASS: Apalachicola River  
PURPOSE: Environmental Permitting  
PROJECT LOCATION / USGS: Apalachicola / Franklin County  
LATITUDE: 29° 45' 58"  
LONGITUDE: 85° 2' 26.24"  
SECTION: 21 TWSHP: 8 South      RNG: 8 West

JOB: 20-065  
DEP:  
COE:  
OTHER:  
DATE: October 9, 2020  
SHEET: 2/5



SCALE 1" = 200'





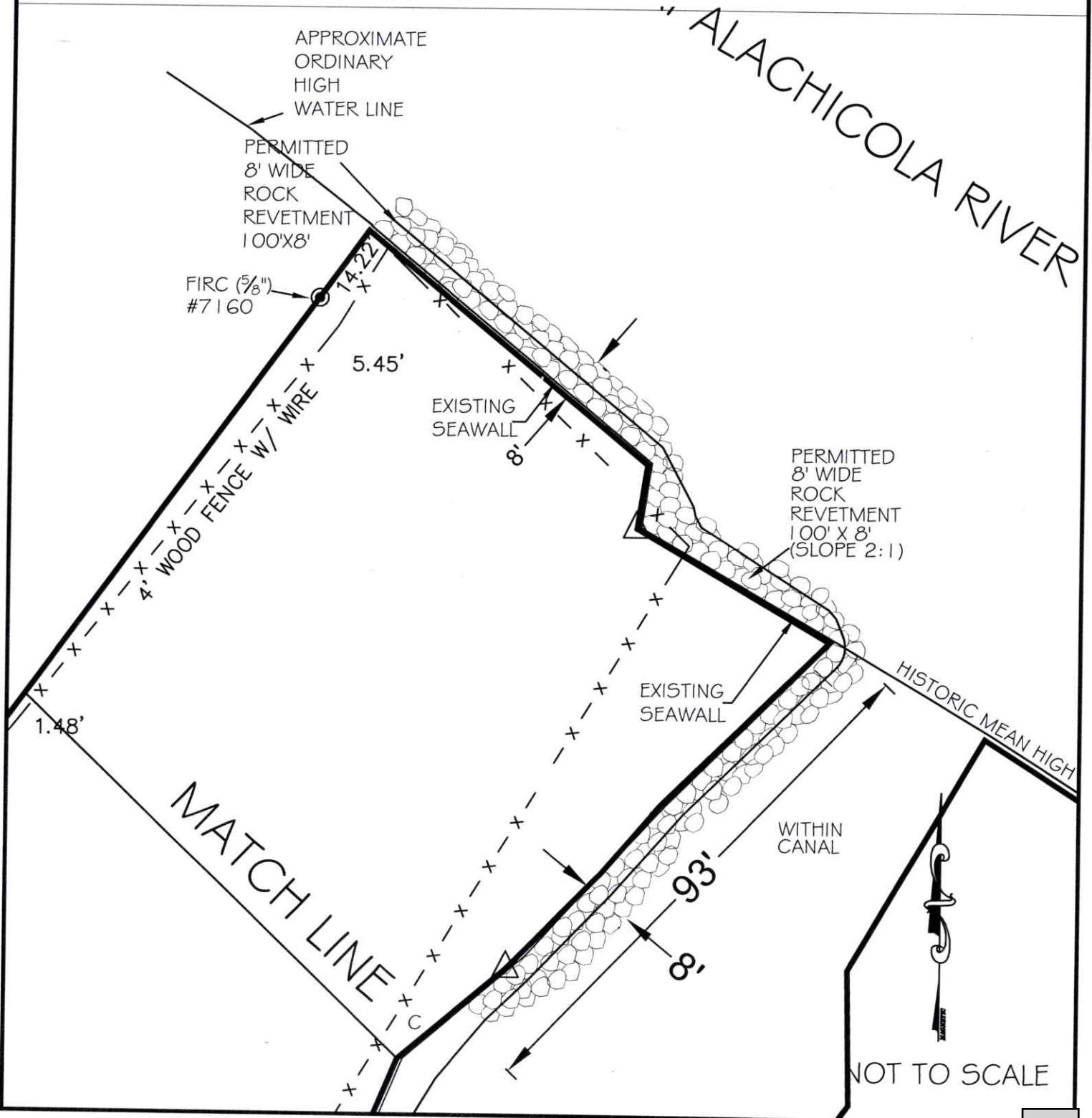
N.

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Clay Palm  
 WATERBODY/CLASS: Apalachicola River  
 PURPOSE: Environmental Permitting  
 PROJECT LOCATION / USGS: Apalachicola / Franklin County  
 LATITUDE: 29° 45' 58"  
 LONGITUDE: 85° 2' 26.24"  
 SECTION: 21 TWSHP: 8 South      RNG: 8 West

JOB: 20-065  
 DEP:  
 COE:  
 OTHER:  
 DATE: October 9, 2020  
 SHEET: 4/5





PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8895 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: CLAY PALM

JOB: 20-065

WATERBODY/CLASS: Apalachicola River

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: Apalachicola / Franklin County

OTHER:

LATITUDE: 25° 45' 58"

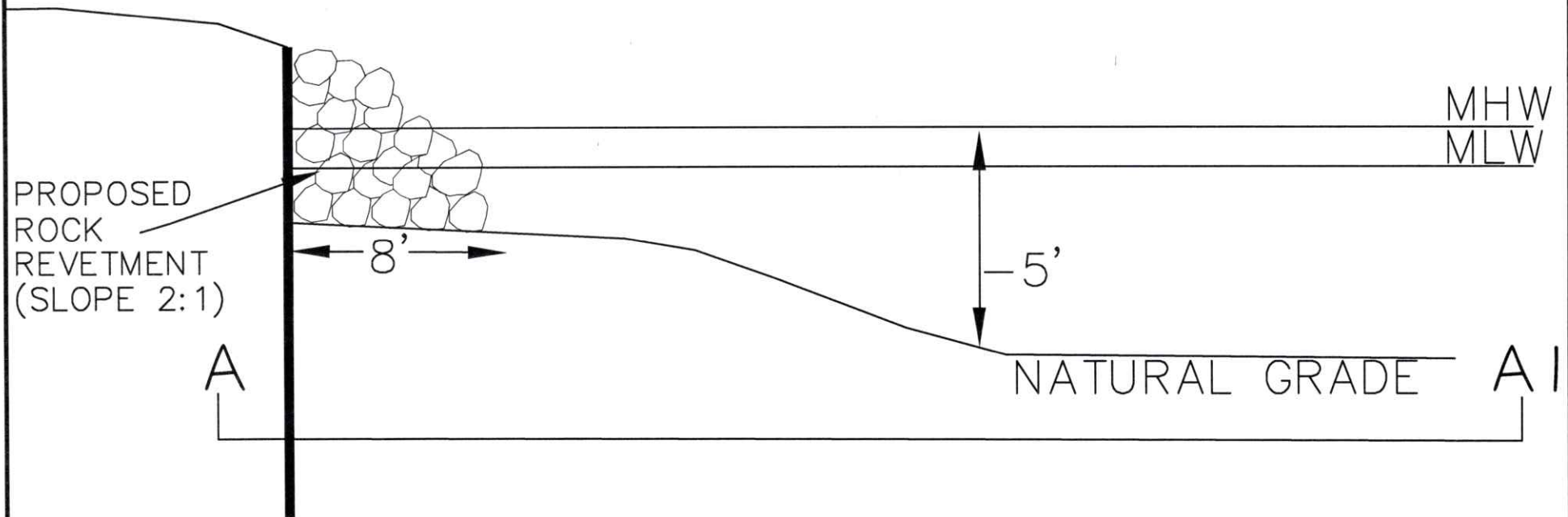
DATE: October 9, 2020

LONGITUDE: 85° 2' 26.24"

SHEET: 5/5

SECTION: 21 TWSHP: 8 South

RNG: 8 West





# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

September 30, 2020

Richard Palm  
128 Sweet Bay Trace  
Dothan, Alabama 36303  
[cpalm@utilityalabama.com](mailto:cpalm@utilityalabama.com)

File No.: 0391169-002-EG/19, Franklin County

Dear Mr. Palm:

On August 20, 2020, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.431, Florida Administrative Code (F.A.C.) to install riprap along 100 feet of shoreline within the Apalachicola River, Class III Outstanding Florida Waters, Unclassified Shellfish Harvesting Area. The project is located at 2700 Bluff Road, Apalachicola, Florida 32320, Parcel No. 21-08S-08W-0000-0040-0000, in Section 21, Township 08 South, Range 08 West of Franklin County; at approximately 29°45'58.94" North Latitude, 85°02'26.14" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

**Your project qualifies for all three authorizations.** However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

### 1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.431, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.431, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.

Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue



this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

**2. Proprietary Review – Granted**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258, F.S. and Chapters 18-20 and 18-21, F.A.C.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter(s) 253 and 258, F.S., Chapter(s) 18-20 and 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

**3. Federal Review – SPGP Approved**

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit** or authorization **will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled "Coordination Agreement Between the U.S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit", Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

**Additional Information**

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

**NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department's action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency's file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner's representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner's substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency's proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency's proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency's proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at Agency\_Clerk@FloridaDEP.gov. Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.



Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@FloridaDEP.gov](mailto:Agency_Clerk@FloridaDEP.gov), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and

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by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.

If you have any questions regarding this matter, please contact Hali Troendle at the letterhead address, at (850)595-0610, or at [Hali.Troendle@FloridaDEP.gov](mailto:Hali.Troendle@FloridaDEP.gov)

**EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



Hali Troendle  
Environmental Specialist  
Submerged Lands and Environmental Resources Program

**Attachments:**

1. Rule 62-330.431, F.A.C., 1 page
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
5. Special Conditions for Federal Authorization for SPGP V-R1, 2 pages
6. General Conditions for Federal Authorization for SPGP V-R1, 2 pages
7. Standard Manatee Conditions for In-Water Work, 2 pages
8. Project Drawings, 7 pages

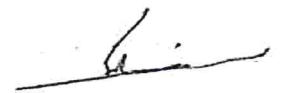
**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Wade Dandridge, DEP, [Wade.Dandridge@FloridaDEP.gov](mailto:Wade.Dandridge@FloridaDEP.gov)  
Garlick Environmental Associates, Inc., Consultant, [dan@garlickenv.com](mailto:dan@garlickenv.com),  
[kevin@garlickenv.com](mailto:kevin@garlickenv.com), [maryann@garlickenv.com](mailto:maryann@garlickenv.com)  
Franklin County, [michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

  
\_\_\_\_\_  
Clerk

September 30, 2020  
Date

**62-330.431 General Permit for Installation of Riprap.**

- (1) A general permit is granted to any person to install riprap:
  - (a) At the toe of an existing vertical seawall, provided the slope of the riprap is no steeper than two horizontal to one vertical and the horizontal distance from the toe of the seawall is no more than 10 feet;
  - (b) At an individual, private residential single-family property that is not part of a larger plan of common development, provided:
    - 1. The slope of the riprap is no steeper than two horizontal to one vertical, and the toe of the riprap is no more than 10 feet waterward of the existing mean high water line or approximate ordinary high water line;
    - 2. Riprap is not placed along a length of shoreline of more than 100 linear feet, and is not combined as part of any other use of this general permit on the same parcel of land; and
    - 3. Erosion has occurred, or is likely to occur, along the shoreline.
- (2) This general permit shall be subject to the following specific conditions:
  - (a) The riprap consists only of natural boulders or clean concrete rubble one to three feet in diameter in average dimension, and there are no reinforcing rods or other similar protrusions in the concrete rubble;
  - (b) There is no filling of submerged grassbeds or coral communities;
  - (c) The amount of wetland area filled shall not exceed 100 square feet; and,
  - (d) There is no backfilling to obtain useable upland, to straighten an otherwise sinuous shoreline, or to reclaim land lost by avulsion or erosion.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.431, Amended 10-1-13, 6-1-18.*



**62-330.405 General Conditions for All General Permits.**

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee’s right to conduct a specific activity under the general permit is authorized for a duration of five years.

(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at [http://publicfiles.dep.state.fl.us/DEAR/Stormwater\\_Training\\_Docs/erosion-inspectors-manual.pdf](http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf).

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee

shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at “Idle Speed/No Wake” at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com) with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.*

**Special Consent Conditions**

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
  
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
  
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
  
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
  
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.



**General Conditions for Authorizations for Activities on State-Owned Submerged Lands:**

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
- (i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

*Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82,*

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*Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.*

**Special Conditions for Federal Authorization for SPGP V-R1**

**Note:** JAXBO (Jacksonville District’s Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utills/getfile/collection/p16021coll3/id/577>.

The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

**Special Conditions for All Projects**

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#), from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
  - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
  - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form ([Attachment 32](#)) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.
  - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit

will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form ([Attachment 2](#)).

d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.

- (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
- (2) For electronic mail: [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.

7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.
8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.
10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or [SiteFile@dos.state.fl.us](mailto:SiteFile@dos.state.fl.us). The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
  - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.



- b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
11. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.
14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

**Special Conditions for Shoreline Stabilization Activities**

1. Shoreline stabilization materials must be placed by hand around red mangrove prop roots (Reference: JAXBO PDC A1.3.).
2. Living shorelines can only be constructed in unvegetated, nearshore water along shorelines to create tidal marshes or mangrove habitat for the purpose of shoreline erosion control or aquatic habitat enhancement. Native plants can be placed along the shoreline or between the shoreline and the living shoreline structure (Reference: JAXBO PDC A7.4.).

3. Living shoreline structures and permanent wave attenuation structures can only be constructed out of the following materials: oyster breakwaters, clean limestone boulders or stone (sometimes contained in metal baskets or cages to contain the material), small mangrove islands, biologs, coir, rock sills, and pre-fabricated structures made of concrete and rebar that are designed in a manner so that they do not trap sea turtles, smalltooth sawfish, or sturgeon (Reference: JAXBO PDC A7.5.).
  - a. Reef balls or similar structures are authorized if are not open on the bottom, open-bottom structures with a top opening of at least 4 ft, and reef discs stacked on a pile are pre-fabricated structures are designed in a manner so that they do not trap sea turtles.
  - b. Oyster reef materials shall be placed and constructed in a manner that ensures that materials will remain stable and that prevents movement of materials to surrounding areas (e.g., oysters will be contained in bags or attached to mats and loose cultch must be surrounded by contained bagged oysters or another stabilizing feature) (Reference: JAXBO PDC A7.2.).
  - c. Oyster reef materials shall be placed in designated locations only (i.e., the materials shall not be indiscriminately dumped or allowed to spread outside of the reef structure) (Reference: JAXBO PDC A7.3.).
  - d. Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).
  - e. Wave attenuation structures must have 5 ft gaps at least every 75 ft in length as measured parallel to the shoreline and at the sea floor, to allow for tidal flushing and species movement (Reference: JAXBO PDC A7.6.).
  - f. Other materials are not authorized by this SPGP V-R1 (Reference: JAXBO PDC A7.5.).
4. For living shorelines, only native plant species can be planted (Reference: JAXBO PDC A7.1.).

**General Conditions for Federal Authorization for SPGP V-R1**

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Further Information:**

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or

- structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
  4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
    - a. You fail to comply with the terms and conditions of this permit.
    - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
    - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
  5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
  6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
  7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.



**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

**CAUTION: MANATEE HABITAT**

**All project vessels**

**IDLE SPEED / NO WAKE**

When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:



**Wildlife Alert:**

**1-888-404-FWCC(3922)**

cell \*FWC or #FWC



N.

# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Clay Palm  
 WATERBODY/CLASS: Apalachicola River  
 PURPOSE: Environmental Permitting  
 PROJECT LOCATION / USGS: Apalachicola / Franklin County  
 LATITUDE: 29° 45' 58"  
 LONGITUDE: 85° 2' 26.24"  
 SECTION: 21 TWSHP: 8 South      RNG: 8 West

JOB: 20-065  
 DEP:  
 COE:  
 OTHER:  
 DATE: August 25, 2020  
 SHEET: 1/5





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JOB: 20-065  
 DEP:  
 COE:  
 OTHER:  
 DATE: August 25, 2020  
 SHEET: 2/5





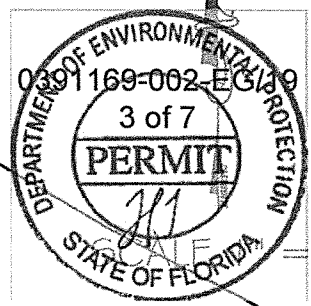
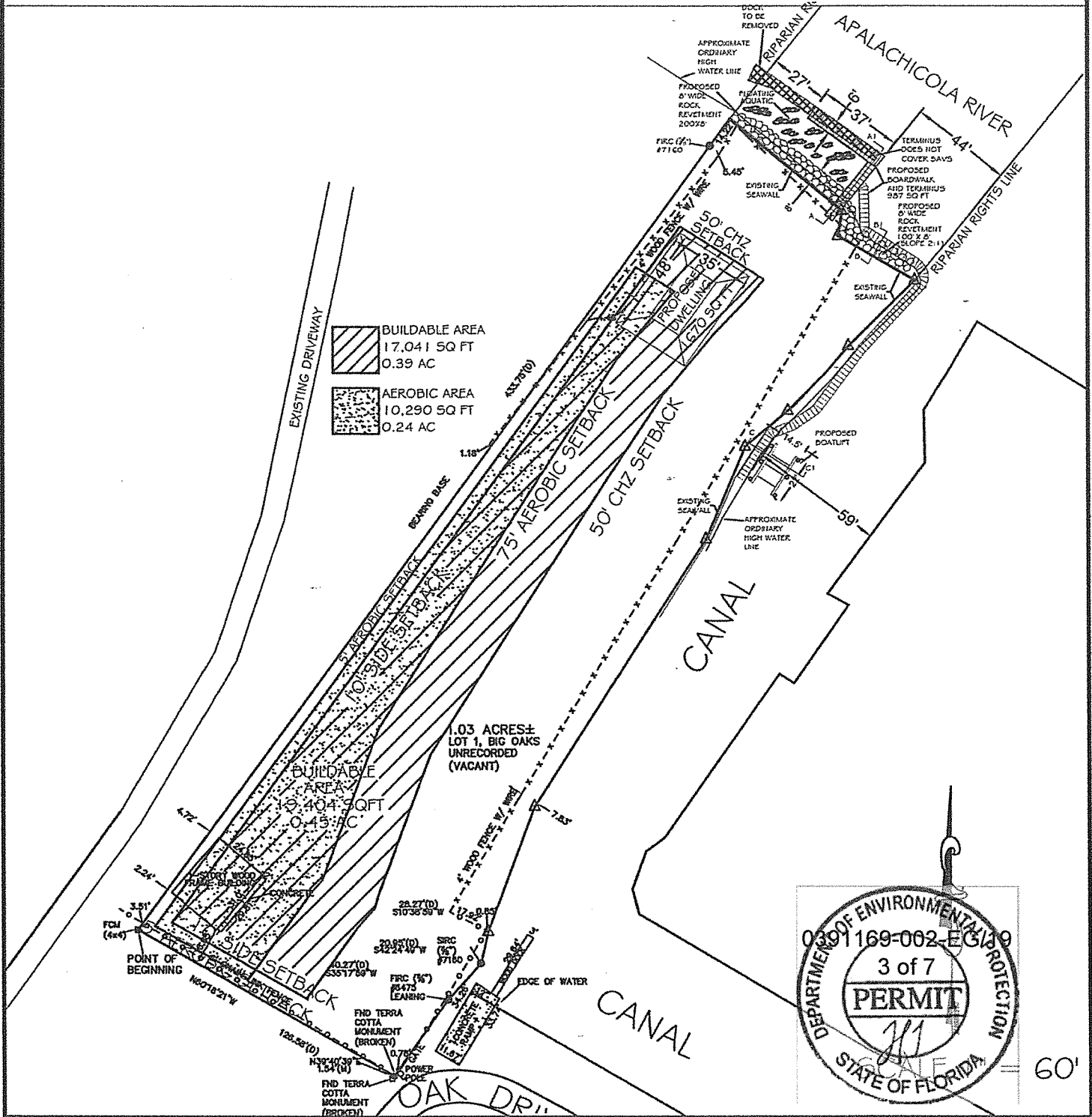
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 DEP:  
 COE:  
 OTHER:  
 DATE: August 25, 2020  
 SHEET: 3/5



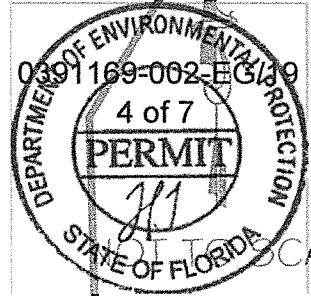
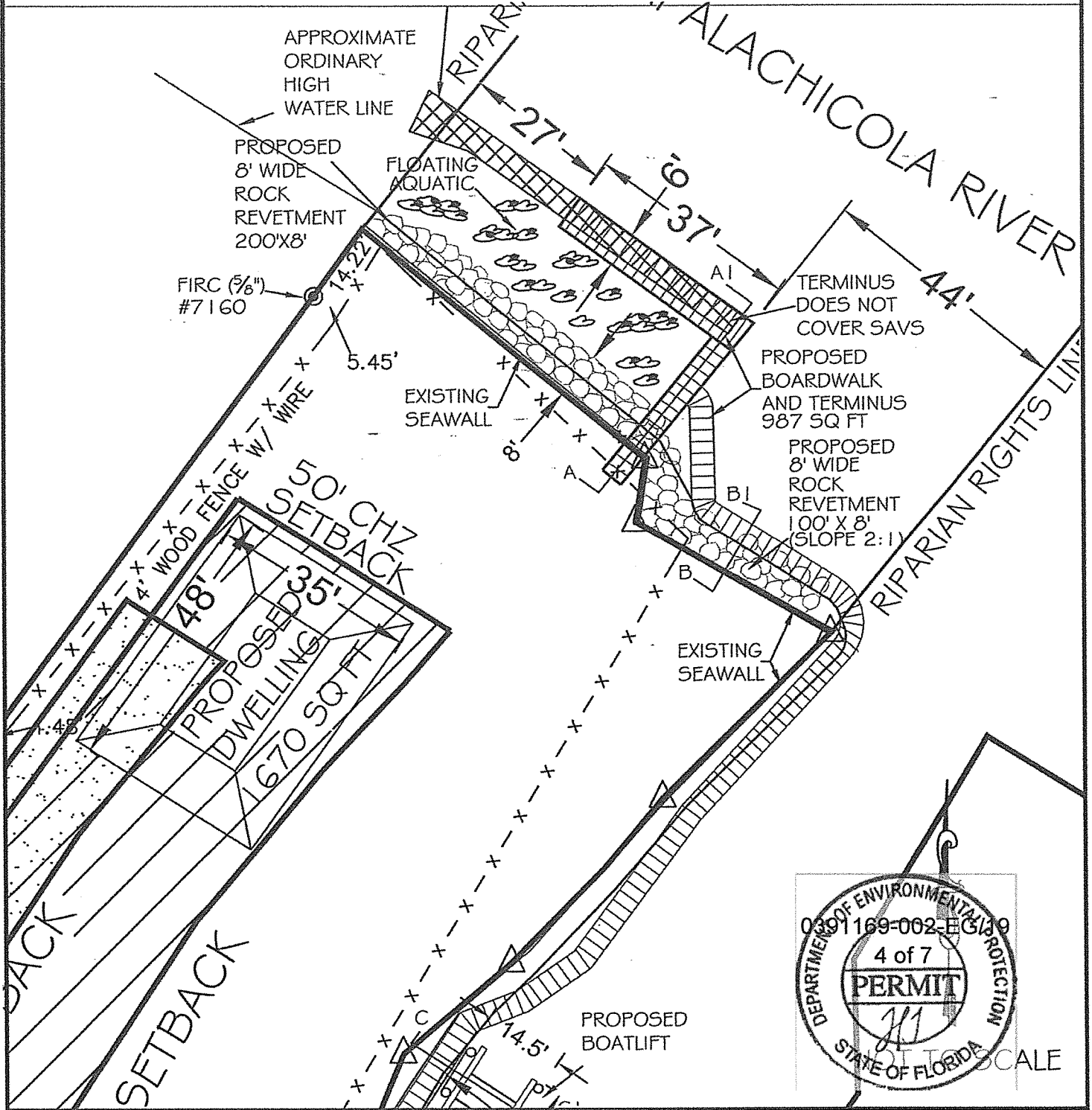
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 LATITUDE: 29° 45' 58"  
 LONGITUDE: 85° 2' 26.24"  
 SECTION: 21 TOWNSHIP: 8 South      RNG: 8 West

JOB: 20-065  
 DEP:  
 COE:  
 OTHER:  
 DATE: August 25, 2020  
 SHEET: 4/5



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: CLAY PALM

JOB: 20-065

WATERBODY/CLASS: Apalachicola River

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: Apalachicola / Franklin County

OTHER:

LATITUDE:

DATE: AUGUST 25, 2020

LONGITUDE:

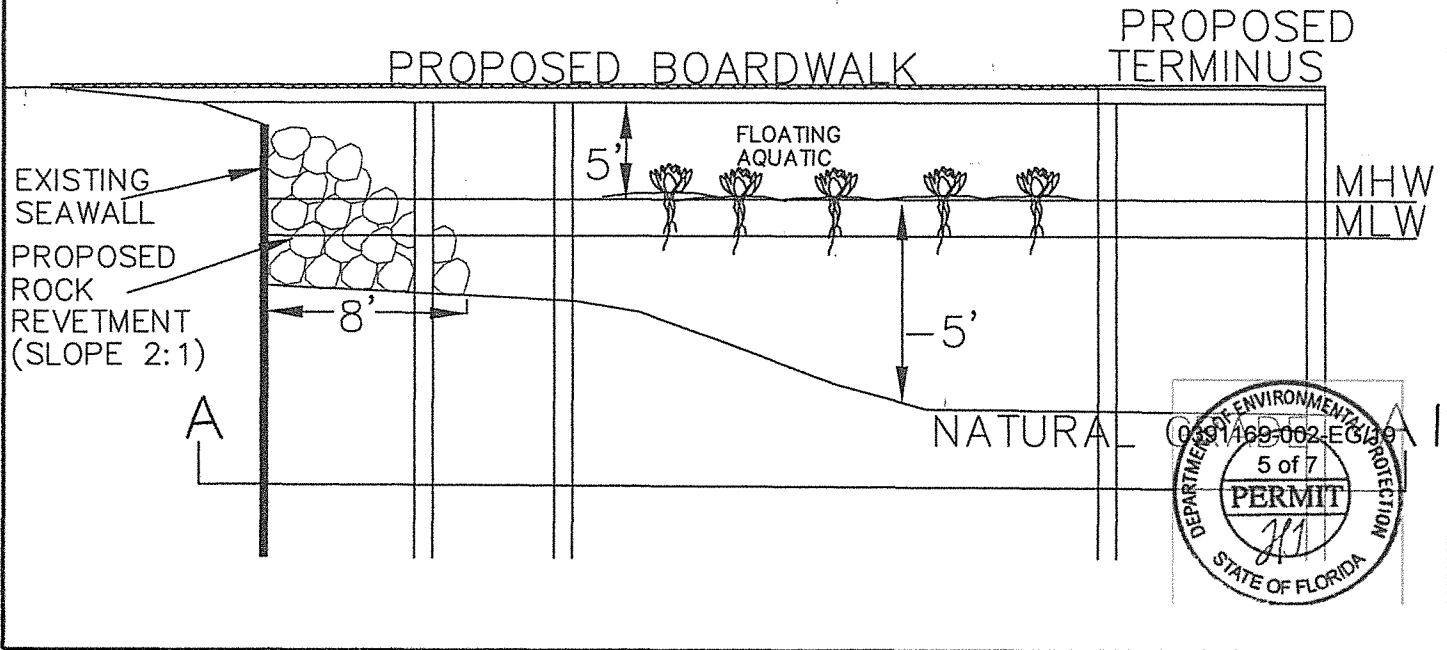
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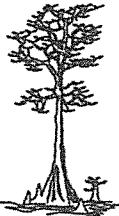
SECTION: 21 TOWNSHIP: 8 South RANG: 8 West



PROPOSED DOCK & ACCESS WALKWAY WITH ROCK REVETMENT NOT TO SCALE

CROSS SECTION 1





PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: CLAY PALM

JOB: 20-065

WATERBODY/CLASS: Apalachicola River

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: Apalachicola / Franklin County

OTHER:

LATITUDE:

DATE: AUGUST 25, 2020

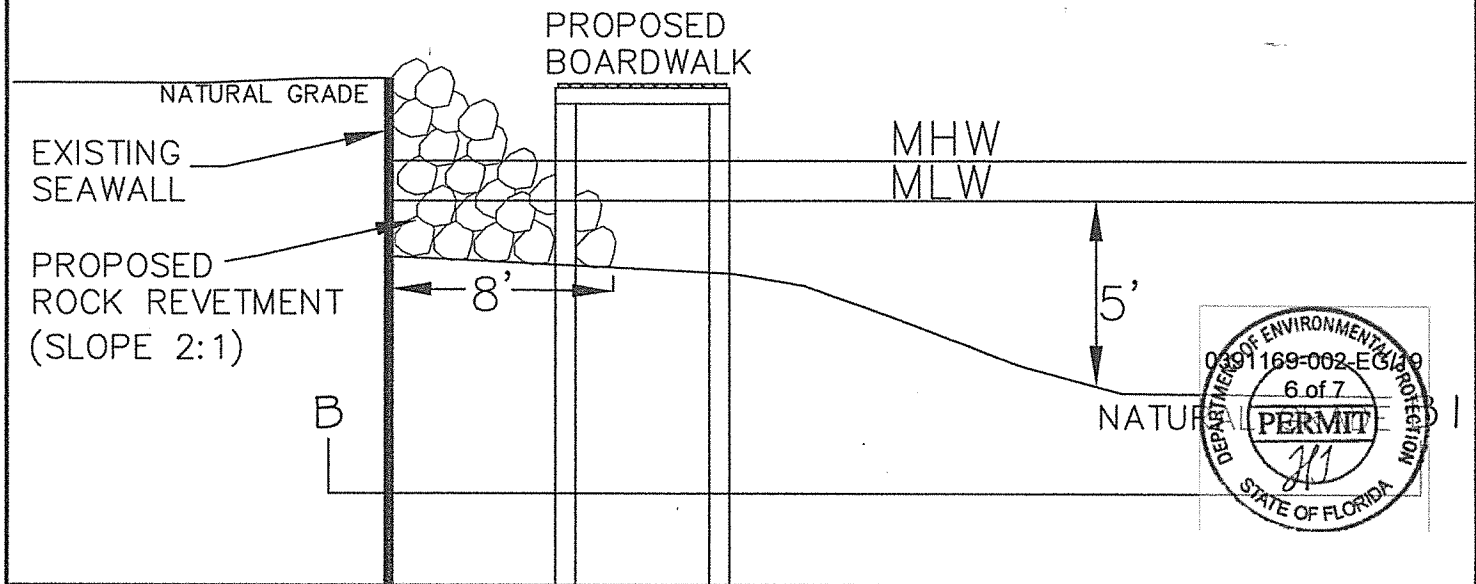
LONGITUDE:

SHEET: 5/6

SECTION: 21 TWSHP: 8 South RNG: 8 West

CROSS SECTION 2

PROPOSED BOARDWALK & ROCK REVETMENT NOT TO SCALE





PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com  
LB No. 7415

APPLICANT/CLIENT: CLAY PALM

JOB: 20-065

WATERBODY/CLASS: Apalachicola River

DEP:

PURPOSE: Environmental Permitting

COE:

PROJECT LOCATION / USGS: Apalachicola / Franklin County

OTHER:

LATITUDE:

DATE: AUGUST 25, 2020

LONGITUDE:

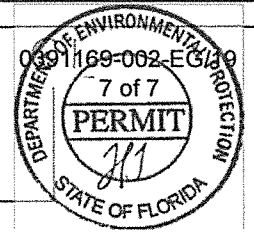
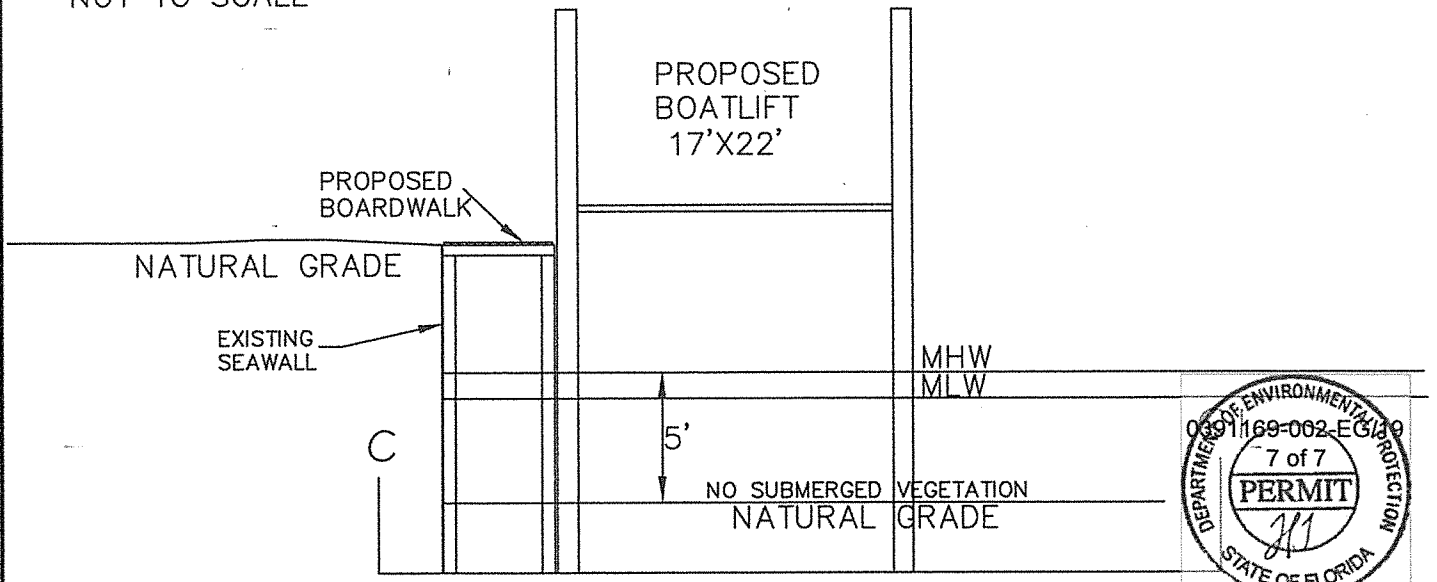
SHEET: 6/6

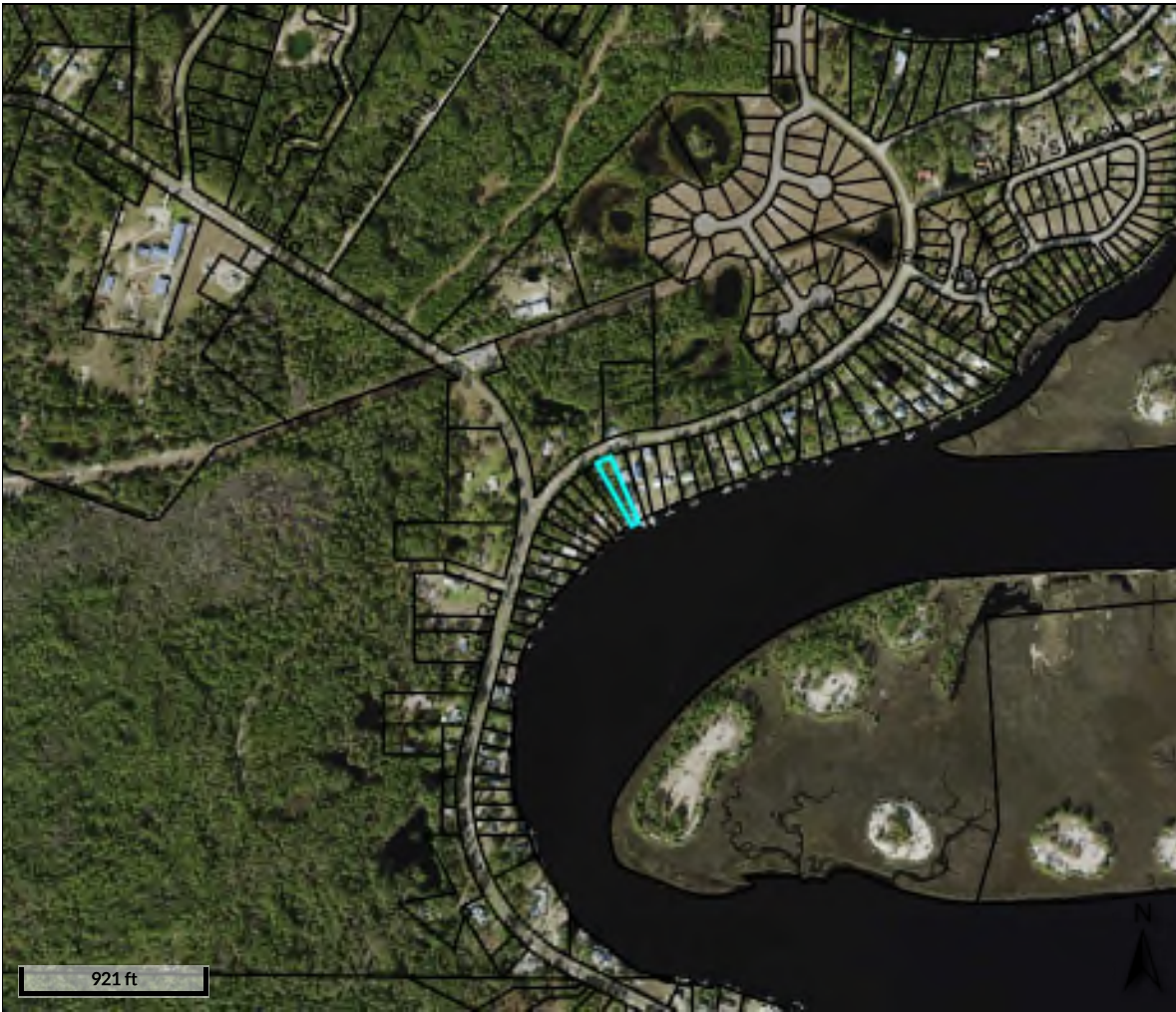
SECTION: 21 TWNHP: 8 South RNG: 8 West



PROPOSED  
BOARDWALK  
& BOAT LIFT  
NOT TO SCALE

CROSS SECTION 3





Overview



Legend

-  Parcels
-  Roads
-  City Labels

<b>Parcel ID</b>	24-07S-05W-0180-0001-0130	<b>Alternate ID</b>	05W07S24018000010130	<b>Owner Address</b>	SHEARER CRAIG BRUCE
<b>Sec/Twp/Rng</b>	24-7S-5W	<b>Class</b>	VACANT		AS TRUSTEE
<b>Property Address</b>	381 RIVER RD CARRABELLE	<b>Acreage</b>	1.17		PO.BOX 1355 CARRABELLE, FL 32322
<b>District</b>	1				
<b>Brief Tax Description</b>	BLOCK 1 LOTS 13 & 14				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 11/23/2020  
 Last Data Uploaded: 11/23/2020 7:49:21 AM

Developed by 



**DOCK PERMIT APPLICATION**

**FRANKLIN COUNTY BUILDING DEPARTMENT**  
34 Forbes Street, Suite 1, Apalachicola, Florida 32320  
Phone: 850-653-9783 Fax: 850-653-9799  
[http://www.franklincountyflorida.com/planning\\_building.aspx](http://www.franklincountyflorida.com/planning_building.aspx)

PERMIT # \_\_\_\_\_  
FEE: \$ \_\_\_\_\_  
C.S.I : \$ \_\_\_\_\_  
TOTAL: \$ \_\_\_\_\_

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**  
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:  
ISSUANCE DATE: \_\_\_\_\_ EXPIRES: \_\_\_\_\_

**EXISTING HOUSE:**  Yes  No  
**DEP PERMIT:**  Yes  No  
**ARMY COE PERMIT:**  Yes  No  
**APPROVED:**  Yes  No

**APPLICATION MUST BE COMPLETE:**

Property Owner/s: Craig Shearer 770-776-7036  
Contact Information: Home #: 850-697-2461 Cell #: 770-776-7109  
Mailing Address: P.O. Box 1355 City/State/Zip: Carrabelle, FL, 32322  
EMAIL Address: SHEARERL @ BELLSOUTH.NET  
Contractor Name: To Be Determined Business Name: \_\_\_\_\_  
Contact Information: Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
State License #: \_\_\_\_\_ County Registration #: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
EMAIL Address: \_\_\_\_\_ @ \_\_\_\_\_

**PROPERTY DESCRIPTION:** 911 Address: 381 River Road Carrabelle, FL 32322  
Lot/s: 13+14 Block: 1 Subdivision: Carrabelle River Unit: \_\_\_\_\_  
Parcel Identification #: 24-073-05W-0180-0001-0130

**JURISDICTION:**  Franklin County  City of Apalachicola  City of Carrabelle  
 Apalachicola  Eastpoint  St. George Island  Carrabelle  Dog Island  Lanark/ St. James  St. Teresa  Alligator Point  
 **SINGLE FAMILY DOCK/PIER**  **MULTI-FAMILY DOCK/PIER**  **COMMERCIAL**

**DESCRIPTION:** 356 sq ft dock + 384 sq ft. Boat Lift.

ZONING DISTRICT: R.1 CONTRACT COST: \_\_\_\_\_  
TOTAL SQUARE FOOT: \_\_\_\_\_ FOUNDATION TYPE: \_\_\_\_\_  
ROOF MATERIAL: \_\_\_\_\_

**APPROVED BY:**  Planning & Zoning Date: \_\_\_\_\_  County Commissioners Date: \_\_\_\_\_  
 City of Carrabelle Date: \_\_\_\_\_  City of Apalachicola Date: \_\_\_\_\_

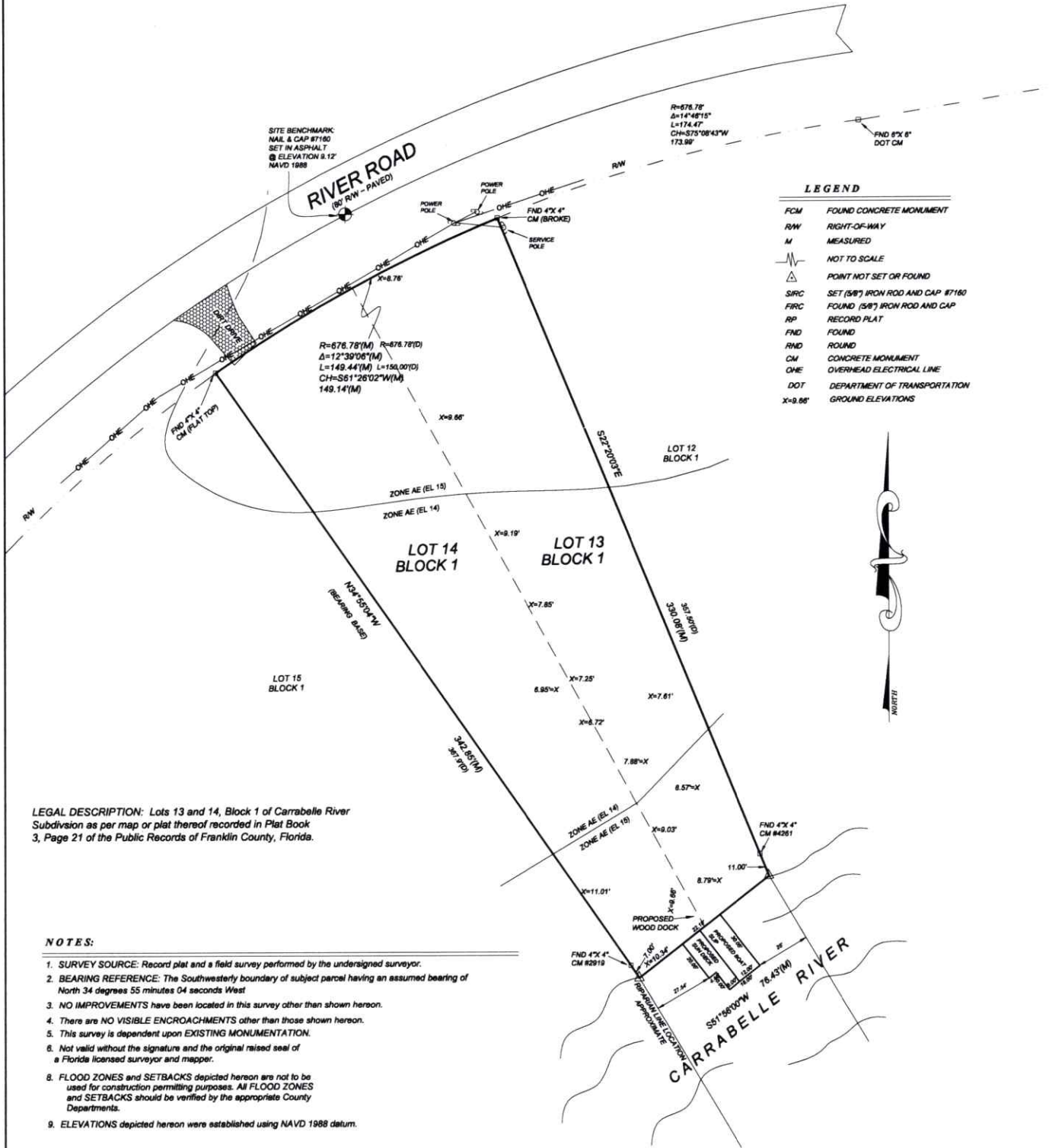
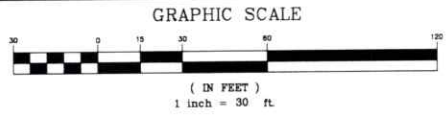
WATER BODY: Carrabelle River  
CRITICAL SHORELINE DISTRICT: YES OR NO \_\_\_\_\_ CRITICAL HABITAT ZONE: YES OR NO \_\_\_\_\_

\_\_\_\_\_  
**BUILDING OFFICIAL** Date \_\_\_\_\_ **OWNER** (Required) Date \_\_\_\_\_ **CONTRACTOR** (Required) Date \_\_\_\_\_



O.

# PLAT OF BOUNDARY SURVEY FOR: CRAIG SHEARER



**LEGEND**

FCM	FOUND CONCRETE MONUMENT
R/W	RIGHT-OF-WAY
M	MEASURED
—	NOT TO SCALE
△	POINT NOT SET OR FOUND
SIRC	SET (5/8") IRON ROD AND CAP #7180
FIRC	FOUND (5/8") IRON ROD AND CAP
RP	RECORD PLAT
FND	FOUND
RND	ROUND
CM	CONCRETE MONUMENT
OHE	OVERHEAD ELECTRICAL LINE
DOT	DEPARTMENT OF TRANSPORTATION
X=9.88'	GROUND ELEVATIONS

**LEGAL DESCRIPTION:** Lots 13 and 14, Block 1 of Carrabelle River Subdivision as per map or plat thereof recorded in Plat Book 3, Page 21 of the Public Records of Franklin County, Florida.

**NOTES:**

1. SURVEY SOURCE: Record plat and a field survey performed by the undersigned surveyor.
2. BEARING REFERENCE: The Southwesterly boundary of subject parcel having an assumed bearing of North 34 degrees 55 minutes 04 seconds West
3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
5. This survey is dependent upon EXISTING MONUMENTATION.
6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
8. FLOOD ZONES and SETBACKS depicted hereon are not to be used for construction permitting purposes. All FLOOD ZONES and SETBACKS should be verified by the appropriate County Departments.
9. ELEVATIONS depicted hereon were established using NAVD 1988 datum.

**FLOOD ZONE INFORMATION:**  
Subject property is located in Zone "AE" (EL 14 & 15) as per Flood Insurance Rate Map Community Panel No: 120088 0430F  
index date: February 5, 2014, Franklin County, Florida.

REVISED 11/19/20; PROPOSED WOOD DOCKS - MID  
REVISED 03/25/20; ADD GROUND ELEVATIONS -BB

**TR & A THURMAN RODDENBERRY & ASSOCIATES, INC**  
PROFESSIONAL SURVEYORS AND MAPPERS  
P.O. BOX 100 • 125 SHELDON STREET • SOPCHOPPY, FLORIDA 32558  
PHONE NUMBER: 850-963-2332 FAX NUMBER: 850-963-1180  
LE # 7748

I hereby certify that this was performed under my responsible direction and supervision and the plat and description are true and accurate to the best of my knowledge and belief. The survey needs to record the monuments for position for land surveying as established by the Florida Board of Professional Surveyors and Mappers (F.A.C. 55-17.001(8)(5)).

The undersigned surveyor has not been provided a current title opinion or a current title insurance policy or a current title insurance policy for the subject property. If it is possible there are deeds of record, unrecorded deeds, easements or other instruments which could affect the boundaries.

JAMES T. RODDENBERRY  
Surveyor and Mapper  
Florida Certificate No. 4261

DATE: 03/20/20	DRAWN BY: TR	N.B. PLAT	COUNTY: FRANKLIN
FILE: 20184.DWG	DATE OF LAST FIELD WORK: 03/24/20	CHECKED BY: BB	JOB NUMBER: 2



SHEARER  
381 River Road

0.

SIDEVIEW







FLORIDA DEPARTMENT OF  
Environmental Protection

Bob Martinez Center  
2600 Blair Stone Road  
Tallahassee, Florida 32399-2400

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

**TERMS AND CONDITIONS**

Self Certification File No.: **0391221001EE**

**Construction Conditions:**

**Private residential single family docks are subject to the following criteria in accordance with Section 403.813(1)(b), F.S. The dock to be constructed:**

1. Has 1,000 square feet or less over water surface (includes adjacent wetlands) in accordance with Chapter 62-340, F.A.C.;
2. Is constructed on or held in place by pilings and is constructed so as not to involve filling or dredging other than that necessary to install the pilings;
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;.
4. Is used ONLY for recreational, noncommercial activities associated with the mooring or storage of boats and boat paraphernalia;
5. Is the sole dock on the parcel; and
6. Must not be subject to any conservation easement or restrictive covenant of record prohibiting the activity.

**Boat lifts are subject to the following additional conditions:**

1. Is to be installed in a proposed slip or, at or adjacent to the waterward end of the dock;
2. With other mooring will not result in the mooring of more than two vessels (including jet skis);
3. Will not substantially impede the flow of water, cause water pollution, or create a navigational hazard;
4. Will not be located in areas prohibited for mooring by a previously issued permit or other form of authorization issued by a local government;

**General Conditions for Sovereignty/State-Owned Submerged Lands Authorizations:**

**Any use of sovereignty/state-owned submerged lands is subject to the following general conditions that are binding upon the applicant and are enforceable under Chapters 253, F.S. or 258, F.S.**

1. Sovereignty/state-owned submerged lands may be used only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use will constitute a violation. Violation of the authorization will result in suspension or revocation of the applicant's use of the sovereignty/state-owned submerged lands unless cured to the satisfaction of the Board of Trustees of the Internal Improvement Trust Fund (Board).
2. Authorization under Rule 18-21.005, F.A.C., conveys no title to sovereignty/state-owned submerged

lands or water column, nor does it constitute recognition or acknowledgment of any other person's title to such land or water.

3. Authorizations under Rule 18-21.005, F.A.C., may be modified, suspended or revoked in accordance with its terms or the remedies provided in Sections 253.04, F.S. or Chapter 18-14, F.A.C.
4. Structures or activities will be constructed and used to avoid or minimize adverse impacts to resources.
5. Construction, use, or operation of the structure or activity will not adversely affect any species which is endangered, threatened or of special concern, as listed in Rules 68A-27.003, 68A-27.004, and 68A-27.005, F.A.C.;
6. Structures or activities will not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity will be modified in accordance with the court's decision.
7. Structures or activities will not create a navigational hazard.
8. Structures will be maintained in a functional condition and will be repaired or removed if they become dilapidated to such an extent that they are no longer functional.
9. Structures or activities will be constructed, operated, and maintained solely for water dependent purposes.
10. The applicant agrees to indemnify, defend and hold harmless the Board and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty/state-owned submerged lands or the applicant's use and construction of structures on sovereignty/state-owned submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
11. Failure by the Board to enforce any violation of the authorization or waiver by the Board of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure or waiver prevent the Board from enforcing the waived or unenforced provision in the event of a future violation of that provision.
12. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
13. All costs incurred by the Board in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board in writing of any change of address at least ten days before the change becomes effective.
14. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant of record that prohibits the activity.

#### **Manatee Conditions:**

#### **The following conditions are intended to protect manatees from direct project effects; THESE CONDITIONS APPLY ONLY IN WATERS THAT ARE ACCESSIBLE TO MANATEES:**

1. All personnel associated with the project will be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee will advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
2. All vessels associated with the construction project will operate at 'Idle Speed/No Wake' at all times



- while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
3. Siltation or turbidity barriers will be made of material in which manatees cannot become entangled, will be properly secured, and will be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
  4. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
  5. Any collision with or injury to a manatee will be reported immediately to the FWC Hotline at 1-888-404-FWCC. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida.
  6. Temporary signs concerning manatees will be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Awareness signs that have already been approved for this use by the Florida Fish and Wildlife Conservation Commission (FWC) must be used (see MyFWC.com). One sign which reads Caution: Boaters must be posted. A second sign measuring at least 8 1/2" by 11" explaining the requirements for 'Idle Speed/No Wake' and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities.

#### **Self-Certification Requirements:**

#### **The user agrees to the following:**

1. The information provided herein is true and accurate.
2. **Construction of the project must be completed within one year from the self-certification date.** If the project cannot be completed within that time frame, or the project is to be modified, the Department must be contacted for authorization requirements.
3. Any substantial modifications in the plans for this project must be submitted to the Department for review, as changes may result in a permit being required.
4. This self-certification will automatically expire if site conditions materially change; if the terms, conditions, and limitations of the self-certification are not followed; or if the governing statutes or rules are amended before the project is completed.
5. Department personnel will be allowed to enter the property for purposes of inspecting the project for compliance with the terms and conditions of this self-certification.



**amyk@franklincountyflorida.com**

---

**From:** Lou Ann Shearer <shearerl@bellsouth.net>  
**Sent:** Monday, November 9, 2020 11:32 AM  
**To:** amyk@franklincountyflorida.com  
**Subject:** SHEARER DOCK  
**Attachments:** SHEARERDOCK1.pdf; SHEARERDOCK2.pdf

AMY:

I REALIZED, UPON COMPLETING THE ARMY CORP APPLICATION, THAT THE DOCK AS DRAWN ON THE COUNTY APPLICATION WILL NOT FIT WITHIN THE 25' RIPARIAN SETBACKS.

SO, ATTACHED IS THE SPECIFICATIONS I SENT TO THE ARMY CORP THAT WILL FIT.

THIS CHANGES THE SQUARE FOOTAGE TO LESS THAN TOTAL 600 SQUARE FEET.

HAS SAVANNA, FROM RODDENBERRY, SENT THE PLOT WITH THE DOCK DRAWN?

THANKS FOR YOUR PATIENCE.

Lou Ann Shearer

O.

U.S. Army Corps of Engineers (USACE)  
**APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT**  
33 CFR 325 The proponent agency is CECW-CO-R

Form Approved -  
OMB No. 0710-0003  
Expires: 01-08-2018

The public reporting burden for this collection of information, OMB Control Number 0710-0003, is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or burden reduction suggestions to the Department of Defense, Washington Headquarters Services, at [whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. PLEASE DO NOT RETURN YOUR APPLICATION TO THE ABOVE EMAIL.

PRIVACY ACT STATEMENT

Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary; however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned. System of Record Notice (SORN). The information received is entered into our permit tracking database and a SORN has been completed (SORN #A1145b) and may be accessed at the following website: <http://dpcid.defense.gov/Privacy/SORNS/Index/DOD-wide-SORN-Article-View/Article/570115/a1145b-ce.aspx>

(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)

1. APPLICATION NO.	2. FIELD OFFICE CODE	3. DATE RECEIVED	4. DATE APPLICATION COMPLETE
--------------------	----------------------	------------------	------------------------------

(ITEMS BELOW TO BE FILLED BY APPLICANT)

5. APPLICANT'S NAME First - <u>LowAnn</u> Middle - Last - <u>Shearer</u> Company - E-mail Address <u>SHEARERL@BELLSOUTH.NET</u>		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Middle - Last - Company - <u>N/A</u> E-mail Address -	
6. APPLICANT'S ADDRESS Address - <u>999 Mill Rd.</u> City - <u>Carrabelle</u> State - <u>FL</u> Zip - <u>32322</u> Country - <u>USA</u>		9. AGENT'S ADDRESS Address - <u>N/A</u> City - State - Zip - Country -	
7. APPLICANT'S PHONE NOS. w/AREA CODE a Residence <u>850-697-2461</u> b Business <u>Cell</u> c Fax <u>770-776-7036</u>		10. AGENT'S PHONE NOS. w/AREA CODE a Residence b Business <u>N/A</u> c Fax	

STATEMENT OF AUTHORIZATION

11. I hereby authorize, \_\_\_\_\_ to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.

\_\_\_\_\_  
SIGNATURE OF APPLICANT DATE

NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY

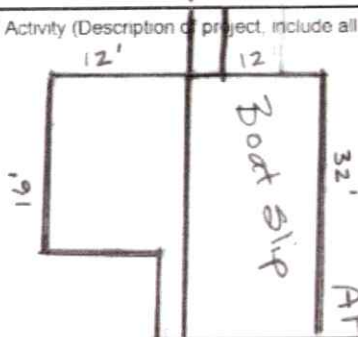
12. PROJECT NAME OR TITLE (see instructions) <u>SHEARER DOCK</u>	
13. NAME OF WATERBODY IF KNOWN (if applicable) <u>CARRABELLE RIVER</u>	14. PROJECT STREET ADDRESS (if applicable) Address <u>381 River Road</u> City - <u>Carrabelle</u> State - <u>FL</u> Zip - <u>32322</u>
15. LOCATION OF PROJECT Latitude - <u>N 29° 51' 29"</u> Longitude - <u>W 84° 41' 04"</u>	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID <u>24-075-05W-0180-001-0130</u> Municipality <u>Franklin County</u> Section - Township - <u>Carrabelle</u> Range -	

Shearerdock1

17. DIRECTIONS TO THE SITE

East on E 23rd St  
Left on US-231 N  
Right on FL-389 S/N E Ave  
Left on US-98 BUS E/E 5th St  
Merge onto US-98 E/Tyndall Pkwy  
Right onto US-98 E/Big Bend Scenic Byway Coastal Trail/Market Street  
Left onto State Hwy 379/River Rd ... Go 1.3 mi ... Destination on Right

18. Nature of Activity (Description of project, include all features)



Boat Slip and dock (Wood Pilings)

Total Width = 24'  
Maximum Length = 32'  
Ramp from dock to shore = 6' wide x 10' long  
One Slip

Add'l Notes: No Excavation or Dredging  
No Backfill Required  
Existing shoreline stabilized w/oyster shell & coral

Dock located 25' from riparian lines.  
Total Shore line = 76'

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

Personal Recreational Use Boat Slip and Dock

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards. N/A

Type	Type	Type
Amount in Cubic Yards	Amount in Cubic Yards	Amount in Cubic Yards

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions) N/A

Acres  
or  
Linear Feet

23. Description of Avoidance, Minimization, and Compensation (see instructions)

River is wide at this location  
Total square footage over water less than 600 square ft.



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Jared Orciani  
WATERBODY/CLASS: Apalachicola Bay

PURPOSE: DFA

PROJECT LOCATION / USGS: SGI POA Franklin County

LATITUDE: 29° 37' 44.53"

LONGITUDE: 84° 56' 18.95"

SECTION: 29 TWSHP: 9South RNG: 6 West

JOB: 20-084

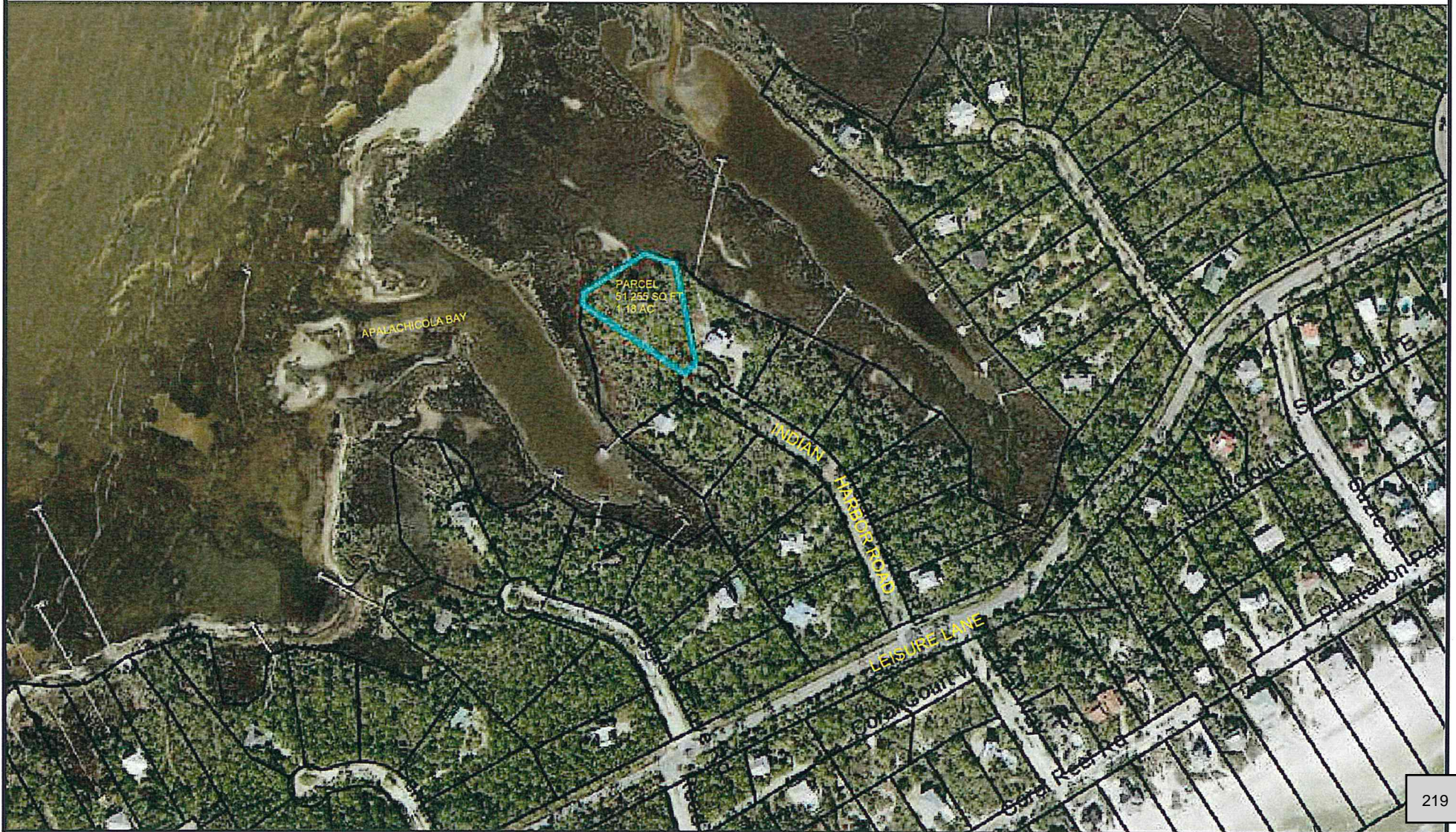
DEP:

COE:

OTHER: Rev. 11-23-20

DATE: October 30, 2020

SHEET: 1/4









PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Jared Orciani

JOB: 20-084

WATERBODY/CLASS: Apalachicola Bay

DEP:

PURPOSE:

COE:

PROJECT LOCATION / USGS: SGI POA Franklin County

OTHER:

LATITUDE: 29° 37' 44.53"

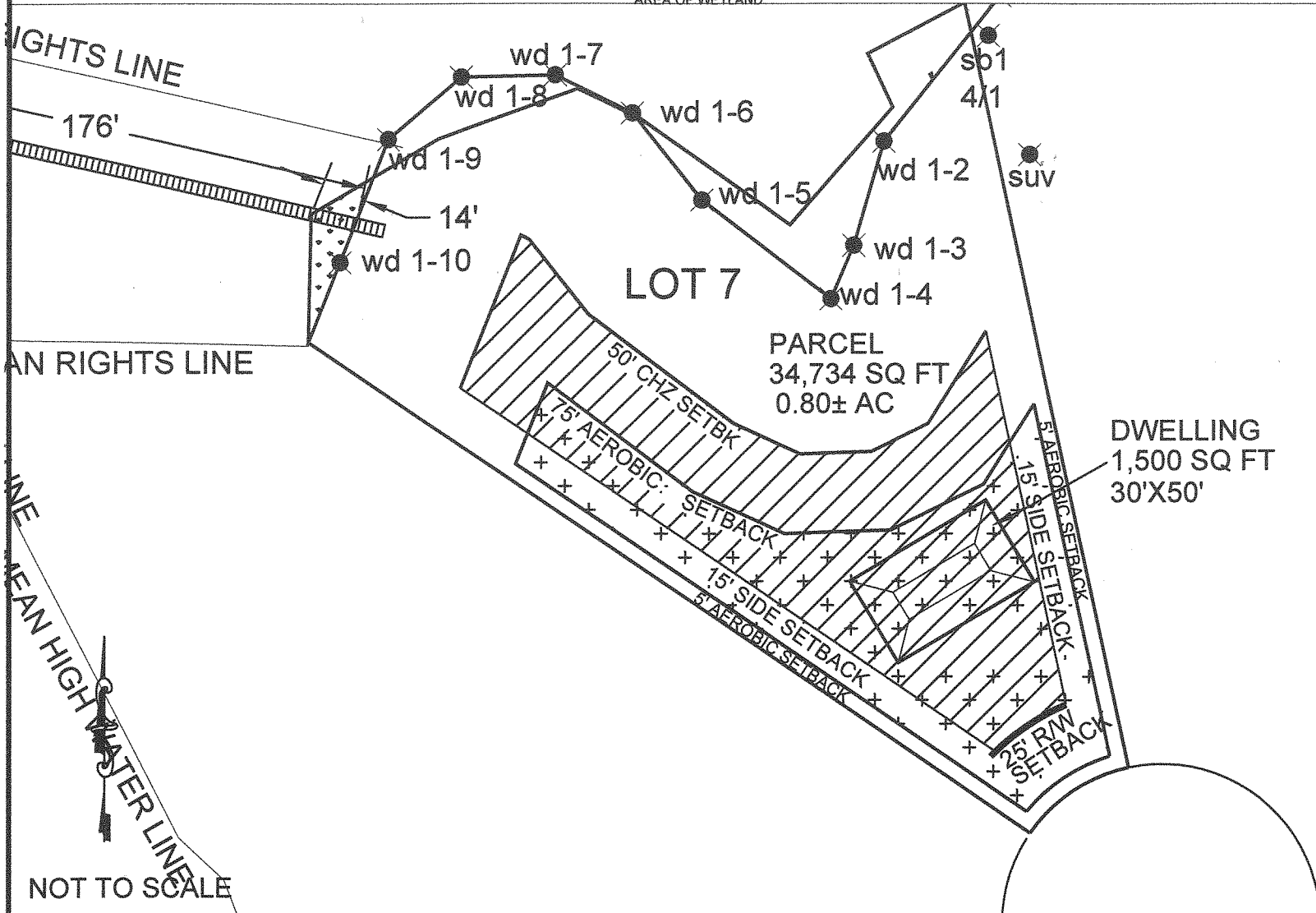
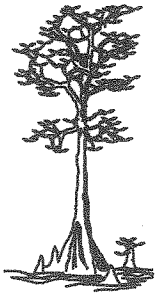
DATE: November 23, 2020

LONGITUDE: 84° 56' 18.95"

SHEET: 1/1

SECTION: 29 TOWNSHIP: 9South

RNG: 6 West



PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Jared Orciani

WATERBODY/CLASS: Apalachicola Bay

PURPOSE: DFA

PROJECT LOCATION / USGS: SGI POA Franklin County

LATITUDE: 29° 37' 44.53"

LONGITUDE: 84° 56' 18.95

SECTION: 29 TWSHP: 9South

RNG: 6 West

JOB: 20-084

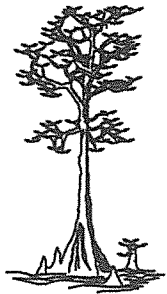
DEP:

COE:

OTHER: Rev. 11-23-20

DATE: October 30, 2020

SHEET: 3/4



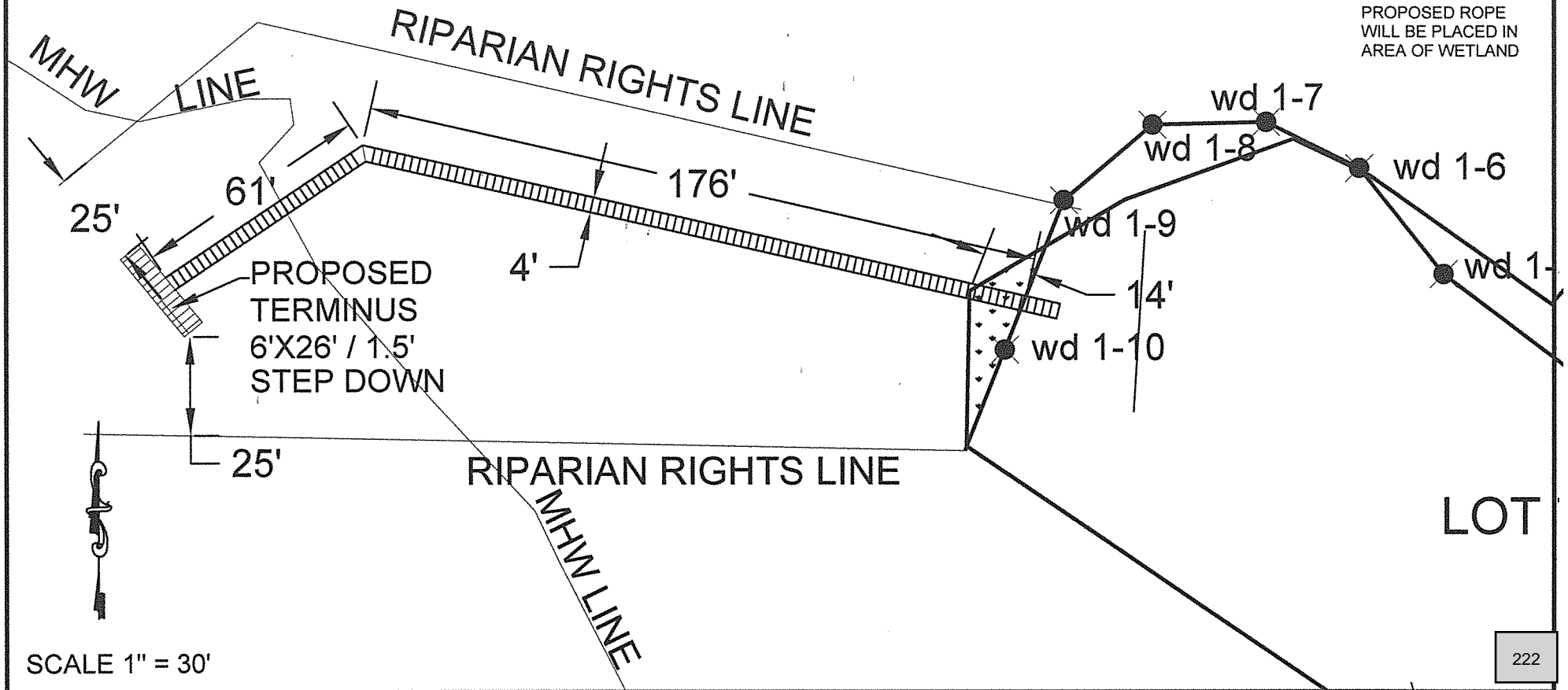
PILINGS WILL BE PLACED A MINIMUM OF 10' APART

PILINGS SIZE WILL BE 6 INCHES

ANY DONUTS/HALOS FORMED DURING LOW PRESSURE JETTING OF PILES WILL BE REMOVED BY HAND

PLANKS WILL BE SPACED 1" APART.

PROPOSED ROPE WILL BE PLACED IN AREA OF WETLAND



SCALE 1" = 30'

PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

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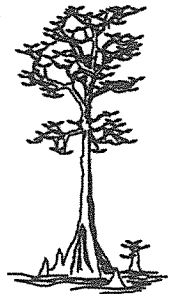
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COE:

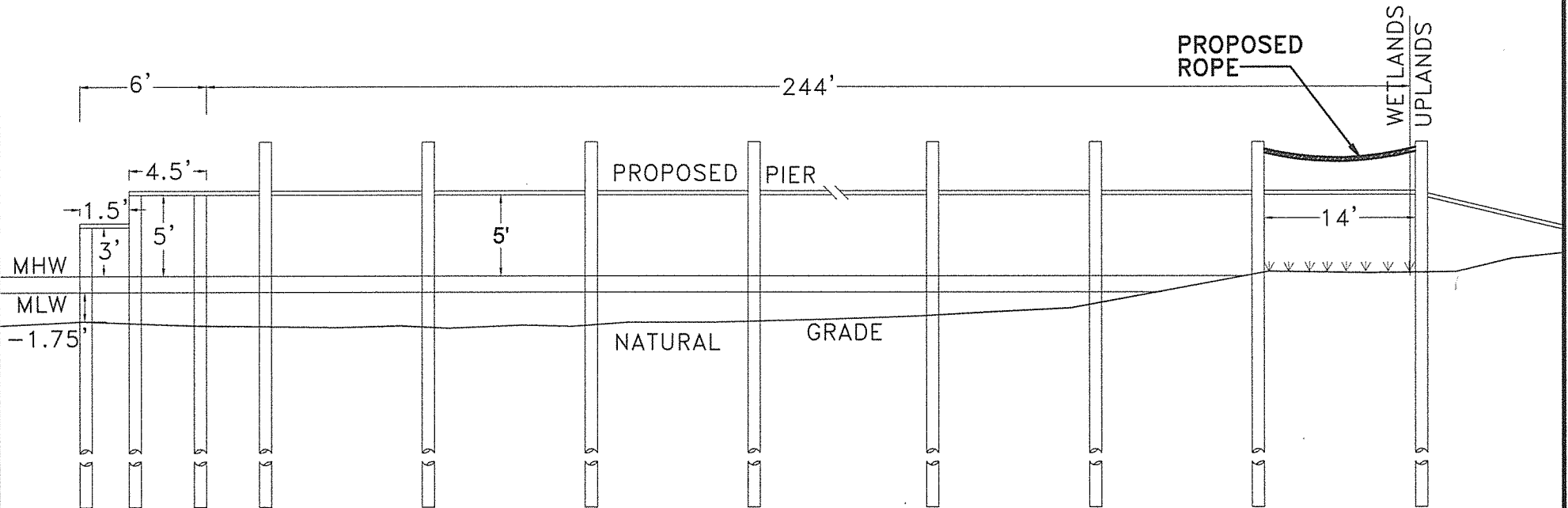
OTHER: Rev. 11-23-20

DATE: October 30, 2020

SHEET: 4/4



Cross Section  
of Proposed Pier  
NOT TO SCALE



PILINGS WILL BE PLACED A MINIMUM OF 10' APART

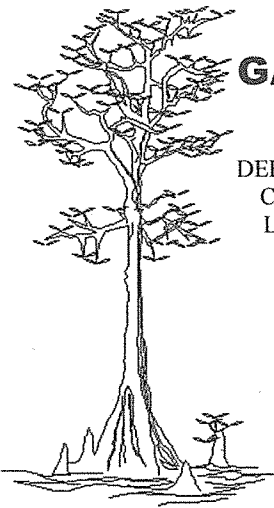
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PLANKS WILL BE SPACED 1" APART.

PROPOSED ROPE WILL BE PLACED IN AREA OF WETLAND





Q.

# GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

September 17, 2020

Ms Amy Kelly  
Franklin County Planning & Zoning  
33 Commerce Street  
Apalachicola, FL 32320

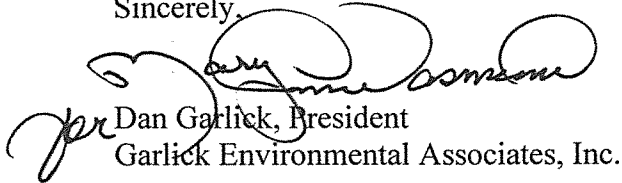
Re: Dock Approval  
GEA File No. 20-103 / Dan Guild

Dear Ms. Kelly:

By this letter, we are requesting you place the referenced project on the next Franklin County Planning and Zoning meeting to be held on October 12, 2020, as well as, the Franklin County Board of County Commissioners meeting to be held on October 20, 2020, for the construction of a Single Family Residential Dock. Attached is a copy of the permit application to the agencies, as well as the drawings indicating the location of the proposed dock for the referenced project.

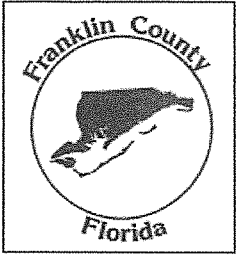
If you have any questions, please let us know.

Sincerely,

  
Dan Garlick, President  
Garlick Environmental Associates, Inc.

Attachments

P.O. BOX 385  
APALACHICOLA, FL 32329-0385  
(850) 653-8899 FAX (850) 653-9656  
garlick@garlickenv.com



**DOCK PERMIT APPLICATION**  
**FRANKLIN COUNTY BUILDING DEPARTMENT**  
34 Forbes Street, Suite 1, Apalachicola, Florida 32320  
Phone: 850-653-9783 Fax: 850-653-9799  
[http://www.franklincountyflorida.com/planning\\_building.aspx](http://www.franklincountyflorida.com/planning_building.aspx)

PERMIT # \_\_\_\_\_  
FEE: \$ \_\_\_\_\_  
C.S.I : \$ \_\_\_\_\_  
TOTAL: \$ \_\_\_\_\_

**NOTE TO APPLICANTS AND PERMIT HOLDERS:**  
VIOLATIONS OF THE TERMS AND CONDITIONS OF THIS PERMIT MAY WARRANT A STOP WORK ORDER OR REVOCATION OF THIS PERMIT. THIS PERMIT IS VALID FOR ONE YEAR FROM THE DATE OF ISSUANCE. CONSTRUCTION MUST COMMENCE WITHIN SIX MONTHS OF THIS DATE:  
ISSUANCE DATE: \_\_\_\_\_ EXPIRES: \_\_\_\_\_

**EXISTING HOUSE:**  Yes  No  
**DEP PERMIT:**  Yes  No  
**ARMY COE PERMIT:**  Yes  No  
**APPROVED:**  Yes  No

**APPLICATION MUST BE COMPLETE:**

Property Owner/s: Dan Guild  
Contact Information: Home #: 724-366-0300 Cell #: \_\_\_\_\_  
Mailing Address: 2514 Egret Lane City/State/Zip: Port St Joe, FL 32456  
EMAIL Address: dan@dlguild.com @ \_\_\_\_\_

Contractor Name: \_\_\_\_\_ Business Name: \_\_\_\_\_  
Contact Information: Office #: \_\_\_\_\_ Cell #: \_\_\_\_\_  
State License #: \_\_\_\_\_ County Registration #: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
EMAIL Address: \_\_\_\_\_ @ \_\_\_\_\_

**PROPERTY DESCRIPTION:** 911 Address: 2514 Egret Lane  
Lot/s: 3 Block: --- Subdivision: Egret Landing @ Unit: \_\_\_\_\_  
Parcel Identification #: 09-095-09w-1000-0000-0030 St Vincent

**JURISDICTION:**  Franklin County  City of Carrabelle  
 Apalachicola  Eastpoint  St. George Island  Carrabelle  Dog Island  Lanark/ St. James  St. Teresa  Alligator Point  
 SINGLE FAMILY DOCK/PIER  MULTI-FAMILY DOCK/PIER  COMMERCIAL

**DESCRIPTION:** Access walkway 250' x 4' w/terminus 6'x26' w/2' steps

ZONING DISTRICT: \_\_\_\_\_ CONTRACT COST: \_\_\_\_\_  
TOTAL SQUARE FOOT: \_\_\_\_\_ FOUNDATION TYPE: \_\_\_\_\_  
ROOF MATERIAL: \_\_\_\_\_

**APPROVED BY:**  Planning & Zoning Date: \_\_\_\_\_  County Commissioners Date: \_\_\_\_\_

**WATER BODY:** St Vincent Sound - Class II, OFW, NOT an A.P.  
**CRITICAL SHORELINE DISTRICT:** YES OR NO **CRITICAL HABITAT ZONE:** YES OR NO

**FLOOD ZONE INFORMATION:** EFFECTIVE DATE: February 5, 2014

**PANEL NUMBER:** \_\_\_\_\_ **FIRM ZONE/S:** \_\_\_\_\_  
**ELEVATION REQUIREMENTS AS PER SURVEY:**

Requires V-Zone Certification  Requires Elevation Certificates  Requires Smart Vents  Requires Breakaway Walls

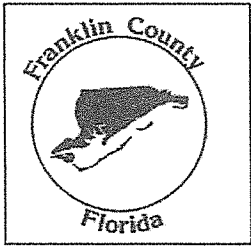
**BUILDING OFFICIAL** \_\_\_\_\_ **Date** \_\_\_\_\_ **OWNER (Required)** \_\_\_\_\_ **Date** \_\_\_\_\_ **CONTRACTOR (Required)** \_\_\_\_\_ **Date** \_\_\_\_\_

Q.

# FRANKLIN COUNTY DOCK CHECKLIST & FEE SCHEDULE

**CHECKLIST:**

- Application
- DEP
- Army CORPS
- Site Plan
- Lighting Plan
- Drawings (Approved by all entities)
- Approvals from local jurisdictions
- Dock Site Plan, Construction & Lighting Affidavit
- Copy of Signed Contract Cost



**DOCK SITE PLAN, CONSTRUCTION  
AND LIGHTING AFFIDAVIT**

**FRANKLIN COUNTY BUILDING DEPARTMENT**  
 34 Forbes Street, Suite 1, Apalachicola, Florida 32320  
 Phone: 850-653-9783 Fax: 850-653-9799  
[http://www.franklincountvflorida.com/planning\\_building.aspx](http://www.franklincountvflorida.com/planning_building.aspx)

PERMIT  
# \_\_\_\_\_  
  
ORDINANCE  
No. 2004-17  
Dock Ordinance

**DOCK CONSTRUCTION STANDARDS & LIGHTING AFFIDAVIT**

**APPLICATION MUST BE COMPLETE:** (We will no longer accept incomplete applications)

Property Owner/s: Dan Guild  
 Contact Information: Home #: 724-366-0300 Cell #: \_\_\_\_\_  
 Mailing Address: 2514 Egret Lane City/State/Zip: Port St Joe, FL 32456  
 EMAIL Address: dan@dlguild.com

**PROPERTY DESCRIPTION:** 911 Address: 2514 Egret Lane  
 Lot/s: 3 Block: — Subdivision: Egret Landing @ ST Vincent Unit: —  
 Parcel Identification #: 09-095-09W-1000-0000-0030

**JURISDICTION:**  Franklin County  City of Carrabelle  
 Apalachicola  Eastpoint  St. George Island  Carrabelle  Dog Island  Lanark/ St. James  St. Teresa  Alligator Point

**SITE PLAN & CONSTRUCTION STANDARDS:**

- I understand that applications for dock or piers must contain a survey prepared by a professional surveyor which indicates riparian rights, unless the dock is built at least 25 feet from existing property lines. INITIAL: [Signature]
- I understand that Docks built on canals are permitted to be no larger that 25% of the width of the canal including the boat mooring site. INTIAL: [Signature]
- I understand that the lot must be large enough to accommodate a single-family dwelling; or be a lot separated from the single family dwelling by a right-of-way and owned by the same owner; or the lot may be eligible for a hardship variance from the Board of Adjustment. INITIAL: [Signature]
- I understand that no dry dock facilities, gasoline or fuel pumps are allowed on a residential lot other than boat lifts connected to a dock. INITIAL: [Signature]
- I understand that boat ramps may be allowed so long as the property contains adequate size for the parking of trailers on the property. No commercial boat docking or launching allowed. INITIAL: [Signature]
- I understand that no parking of vehicles is allowed within the Critical Habitat Zone, which is the first 50 feet from mean high water. INITIAL: [Signature]
- I understand that the lot must be kept in natural vegetation within the Critical Habitat Zone. INITIAL: [Signature]
- I understand that I must comply with the permitting requirements for all other governmental agencies having jurisdiction over the project. (Evidence of an exemption from such compliance must be furnished by the homeowner before approval can be granted. INITIAL: [Signature]
- I understand that the dock must be elevated a minimum of five (5) feet above mean high water, except that the terminal platform may be lower at the owner's discretion. This requirement shall not apply to docks running parallel to the shoreline provided they extend no further than 25 feet from the edge of the water. (\*This will allow pedestrians to cross under the dock at the water's edge) INITIAL: [Signature]







PREPARED BY: GARLICK ENVIRONMEN<sup>Q</sup> ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8899

FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Dan Guild

WATERBODY/CLASS: St Vincent Sound

PURPOSE: EP-DOCK

PROJECT LOCATION / USGS: Franklin County / St Vincent Sound

LATITUDE: 29° 42' 31.11"

LONGITUDE: 85° 9' 9.00"

SECTION: 9 TOWNSHIP: 9 South RANGE: 9 West

JOB: 20-103

DEP: 19-0329939-001-EG

COE: SAJ-2014-03025(GP-SRM)

OTHER:

DATE: September 8, 2020

SHEET: 1/4









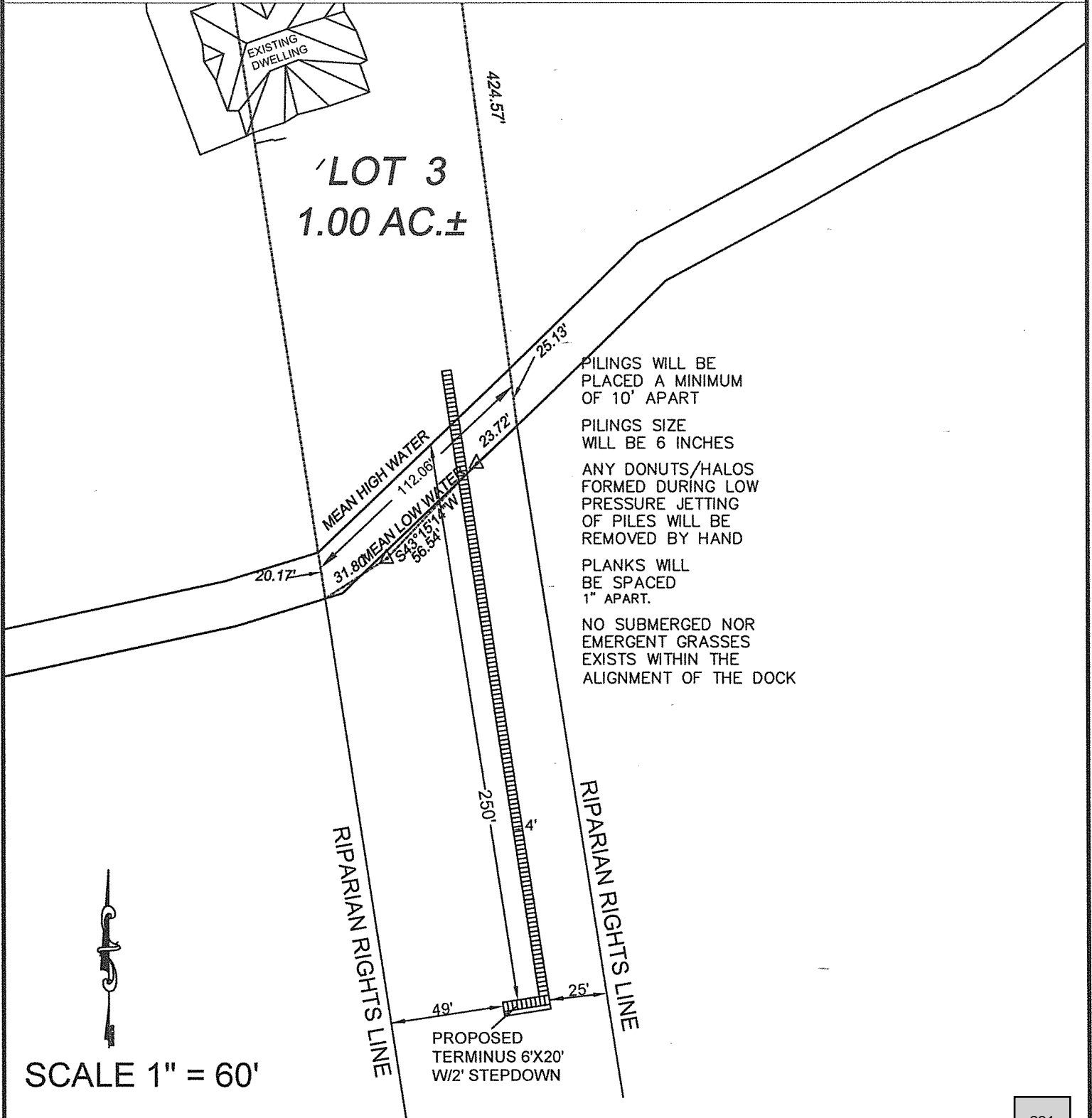
PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



APPLICANT/CLIENT: Don Guild  
WATERBODY/CLASS: St Vincent Sound  
PURPOSE: EP-Dock  
PROJECT LOCATION / USGS: Franklin / St Vincent Sound  
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LONGITUDE: 85° 9' 9.00"

JOB: 20-103  
DEP:  
COE:  
OTHER:  
DATE: September 8, 2020  
SHEET: 3/4

SECTION: 9 TOWNSHIP: 9 south RNG: 9 West



PILINGS WILL BE PLACED A MINIMUM OF 10' APART  
PILINGS SIZE WILL BE 6 INCHES  
ANY DONUTS/HALOS FORMED DURING LOW PRESSURE JETTING OF PILES WILL BE REMOVED BY HAND  
PLANKS WILL BE SPACED 1" APART.  
NO SUBMERGED NOR EMERGENT GRASSES EXISTS WITHIN THE ALIGNMENT OF THE DOCK

SCALE 1" = 60'

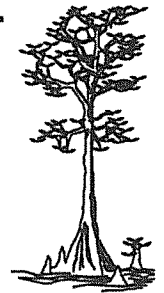


PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385

(850) 653-8000

FAX (850) 653-9656 garlick@garlickenv.com



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OTHER:

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SHEET: 4/4

Cross Section  
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NOT TO SCALE

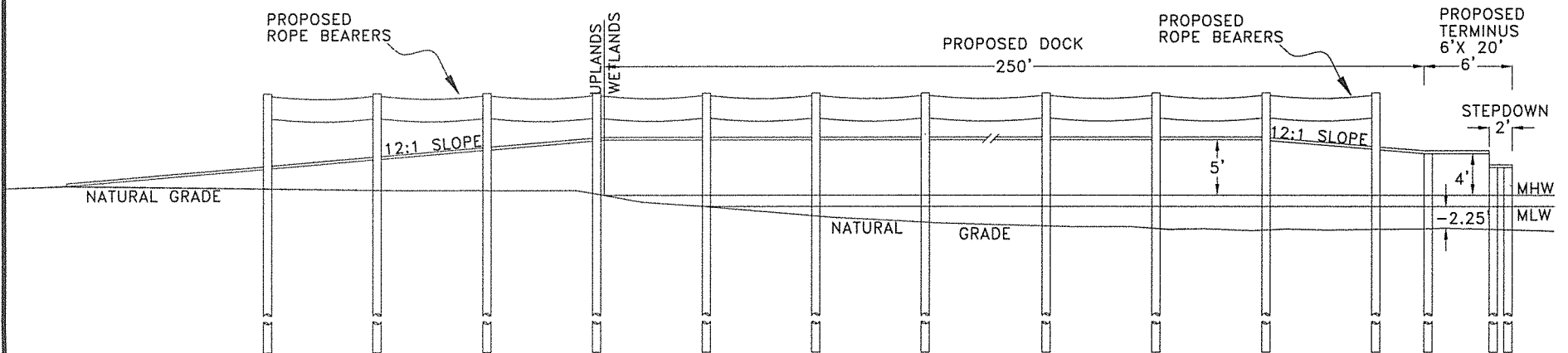
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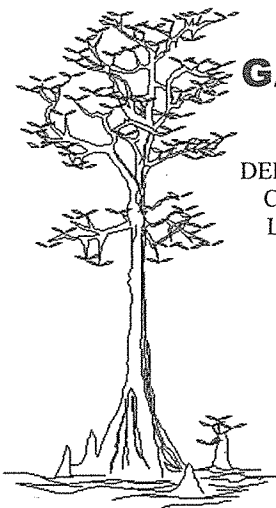
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NO SUBMERGED NOR  
EMERGENT GRASSES  
EXISTS WITHIN THE  
ALIGNMENT OF THE DOCK





# GARLICK ENVIRONMENTAL ASSOCIATES, INC.

SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

## LETTER OF TRANSMITTAL

September 9, 2020

Mr. Wade Dandridge  
FDEP / Pensacola  
160 West Government Street  
Suite 308  
Pensacola, FL 32502

RE: Construction of a Single Family Pier  
Egret Landing / Franklin County  
GEA File No. 20-103

The proposed project is located in Section 9, Township 9 South, Range 9 West, in Franklin County, FL. The waterbody at the project site is St Vincent Sound, Class II, an OFW, not an Aquatic Preserve. The existing conditions at the project is a developed parcel.

The attached application is for the construction of a single family residential dock. The following information should aid you in your review:

The linear footage of the shoreline for the referenced project is 112.06 ft. The construction of the access walkway will be 250' in length and 4 ft. in width (1000 Sq. Ft). The terminus will be constructed 6 ft. in width and 20 ft in length, with a 2 ft. wide step down (120 Sq. Ft) for a total of 1120 Sq. Ft. No emergent nor submerged vegetation exist within the alignment of the proposed dock.

The spacing between pilings will be a minimum of 10 ft. apart. The type of wood that will be used for the decking will consist of treated wood, no more than 8 inches wide, and spaced no less than one-half inch apart after shrinkage;

The materials to be used to construct the proposed dock will be transported to the site by truck. The piles will be jetted. However, provisions will include maintaining State Water Quality standards for turbidity by installing turbidity curtains. A barge will not assist in the construction of the proposed dock. The depth of water at the location of the proposed dock and boatlifts is -2.50 feet at Mean Low Water (MLW). The Mean High Water and Mean Low Water Lines are indicated on the attached drawings. No emergent nor submerged vegetation exists within the alignment of the proposed dock, nor the boat lifts.

Evidence of title to the subject riparian upland property is attached in the form of a Warranty Deed. The upland area is presently zoned as residential and no changes are proposed.

If you have any questions or need any additional assistance, please do not hesitate to call us at (805) 653-8899 or email us [dan@garlickenv.com](mailto:dan@garlickenv.com) or [maryann@garlickenv.com](mailto:maryann@garlickenv.com).

Sincerely,



Mary Ann Wasmund, Permit Specialist  
Garlick Environmental Associates, Inc.

Attachments

cc: Dan Guild





**C. Consultant/Agent**  This is a Contact Person for Additional Information

Name: Last: Garlick First: Dan Middle:  
Title: President Company: Garlick Environmental Assoc., Inc  
Address: Post Office Box 385  
City: Apalachicola State: FL Zip: 32329  
Home Telephone: Work Telephone: 850-653-8899  
Cell Phone: 850-899-5252  
E-mail Address: dan@garlickenv.com/maryann@garlickenv.com

Correspondence will be sent via email, unless you check here to receive it via  US Mail

**D. Land Owner(s) (If Different or in Addition to Applicant Identified Above)**

Name: Last: Guild First: Dan Middle:  
Title: Company:  
Address: 2514 Egret Lane  
City: Port St Joe State: FL Zip: 32456  
Home Telephone: 724-366-0300 Work Telephone:  
Cell Phone:  
E-mail Address: dan@dlguild.com

Correspondence will be sent via email, unless you check here to receive it via US Mail:

**E. Location of proposed activities:**

Tax Parcel Identification Number: 09-09S-09W-1000-0000-0030  
Address: 2514 Egret Lane  
City: Apalachicola County: Franklin Zip: 32320  
Latitude (DMS) 29 ° 42 ' 31.11 " Longitude (DMS) 85 ° 9 ' 9.00 "

**F. Date activity is proposed:** To Commence: Upon Permit Issuance To be Completed: Within 2 years

**G. Describe in general terms the proposed project, system, or activity:**

Construction of a Single Family Residential Dock

**H. Describe wetland and aquatic habitats to be affected:**

No wetlands exist within the alignment of the proposed dock, nor aquatic habitats.

**I. Construction methods and schedule:**

The proposed dock will be constructed from itself.

**J. Additional information that demonstrates that you qualify for the general permit, addressing all the parameters, thresholds, and conditions required in the general permit.**

**Part 2: Certification**

I hereby certify I have read and will conduct the above activities in accordance with the criteria, limitations, and specific conditions of the general permit identified in Part 1 Section A, and in accordance with the general conditions of Rule 62-330.405, F.A.C. Unless otherwise provided in Chapter 62-330, F.A.C., activities conducted pursuant to the above general permit may commence thirty (30) days after providing written notice to the Department of Environmental Protection or the Water Management District, along with any required additional documentation which may be required to fulfill the requirements of the general permit, unless the Agency responds that the proposed work does not qualify for a general permit.

I understand I may have to provide any additional information/data that may be necessary to provide reasonable assurance or evidence that the proposed project will comply with the applicable state water quality standards or other environmental standards both before construction and after the process is completed.

I further acknowledge that work done under this general permit may also require the review and approval of other federal, state, or local agencies, and that commencement of construction before such federal, state, or local agency approvals or permits are obtained may subject me to enforcement action and fines or penalties by such agencies. Further, the work shall be conducted in a manner that does not violate applicable water quality standards.

**Dan Garlick**



09/08/20  
Date

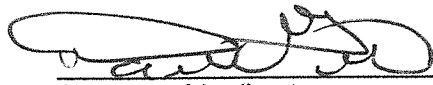
Typed/Printed Name of Applicant or Agent

Signature of Applicant or Agent

An Agent May Sign Above If Applicant Completes the Following:

I hereby designate and authorize the agent listed in Item Part 1 Section C to act on my behalf as my agent in the processing of this permit application and to furnish on request, supplemental information in support of the application.

**Dan Guild**



9-7-2020  
Date

Typed/Printed Name of Applicant  
(And corporate title, if applicable)

Signature of Applicant

Date

**Certification of Sufficient Real Property Interest and Authorization for Staff to Access the Property:**

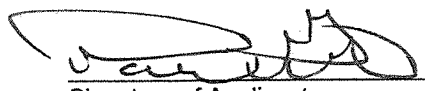
I certify that:

I possess sufficient real property interest in or control, as defined in Section 4.2.3 (d) of Applicant's Handbook Volume I, over the land upon which the activities described in this application are proposed and I have legal authority to grant permission to access those lands. I hereby grant permission, evidenced by my signature below, for staff of the Agency to access, inspect, and sample the lands and waters of the property as necessary for the review of the proposed works and other activities specified in this application. I authorize these agents or personnel to enter the property as many times as may be necessary to make such review, inspection, and/ or sampling. Further, I agree to provide entry to the project site for such agents or personnel to monitor and inspect permitted work if a permit is granted.

OR

I represent an entity having the power of eminent domain and condemnation authority, and I/we shall make appropriate arrangements to enable staff of the Agency to access, inspect, and sample the property as described above.

**Dan Guild**



9-7-2020  
Date

Typed/Printed Name of Applicant  
(And corporate title, if applicable)

Signature of Applicant

Date

### **Part 3: Submittal**

In addition to the information described in this form, any Notice of Intent to use a General Permit must also include the following, as described in Section 4.2.2 of the Applicant's Handbook, Volume I:

- Location map(s) of sufficient detail to allow someone who is unfamiliar with the site to travel to and locate the specific site of the activity.
- One set of plans and drawings, calculations, environmental information, and other supporting documents that clearly and legibly depict and describe the proposed activities in sufficient detail to demonstrate that the work qualifies for the specified General Permit.
- The required fee, made payable to the appropriate agency.

Fees for the appropriate agency are established in the rules adopted in subsection 62-330.071(1), F.A.C., as listed below:

Rule 62-4.050, F.A.C. (Department of Environmental Protection or the Northwest Florida Water Management District)

Rule 40B-1.706, F.A.C. (Suwannee River Water Management District)

Rule 40C-1.603, F.A.C. (St. Johns River Water Management District)

Rule 40D-1.607, F.A.C. (Southwest Florida Water Management District)

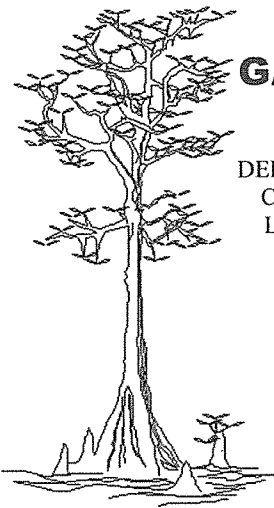
Rule 40E-1.607, F.A.C. (South Florida Water Management District)

Operating Agreements between the Department and the water management districts specify which agency will process any given application. For copies of the operating agreements, go to <https://floridadep.gov/ogc/ogc/content/operating-agreements>

This application form may be submitted online; to do so, follow the on-line submittal requirements of the agency:

- o Florida Department of Environmental Protection: <http://www.fldepportal.com/go/>
- o Northwest Florida Water Management District: <https://permitting.sjrwmd.com/nwepmitting/jsp/start.jsp>
- o Suwannee River Water Management District: <https://permitting.sjrwmd.com/srepermitting/jsp/start.jsp>
- o St. Johns River Water Management District: <https://permitting.sjrwmd.com/epermitting/jsp/AccountOverview.do?command=init>
- o Southwest Florida Water Management District: <http://www.swfwmd.state.fl.us/permits/epermitting/>
- o South Florida Water Management District: <http://my.sfwmd.gov/ePermitting/MainPage.do>

If submitting a paper application, please see Appendix A of Applicant's Handbook, Volume I for submittal locations.



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SPECIALIZING IN: REGULATORY PERMITS • WETLANDS/UPLAND JURISDICTIONAL DELINEATIONS • SUBMERGED LAND LEASES • ECOLOGICAL INVENTORY ASSESSMENTS • CONSERVATION AND OTHER EASEMENTS • EXPERT WITNESS AND ENVIRONMENTAL LITIGATION SERVICES • MITIGATION • CULTURAL RESOURCE ANALYSIS • CREATIVE MARINA, DOCK, AND SUBDIVISION DESIGN

## LETTER OF TRANSMITTAL

September 9, 2020

Ms Lisa Lovvorn  
COE North Permits Branch  
415 North Richard Jackson Blvd.  
Suite 411  
Panama City, FL 32407

RE: Construction of a Single Family Pier  
Egret Landing / Franklin County  
GEA File No. 20-103

The proposed project is located in Section 9, Township 9 South, Range 9 West, in Franklin County, FL. The waterbody at the project site is St Vincent Sound, Class II, an OFW, not an Aquatic Preserve. The existing conditions at the project is a developed parcel.

The attached application is for the construction of a single family residential dock. The following information should aid you in your review:

The linear footage of the shoreline for the referenced project is 112.06 ft. The construction of the access walkway will be 250' in length and 4 ft. in width (1000 Sq. Ft). The terminus will be constructed 6 ft. in width and 20 ft in length, with a 2 ft. step down (120 Sq. Ft) for a total of 1120 Sq. Ft. No emergent nor submerged vegetation exist within the alignment of the proposed dock.

The spacing between pilings will be a minimum of 10 ft. apart. The type of wood that will be used for the decking will consist of treated wood, no more than 8 inches wide, and spaced no less than one-half inch apart after shrinkage;

The materials to be used to construct the proposed dock will be transported to the site by truck. The piles will be jetted. However, provisions will include maintaining State Water Quality standards for turbidity by installing turbidity curtains. A barge will not assist in the construction of the proposed dock. The depth of water at the location of the proposed dock and boatlifts is -2.25 feet at Mean Low Water (MLW). The Mean High Water and Mean Low Water Lines are indicated on the attached drawings. No emergent nor submerged vegetation exists within the alignment of the proposed dock, nor the boat lifts.

Evidence of title to the subject riparian upland property is attached in the form of a Warranty Deed. The upland area is presently zoned as residential and no changes are proposed.



Q.

If you have any questions or need any additional assistance, please do not hesitate to call us at (805) 653-8899 or email us [dan@garlickenv.com](mailto:dan@garlickenv.com) or [maryann@garlickenv.com](mailto:maryann@garlickenv.com).

Sincerely,



Mary Ann Wasmund, Permit Specialist  
Garlick Environmental Associates, Inc.

Attachments

cc: Dan Guild



17. DIRECTIONS TO THE SITE  
See Attached Location Map

18. Nature of Activity (Description of project, include all features)  
Construction of a Single Family Residential Dock

19. Project Purpose (Describe the reason or purpose of the project, see instructions)  
The purpose for the dock is to allow access to the water.

**USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED**

20. Reason(s) for Discharge  
N/A

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
N/A		

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres N/A  
or  
Linear Feet N/A

23. Description of Avoidance, Minimization, and Compensation (see instructions)  
N/A

24. Is Any Portion of the Work Already Complete?  Yes  No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- Robert M. Johnson & Lisa L. Johnston 2526 Egret Lane

City - Port ST Joe State - FL Zip - 32456

b. Address-

City - State - Zip -

c. Address-

City - State - Zip -

d. Address-

City - State - Zip -

e. Address-

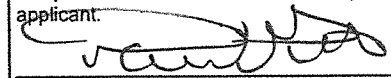
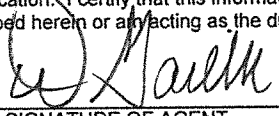
City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED
FDEP	General Permit	19-0329939-001-EG		October 17 2014	
COE	General Permit	SAJ-2014-03025(GP-SRM)		December 5, 2014	

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT      DATE 9-7-2020      SIGNATURE OF AGENT      DATE 09/06/20

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.





US Army Corps of Engineers.

Q.

Project Design Criteria Checklist for the U.S. Army Corps of Engineers Jacksonville District's Programmatic Biological Opinion (JAXBO)

Activity 2: Pile Supported

<b>Agency internal use:</b>			
<input type="text"/>	Date checklist sent to NMFS (MM/DD/YY)	<input type="text"/>	PM Last Name
<input type="text"/>		<input type="text"/>	Application #
<input type="text"/>		<input type="text"/>	Checklist Version

Proposed Activity (Select all that apply):

- Dock New
- Dock Repair
- Dock Replacement
- Mooring/Dolphin piles
- Mooring buoys
- Mooring fields
- Chickees
- ATONS/PATONS
- Boatlift
- Temporary structures/buoys
- Other (Provide description in Comments box at bottom)

Select the type/use of the structure

Enter information about the proposed activity:

<input type="text"/>	Total number of existing dry slips	<input type="text"/>	Total number of existing wet slips
<input type="text"/>	Total number of proposed dry slips	<input type="text"/>	Total number of proposed wet slips

Piling Installation Data: Enter data as appropriate for different pile types used. JAXBO does not cover installation of metal piles or sheet piles with impact hammer (AP 2; Section 2.2).

Pile	Pile Type 1	Pile Type 2	Pile Type 3	Pile Type 4
55	Number of Piles	Number of Piles	Number of Piles	Number of Piles
0	Size of each Pile (sq.ft.)	Size of each Pile (sq.ft.)	Size of each Pile (sq.ft.)	Size of each Pile (sq.ft.)
Wood	Pile Material	Pile Material	Pile Material	Pile Material
Jetting	Installation Method	Installation Method	Installation Method	Installation Method

Open-Water Project in Open-Water or Confined-Space Environment (AP.2; Section 2.2)?

NA Select Noise PDC Category (AP.2.) as detailed in (Section 2.2).

For commercial/multi-family/public facilities and marine events which of the following signs will be posted (A2.2.) Select all that apply:

- Save Sea Turtle/ Sawfish/ and Dolphin Sign
- Help Protect North American Right Whale
- Report Sturgeon
- U.S. Caribbean

- For commercial/multi-family/public docking facilities/monofilament recycling bins will be installed. (A2.3)
- North Atlantic Right Whale Educational Sign Zone: Is the North Atlantic right whales handout included as special condition of permit (A2.4)?
- Does the project include a municipal or commercial fishing pier?
- Is dock within visible distance of an ocean beach?  If yes, is turtle-friendly lighting installed as required by JAXBO (A2.8)?
- Will project construction take place from uplands or from floating equipment (e.g. barge) as required (A2.9)?
- Dock Construction Scenario included as a special condition (A2.17)?

For projects located in Designated Critical Habitat; please complete applicable section below:

No Is the project located in the geographic area of Smalltooth Sawfish Critical Habitat?

Is project located in smalltooth sawfish limited exclusion zone?

Yes Is the project located in the geographic area of Gulf Sturgeon Critical Habitat?

NA Enter width of the area (e.g. channel/ bay) if in a the Gulf sturgeon critical habitat migratory restriction zone (Section 2.1.1.2)

NA Select additional noise restrictions required as special condition in Gulf sturgeon critical habitat migratory restriction zones (A2.11).

No Is the project located in the geographic area of Acropora Critical Habitat?

Are essential features present?

Is hardbottom present in project footprint? (AP.14).

No Is the project located in the geographic area of Johnson's Seagrass Critical Habitat?

Water depths (insert range of water depths where project will occur as minus MLW)

Project includes a new marina or multifamily facility (A2.14)?

Does the project include repair/replacement and reconfiguration of existing marinas or multi-family facilities?

If project is repair/replacement and reconfiguration of existing marinas or multi-family facilities then select all that apply under JAXBO (A2.14):

Occurs within same overall footprint (out to the perimeter of the facility including the outer limits of the structure and permitted mooring locations).

Does not increase the total aerial extent (i.e. area of coverage from the dock structures) of the existing facility.

Does not affect Johnson's seagrass.

No Is the project located in the geographic area of Nearshore Reproductive Habitat of NWA DPS of Loggerhead Sea Turtle Critical Habitat?

Does the project include the installation of a structure other than ATONs (A2.15)?

No Is the project located near sea turtle nesting beaches in the geographic area of U.S. Caribbean Sea Turtle Critical Habitat?

Does the project include the installation of a structure other than ATONs near sea turtle nesting beaches (A2.16)?

Comments:

Construction of a single family residential dock.

Please note this checklist does not contain all of the PDCs. Please refer to the Biological Opinion to confirm the project m PDCs prior to completing this checklist. Notes in parenthesis refer to corresponding section of JAXBO.



Permitting Agency's Internal Use Only:

Date checklist sent to NMFS (MM/DD/YY)  Reviewer Last Name  Application # (for Corps: SAJ-XXXX-XXXX)  Checklist Version!

Indicate the agency issuing the permit/authorization.

Yes  No Is this a re-verification, edit, or modification to a consultation previously submitted under JaxBO?

If yes to above, enter date of previous Tier II consultation

If another NMFS programmatic BO was used for the proposed project, please select name of programmatic BO used.

The Corps Project Manager or Delegated Authority has reviewed and confirmed that the proposed project meets all PDCs. It is the responsibility of the reviewer to ensure the proposed project complies with all the applicable PDCs. Please enter initials of reviewer.

2514 Egret Lane Project Street Address  29 42' 31.11" Latitude (decimal degrees, centroid of the project)

Apalachicola City  85 9' 9.00" Longitude (decimal degrees, centroid of the project. Please include the negative symbol)

Franklin County (Florida)  N/A Municipality (Puerto Rico & USVI)

Select all activities used for the entire proposed project:

1  2  3  4  5  6  7  8  9  10  Superseding Process

Geographic Area	Is the project located in the geographic area?	Select DCH Unit	Are Essential Features Present?	If Essential Features are present, enter area of impact
Smalltooth Sawfish DCH Limited Exclusion Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Gulf Sturgeon DCH Migratory Restriction Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Atlantic Sturgeon DCH Exclusion Zone (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
North Atlantic Right Whales Educational Sign Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
U.S. Caribbean Sea Turtle Critical Habitat Restriction Zones (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	N/A
Bryde's Whale Exclusion Zone (AP.4)	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	N/A	No activities allowed here!
Smalltooth sawfish DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> LF of Red Mangroves <input type="text"/> SF of shallow euryhaline water
Gulf sturgeon DCH	<input checked="" type="radio"/> Yes <input type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Loggerhead sea turtle (NWA DPS) DCH <sup>2</sup>	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Green sea turtle (NA DPS) DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Hawksbill sea turtle DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Leatherback sea turtle DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No	N/A	<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Staghorn and elkhorn (Acropora) coral DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	No impacts to essential features allowed.
Johnson's seagrass DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
North Atlantic right whale DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		<input type="radio"/> Yes <input type="radio"/> No	<input type="text"/> SF of essential features
Atlantic sturgeon DCH	<input type="radio"/> Yes <input checked="" type="radio"/> No		N/A	No activities allowed here!

No/No Is the Project in or near areas with mangroves, seagrasses, corals, or hard bottom habitat? Does it comply with PDCs for Mangroves, Seagrasses, Corals, and Hard Bottom for All Projects (AP.3)

Resource	Present in the project footprint?	Square Feet of Impact
Mangroves	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Nonlisted Seagrass	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Johnson's Seagrass	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Listed Corals	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Nonlisted Corals	<input type="radio"/> Yes <input checked="" type="radio"/> No	
Hardbottom	<input type="radio"/> Yes <input checked="" type="radio"/> No	

1,560.00 SF of Overwater Impacts (area of structure over/above the water surface, e.g., docks or canopies)

13.75 SF of Total In-water Impacts (area of substrate that is permanently changed below MHW, e.g., by seawall, riprap, or cross-sectional area of piles)

Yes Applicant agrees to adhere to PDCs for In-Water Activities (AP.1) as described in AP.7 through AP.11

Yes Applicant agrees to perform all activities during daylight hours (AP.6).

Yes  No Is the project within the boundary of the Florida Keys National Marine Sanctuary (FKNMS)?

Yes If within the boundaries of FKNMS, received NOAA authorization?

To be completed by applicant or agent if permit is issued by a delegated authority (FDEP, Miami-Dade, etc.) Please enter full name of applicant or applicant's representative:

Dan Garlick The applicant or applicant's representative ensures the project complies with the PDCs and all information in this form and individual checklist(s) is correct

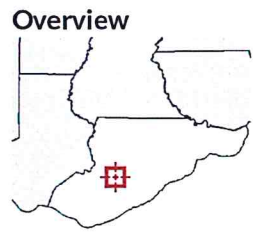
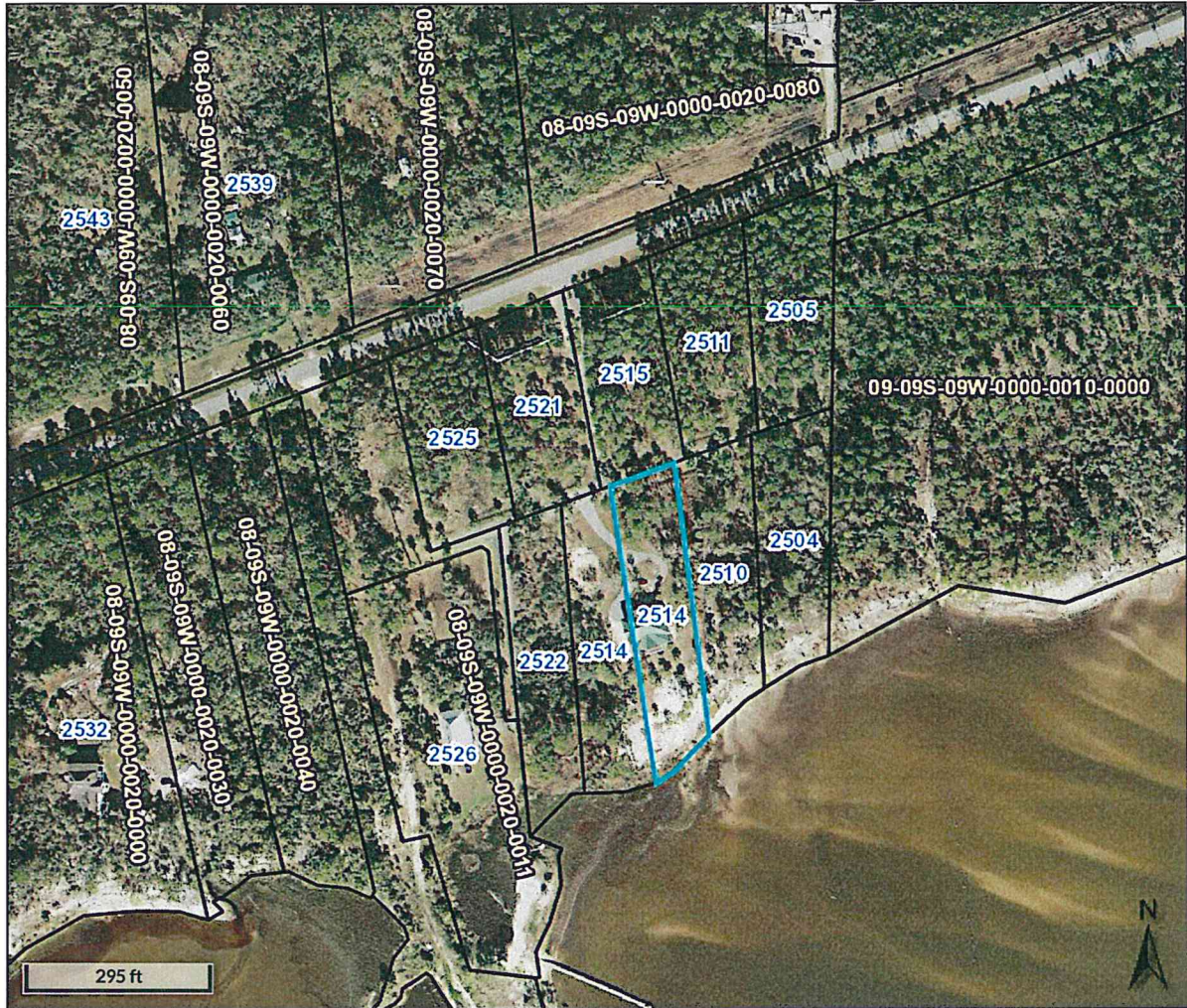
Comments:

The permitted dock will be constructed within the 5 year period of the permit. Turbidity curtains will be deployed around the construction site and will remain until water quality has returned to normal. The proposed dock will be constructed during daylight hours only.

<sup>1</sup> Checklist Version: Select 1 if it is the first time you are submitting the consultation. Select 2 if you made an error or the project has changed and you need to resubmit the checklist.  
<sup>2</sup> The project may be located in two different Loggerhead DCH Units. Select all that apply. If there are more than two, please add to the Comments section.

Q.

*Owner*



- Legend**
- Parcels
  - Roads
  - City Labels

Parcel ID	09-09S-09W-1000-0000-0030	Alternate ID	09W09S09100000000030	Owner Address	GUILD DANIEL L & CAROL G
Sec/Twp/Rng	--	Class	VACANT		2514 EGRET LANE
Property Address	2514 EGRET LN	Acreage	n/a		PORT ST JOE, FL 32456
District	1				
Brief Tax Description	EGRET LANDING AT ST VINCENT				
	(Note: Not to be used on legal documents)				

Date created: 8/25/2020  
 Last Data Uploaded: 8/25/2020 7:51:04 AM

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 GEOSPATIAL



**Parcel Summary**

Parcel ID 09-095-09W-1000-0000-0030  
 Location Address 2514 EGRET LN  
 32320  
 Brief Tax Description\* EGRET LANDING AT ST VINCENT SOUND LOT 3 995/256 1000/570 1094/342 1147/193 1204/255  
\*The Description above is not to be used on legal documents.  
 Property Use Code VACANT (000000)  
 Sec/Twp/Rng --  
 Tax District County (District 1)  
 Millage Rate 11.5391  
 Acreage 0.000  
 Homestead N

[View Map](#)

**Owner Information**

Primary Owner  
 Guild Daniel L & Carol G  
 2514 Egret Lane  
 Port St Joe, FL 32456

**Land Information**

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000121	BAY FRONT	1.00	UT	0	0

**Sales**

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	10/12/2017	\$100	WD	1204	255	Unqualified (U)	Vacant	GUILD/AUBITZ-GUILD	GUILD
N	06/25/2015	\$100	WD	1147	193	Unqualified (U)	Vacant	GUILD	GUILD
N	06/05/2013	\$1,010,000	WD	1094	342	Qualified (Q)	Vacant	ANDRADE ASSOCIATES LIMITED PARTNERSHIP	GUILD
N	11/12/2009	\$650,000	WD	1000	570	Unqualified (U)	Vacant	BRANCH BANKING & TRUST CO	ANDRADE ASSOCIATES LIMITED PAT
N	08/17/2009	\$100	CT	995	256	Unqualified (U)	Vacant	GOLDEN COAST DEVEL.LLC	BRANCH BANKING & TRUST CO.

**Valuation**

	2020 Preliminary	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$0	\$0	\$0	\$0	\$0
Extra Features Value	\$0	\$0	\$6,800	\$0	\$0
Land Value	\$150,000	\$150,000	\$150,000	\$150,000	\$150,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$150,000	\$150,000	\$156,800	\$150,000	\$150,000
Assessed Value	\$150,000	\$150,000	\$156,800	\$150,000	\$150,000
Exempt Value	\$0	\$0	\$0	\$0	\$0
Taxable Value	\$150,000	\$150,000	\$156,800	\$150,000	\$150,000
Maximum Save Our Homes Portability	\$0	\$0	\$0	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

**TRIM Notice 2020**

[2020 TRIM Notice\(PDF\)](#)

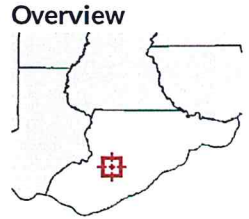
**TRIM Notice 2019**

[2019 TRIM Notice\(PDF\)](#)

No data available for the following modules: Residential Buildings, Commercial Buildings, Extra Features, Sketches.



*Adjacent Neighbor*



Legend

- Parcels
- Roads
- City Labels

Parcel ID	08-09S-09W-0000-0020-0011	Alternate ID	09W09S08000000200011	Owner Address	JOHNSTON ROBERT M & LISAL
Sec/Twp/Rng	--	Class	SINGLE FAM		2526 EGRET LN
Property Address	2526 EGRET LANE	Acreage	2.8		PORT SAINT JOE, FL 32456-7768
District	1				
Brief Tax Description	A PARCEL IN SEC 8 BEING 2.8 AC				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 9/2/2020  
 Last Data Uploaded: 9/2/2020 7:37:35 AM

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**Parcel Summary**

Parcel ID 08-09S-09W-0000-0020-0011  
 Location Address 2526 EGRET LANE  
 32320  
 Brief Tax Description\* A PARCEL IN SEC 8 BEING 2.8 AC M/L 1010/767 1094/339 1095/443  
 \*The Description above is not to be used on legal documents.  
 Property Use Code SINGLE FAM (000100)  
 Sec/Twp/Rng --  
 Tax District County (District 1)  
 Millage Rate 11.5391  
 Acreage 2.800  
 Homestead Y

[View Map](#)

**Owner Information**

Primary Owner  
 Johnston Robert M & Lisa L  
 2526 Egret Ln  
 Port Saint Joe, FL 324567768

**Land Information**

Code	Land Use	Number of Units	Unit Type	Frontage	Depth
000000	VAC RES	2.00	AC	0	0
011000	WET LANDS	0.80	AC	0	0

**Residential Buildings**

Building 1  
 Type SFR PILING  
 Total Area 2,973  
 Heated Area 1,760  
 Exterior Walls BD/BTN AVG  
 Roof Cover MODULAR MT  
 Interior Walls DRYWALL  
 Frame Type WOOD FRAME  
 Floor Cover SHT VINYL; HARDWOOD  
 Heat AIR DUCTED  
 Air Conditioning CENTRAL  
 Bathrooms 3  
 Bedrooms 3  
 Stories 0  
 Effective Year Built 2011

**Extra Features**

Code	Description	Number of Items	Length x Width x Height	Units	Unit Type	Effective Year Built
0320	CONCRETE	1	0x0x0	2,195	SF	2011
0130	CL FENCE 5	1	0x0x5	488	LF	2011
0665	STEPS W/RAILS	1	0x0x0	80	SF	2011
0080	DECK	1	0x0x0	25	SF	2011
1000	BOATLIFT	1	0x0x0	1	UT	2011
0430	DOCK	1	0x0x0	978	SF	2011
0010	ASPH DRIVE	1	0x0x0	1,353	SF	2011
0130	CL FENCE 5	1	0x0x5	488	LF	2011
0279	POOL RES AVERAGE	1	0x0x0	1	UT	2017
0430	DOCK	1	0x0x0	978	SF	2017
0320	CONCRETE	1	0x0x0	340	SF	2017

**Sales**

Multi Parcel	Sale Date	Sale Price	Instrument	Book	Page	Qualification	Vacant/Improved	Grantor	Grantee
N	07/01/2013	\$552,500	WD	1095	443	Qualified (Q)	Improved	WILLIS	JOHNSTON
N	05/17/2013	\$100	CD	1094	339	Unqualified (U)	Improved	ANDRADE ASSOCIATES LIMITED PARTNERSHIP	WILLIS
N	05/06/2010	\$75,000	QC	1010	769	Unqualified (U)	Vacant	ANDRADE ASSOCIATES	WILLIS

Q.

### Valuation

	2020 Preliminary	2019 Certified	2018 Certified	2017 Certified	2016 Certified
Building Value	\$184,824	\$164,364	\$166,932	\$166,932	\$168,644
Extra Features Value	\$59,951	\$59,951	\$59,951	\$21,970	\$21,970
Land Value	\$242,000	\$242,000	\$242,000	\$242,000	\$242,000
Land Agricultural Value	\$0	\$0	\$0	\$0	\$0
Agricultural (Market) Value	\$0	\$0	\$0	\$0	\$0
Just (Market) Value	\$486,775	\$466,315	\$468,883	\$430,902	\$432,614
Assessed Value	\$477,040	\$466,315	\$468,883	\$430,902	\$432,614
Exempt Value	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000
Taxable Value	\$427,040	\$416,315	\$418,883	\$380,902	\$382,614
Maximum Save Our Homes Portability	\$9,735	\$0	\$0	\$0	\$0

"Just (Market) Value" description - This is the value established by the Property Appraiser for ad valorem purposes. This value does not represent anticipated selling price.

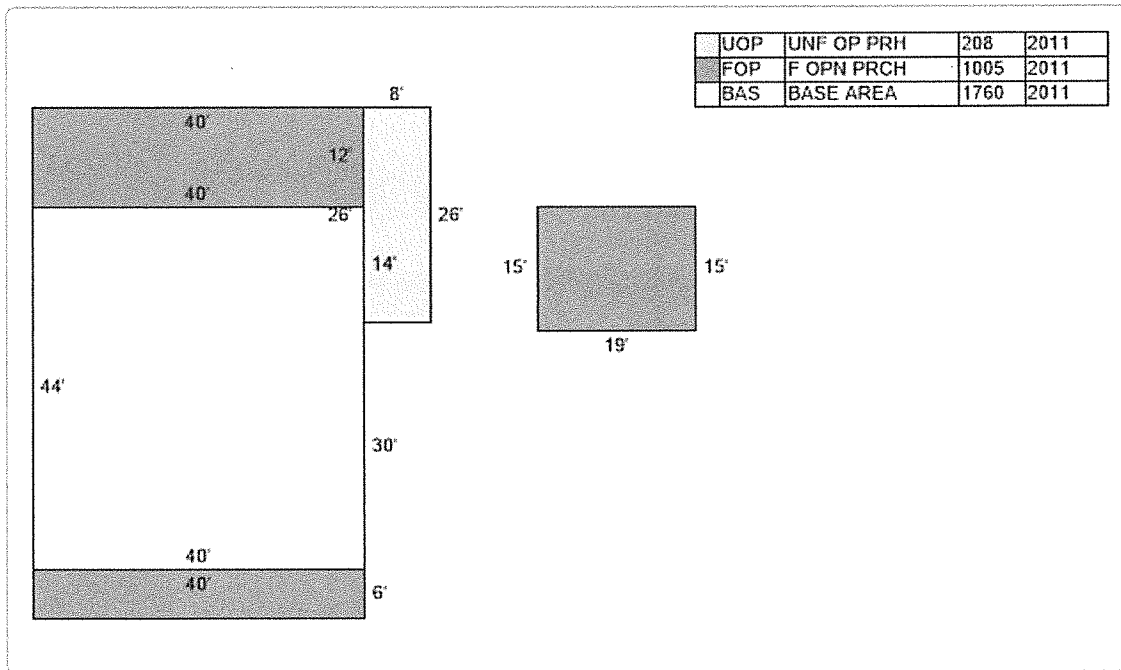
### TRIM Notice 2020

[2020 TRIM Notice\(PDF\)](#)

### TRIM Notice 2019

[2019 TRIM Notice\(PDF\)](#)

### Sketches



No data available for the following modules: Commercial Buildings.

Franklin County makes every effort to produce the most accurate information possible. No warranties, expressed or implied, are provided for the data herein, its use or interpretation. The assessment information is from the last certified taxroll. All data is subject to change before the next certified taxroll.

[User Privacy Policy](#)  
[GDPR Privacy Notice](#)

Last Data Upload: 9/2/2020, 7:37:35 AM

Version 2.3.82

Developed by  
**Schneider**  
GEOSPATIAL





Q.

# FLORIDA DEPARTMENT OF Environmental Protection

Northwest District  
160 W. Government Street, Suite 308  
Pensacola, FL 32502

Ron DeSantis  
Governor

Jeanette Nuñez  
Lt. Governor

Noah Valenstein  
Secretary

October 2, 2020

Dan Guild  
2514 Egret Lane  
Apalachicola, Florida 32320  
[dan@dlguild.com](mailto:dan@dlguild.com)

File No.: 0329939-002-EG/19, Franklin County

Dear Mr. Guild:

On September 11, 2020, we received your notice of intent to use a General Permit (GP) pursuant to Rule 62-330.427, Florida Administrative Code (F.A.C.) to construct a single-family dock no larger than 2,000 square feet within St. Vincent Sound, Class II Outstanding Florida Waters, Unclassified Shellfish Harvesting Area. The project is located at 2514 Egret Lane, Apalachicola, Florida 32320, Parcel No. 09-09S-09W-1000-0000-0030, in Section 09, Township 09 South, Range 09 West of Franklin County; at approximately 29°42'33.3198" North Latitude, 85°9'9.7302" West Longitude.

Your intent to use a general permit has been reviewed by Department staff for three types of authorization: (1) regulatory authorization, (2) proprietary authorization (related to state-owned submerged lands), and (3) federal authorization. The authority for review and the outcomes of the reviews are listed below. Please read each section carefully.

**Your project qualifies for all three authorizations.** However, this letter does not relieve you from the responsibility of obtaining other federal, state, or local authorizations that may be required for the activity.

If you change the project from what you submitted, the authorization(s) granted may no longer be valid at the time of commencement of the project. Please contact us prior to beginning your project if you wish to make any changes.

## 1. Regulatory Review – Approved

Based on the forms, drawings, and documents submitted with your notice, it appears that the project meets the requirements for the General Permit under Rule 62-330.427, F.A.C. Any activities performed under a general permit are subject to general conditions required in Rule 62-330.405, F.A.C. (attached) and the specific conditions of Rule 62-330.427, F.A.C. (attached). Any deviations from these conditions may subject the permittee to enforcement action and possible penalties.



Please be advised that the construction phase of the GP must be completed within five years from the date the notice to use the GP was received by the Department. If you wish to continue this GP beyond the expiration date, you must notify the Department at least 30 days before its expiration.

Authority for review – Part IV of Chapter 373, Florida Statutes (F.S.), Title 62, F.A.C., and in accordance with the operating agreements executed between the Department and the water management districts, as referenced in Chapter 62-113, F.A.C.

**2. Proprietary Review – Granted**

The Department acts as staff to the Board of Trustees of the Internal Improvement Trust Fund (Board of Trustees) and issues certain authorizations for the use of sovereign submerged lands. The Department has the authority to review activities on sovereign submerged lands under Chapters 253 and 258, F.S. and Chapters 18-20 and 18-21, F.A.C.

The activity appears to be located on sovereign submerged lands owned by the Board of Trustees. The activity is not exempt from the need to obtain the applicable proprietary authorization. As staff to the Board of Trustees, the Department has reviewed the activity described above and has determined that the activity qualifies for a Letter of Consent under Section 253.77, F.S. to construct and use the activity on the specified sovereign submerged lands, as long as the work performed is located within the boundaries as described herein and is consistent with the terms and conditions herein.

During the term of this Letter of Consent you shall maintain satisfactory evidence of sufficient upland interest as required by paragraph 18-21.004(3)(b), F.A.C. If such interest is terminated or the Board of Trustees determines that such interest did not exist on the date of issuance of this Letter of Consent, this Letter of Consent may be terminated by the Board of Trustees at its sole option. If the Board of Trustees terminates this Letter of Consent, you agree not to assert a claim or defense against the Board of Trustees arising out of this Letter of Consent.

Please be advised that any use of sovereign submerged lands without specific prior authorization from the Board of Trustees will be considered a violation of Chapter 253, F.S. and may subject the affected upland riparian property owners to legal action as well as potential fines for the prior unauthorized use of sovereign land.

Authority for review – Chapter 253, F.S., Chapter 18-21, F.A.C., and Section 62-330.075, F.A.C., as required.

**3. Federal Review – SPGP Approved**

Your proposed activity as outlined in your application and attached drawings qualifies for Federal authorization pursuant to the State Programmatic General Permit V-R1, and a **SEPARATE permit or authorization will not be required** from the Corps. Please note that the Federal authorization expires on July 26, 2021. However, your authorization may remain in effect for up to 1 additional year, if provisions of Special Condition 19 of the SPGP V-R1 permit instrument are met. You, as permittee, are required to adhere to all General Conditions and Special Conditions that may apply to your project. Special conditions required for your project

are attached. A copy of the SPGP V-R1 with all terms and conditions and the General Conditions may be found at <https://www.saj.usace.army.mil/Missions/Regulatory/Source-Book>.

Authority for review - an agreement with the USACOE entitled “Coordination Agreement Between the U. S. Army Corps of Engineers (Jacksonville District) and the Florida Department of Environmental Protection (or Duly Authorized Designee), State Programmatic General Permit”, Section 10 of the Rivers and Harbor Act of 1899, and Section 404 of the Clean Water Act.

**Additional Information**

Please retain this general permit. The activities may be inspected by authorized state personnel in the future to ensure compliance with appropriate statutes and administrative codes. If the activities are not in compliance, you may be subject to penalties under Chapter 373, F.S. and Chapter 18-14, F.A.C.

**NOTICE OF RIGHTS**

This action is final and effective on the date filed with the Clerk of the Department unless a petition for an administrative hearing is timely filed under Sections 120.569 and 120.57, F.S., before the deadline for filing a petition. On the filing of a timely and sufficient petition, this action will not be final and effective until a subsequent order of the Department. Because the administrative hearing process is designed to formulate final agency action, the subsequent order may modify or take a different position than this action.

Petition for Administrative Hearing

A person whose substantial interests are affected by the Department’s action may petition for an administrative proceeding (hearing) under Sections 120.569 and 120.57, F.S. Pursuant to Rules 28-106.201 and 28-106.301, F.A.C., a petition for an administrative hearing must contain the following information:

- (a) The name and address of each agency affected and each agency’s file or identification number, if known;
- (b) The name, address, and telephone number of the petitioner; the name, address, and telephone number of the petitioner’s representative, if any, which shall be the address for service purposes during the course of the proceeding; and an explanation of how the petitioner’s substantial interests are or will be affected by the agency determination;
- (c) A statement of when and how the petitioner received notice of the agency decision;
- (d) A statement of all disputed issues of material fact. If there are none, the petition must so indicate;
- (e) A concise statement of the ultimate facts alleged, including the specific facts that the petitioner contends warrant reversal or modification of the agency’s proposed action;
- (f) A statement of the specific rules or statutes that the petitioner contends require reversal or modification of the agency’s proposed action, including an explanation of how the alleged facts relate to the specific rules or statutes; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action that the petitioner wishes the agency to take with respect to the agency’s proposed action.

The petition must be filed (received by the Clerk) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@FloridaDEP.gov](mailto:Agency_Clerk@FloridaDEP.gov). Also, a copy of the petition shall be mailed to the applicant at the address indicated above at the time of filing.

Time Period for Filing a Petition

In accordance with Rule 62-110.106(3), F.A.C., petitions for an administrative hearing by the applicant and persons entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of receipt of this written notice. Petitions filed by any persons other than the applicant, and other than those entitled to written notice under Section 120.60(3), F.S., must be filed within 21 days of publication of the notice or within 21 days of receipt of the written notice, whichever occurs first. You cannot justifiably rely on the finality of this decision unless notice of this decision and the right of substantially affected persons to challenge this decision has been duly published or otherwise provided to all persons substantially affected by the decision. While you are not required to publish notice of this action, you may elect to do so pursuant Rule 62-110.106(10)(a).

The failure to file a petition within the appropriate time period shall constitute a waiver of that person's right to request an administrative determination (hearing) under Sections 120.569 and 120.57, F.S., or to intervene in this proceeding and participate as a party to it. Any subsequent intervention (in a proceeding initiated by another party) will be only at the discretion of the presiding officer upon the filing of a motion in compliance with Rule 28-106.205, F.A.C. If you do not publish notice of this action, this waiver may not apply to persons who have not received a clear point of entry.

Extension of Time

Under Rule 62-110.106(4), F.A.C., a person whose substantial interests are affected by the Department's action may also request an extension of time to file a petition for an administrative hearing. The Department may, for good cause shown, grant the request for an extension of time. Requests for extension of time must be filed with the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida 32399-3000, or via electronic correspondence at [Agency\\_Clerk@FloridaDEP.gov](mailto:Agency_Clerk@FloridaDEP.gov), before the deadline for filing a petition for an administrative hearing. A timely request for extension of time shall toll the running of the time period for filing a petition until the request is acted upon.

Mediation

Mediation is not available in this proceeding.

FLAWAC Review

The applicant, or any party within the meaning of Section 373.114(1)(a) or 373.4275, F.S., may also seek appellate review of this order before the Land and Water Adjudicatory Commission under Section 373.114(1) or 373.4275, F.S. Requests for review before the Land and Water Adjudicatory Commission must be filed with the Secretary of the Commission and served on the Department within 20 days from the date when this order is filed with the Clerk of the Department.

Judicial Review

Once this decision becomes final, any party to this action has the right to seek judicial review pursuant to Section 120.68, F.S. by filing a Notice of Appeal pursuant to Florida Rules of Appellate Procedure 9.110 and 9.190 with the Clerk of the Department in the Office of General Counsel (Station #35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000) and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice must be filed within 30 days from the date this action is filed with the Clerk of the Department.



If you have any questions regarding this matter, please contact Jacob Hullett at the letterhead address, at (850)595-0638, or at [Jacob.Hullett@FloridaDEP.gov](mailto:Jacob.Hullett@FloridaDEP.gov)

**EXECUTION AND CLERKING**

Executed in Orlando, Florida.

STATE OF FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION



\_\_\_\_\_  
Jacob Hullett  
Environmental Specialist  
Submerged Lands and Environmental Resources Program

**Attachments:**

1. Rule 62-330.427, F.A.C., 2 pages
2. General Conditions for All General Permits, Rule 62-330.405, F.A.C., 3 pages
3. Special Consent Conditions for Use of Sovereignty Submerged Lands, 1 page
4. General Consent Conditions for Use of Sovereignty Submerged Lands, 2 pages
5. Special Conditions for Federal Authorization for SPGP V-R1, 7 pages
6. General Conditions for Federal Authorization for SPGP V-R1, 2 pages
7. Standard Manatee Conditions for In-Water Work, 2 pages
8. Project Drawings, 4 pages

**CERTIFICATE OF SERVICE**

The undersigned duly designated deputy clerk hereby certifies that this document and all attachments were sent on the filing date below to the following listed persons:

Wade Dandridge, DEP, [Wade.Dandridge@FloridaDEP.gov](mailto:Wade.Dandridge@FloridaDEP.gov)  
Dan Garlick, Agent, Garlick Environmental Associates, Inc., [dan@garlickenv.com](mailto:dan@garlickenv.com)  
Mary Ann, Agent, Garlick Environmental Associates, Inc., [maryann@garlickenv.com](mailto:maryann@garlickenv.com)  
Franklin County, [twade@cityofapalachicola.com](mailto:twade@cityofapalachicola.com), [michael@franklincountyflorida.com](mailto:michael@franklincountyflorida.com)

**FILING AND ACKNOWLEDGMENT**

FILED, on this date, pursuant to Section 120.52, F.S., with the designated Department Clerk, receipt of which is hereby acknowledged.

Mandakini Patel      October 2, 2020  
Clerk                              Date

**62-330.427 General Permit for Docks, Piers and Associated Structures.**

(1) A general permit is granted to any person to construct, extend, or remove a dock or pier and associated structures as described below:

(a) A private, single-family pier or dock with up to two boat lifts that, together with all existing structures on the shoreline of the property, does not exceed a total area of 2,000 square feet over surface waters. Such a structure:

1. Shall not accommodate the mooring of more than two vessels, either in the water or on a boat lift. Solely for purposes of this general permit, up to two personal watercraft as defined in section 327.02(33), F.S., may be moored in lieu of either or both allowable vessels of another type.

These limits shall not apply to the mooring, storage or other use of the dock or pier by:

a. Non-motor-powered vessels less than 16 feet in length that are stored on or under the dock or pier, or within an authorized mooring area; or

b. Personal watercraft, dinghies or similar small vessels that are stowed out of the water, upon a larger parent vessel that is moored at the dock in compliance with this general permit.

2. Shall be located such that all areas used for vessel mooring and navigational access already provide a minimum depth of two feet below the mean low water level for tidal waters, or two feet below the expected average low water depth for non-tidal waters as determined based on best available information for the water body at the project location; and

3. May include a roof over the vessel mooring areas, boat lifts, and terminal platform, or any portions thereof, subject to the applicable provisions of chapters 253 and 258, F.S., and the rules adopted thereunder. Portions of such roofs that overhang beyond the edge of decked portions of the pier or dock shall be included in the calculation of the total square footage of over-water structure allowed under paragraph (1)(a), above.

(b) A public fishing pier that does not exceed a total area of 2,000 square feet provided the structure is designed and built to discourage boat mooring by elevating the fishing pier to a minimum height of five feet above mean high water or ordinary high water, surrounding the pier with handrails, and installing and maintaining signs that state "No Boat Mooring Allowed."

(2) This general permit shall be subject to the following specific conditions:

(a) Construction or extension of the boat lift, boat mooring locations, or terminal platform, shall not occur over submerged grassbeds, coral communities or wetlands. However, the access walkway portion of the pier may traverse these resources provided it is elevated a minimum of five feet above mean high water or ordinary high water, contains handrails that are maintained in such a manner as to prevent use of the access walkways for boat mooring or access, and does not exceed a width of six feet, or a width of four feet in Aquatic Preserves;

(b) There shall be no structures enclosed by walls, screens, or doors on any side;

(c) The dock or pier will not facilitate vessel rentals, charters, or serve any other commercial purpose;

(d) There shall be no fish cleaning facilities, boat repair facilities or equipment, or fueling facilities on the structures authorized by this general permit. In addition, no overboard discharges of trash, human or animal waste, or fuel shall occur from any structures authorized by this general permit;

(e) This general permit shall not authorize the construction or extension of more than one dock or pier per parcel of land or individual lot. For the purposes of this general permit, multi-family living complexes shall be treated as one parcel of property regardless of the legal division of ownership or control of the associated property; and

(f) Notwithstanding any other provisions of this general permit, the design, construction and operation of the dock or pier and associated vessels shall not conflict with any manatee protection plan approved and adopted under section 379.2431(2)(t), F.S.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.418, 403.805(1) FS. Law Implemented 373.118(1), 373.406(5), 373.413, 373.4131, 373.414(9), 373.416, 373.418, 373.426, 403.814(1) FS. History—New 10-3-95, Formerly 62-341.427, Amended 10-1-13, 6-1-18.*

**62-330.405 General Conditions for All General Permits.**

The following general permit conditions are binding upon the permittee and are enforceable under chapter 373, F.S. These conditions do not apply to the general permit for stormwater management systems under section 403.814(12), F.S.

(1) The general permit is valid only for the specific activity indicated. Any deviation from the specified activity and the conditions for undertaking that activity shall constitute a violation of the permit and may subject the permittee to enforcement action and revocation of the permit under chapter 373, F.S.

(2) The general permit does not eliminate the necessity to obtain any required federal, state, local and special district authorizations prior to the start of any construction, alteration, operation, maintenance, removal or abandonment authorized by this permit; and it does not authorize any violation of any other applicable federal, state, local, or special district laws (including, but not limited to, those governing the “take” of listed species).

(3) The general permit does not convey to the permittee or create in the permittee any property right, or any interest in real property, nor does it authorize any entrance upon or activities on property which is not owned or controlled by the permittee, or convey any rights or privileges other than those specified in the general permit.

(4) The general permit does not relieve the permittee from liability and penalties when the permitted activity causes harm or injury to: human health or welfare; animal, plant or aquatic life; or property. It does not allow the permittee to cause pollution that violates state water quality standards.

(5) Section 253.77, F.S., provides that a person may not commence any excavation, construction, or other activity involving the use of state-owned or other lands of the state, the title to which is vested in the Board of Trustees of the Internal Improvement Trust Fund without obtaining the required consent, lease, easement, or other form of authorization authorizing the proposed use. Therefore, the permittee is responsible for obtaining any necessary authorizations from the Board of Trustees prior to commencing activity on state-owned lands.

(6) The authorization to conduct activities under a general permit may be modified, suspended or revoked in accordance with chapter 120, F.S., and section 373.429, F.S.

(7) The general permit is not transferable to a new third party. To be used by a different permittee, a new notice to use a general permit must be submitted in accordance with rule 62-330.402, F.A.C. Activities constructed in accordance with the terms and conditions of a general permit are automatically authorized to be operated and maintained by the permittee and subsequent owners in accordance with subsection 62-330.340(1), F.A.C. Any person holding the general permit, persons working under the general permit, and owners of land while work is conducted under the general permit shall remain liable for any corrective actions that may be required as a result of any permit violations prior to sale, conveyance, or other transfer of ownership or control of the permitted project, activity, or the real property at which the permitted project or activity is located.

(8) Upon reasonable notice to the permittee, Agency staff with proper identification shall have permission to enter, inspect, sample and test the permitted system to ensure conformity with the plans and specifications approved by the general permit.

(9) The permittee shall maintain any permitted project or activity in accordance with the plans submitted to the Agency and authorized in the general permit.

(10) A permittee’s right to conduct a specific activity under the general permit is authorized for a duration of five years.



(11) Activities shall be conducted in a manner that does not cause or contribute to violations of state water quality standards. Performance-based erosion and sediment control best management practices shall be implemented and maintained immediately prior to, during, and after construction as needed to stabilize all disturbed areas, including other measures specified in the permit to prevent adverse impacts to the water resources and adjacent lands. Erosion and sediment control measures shall be installed and maintained in accordance with the *State of Florida Erosion and Sediment Control Designer and Reviewer Manual (Florida Department of Environmental Protection and Florida Department of Transportation, June 2007)*, available at <https://www.flrules.org/Gateway/reference.asp?No=Ref-04227>, and the *Florida Stormwater Erosion and Sedimentation Control Inspector's Manual (Florida Department of Environmental Protection, Nonpoint Source Management Section, Tallahassee, Florida, July 2008)*, available at [http://publicfiles.dep.state.fl.us/DEAR/Stormwater\\_Training\\_Docs/erosion-inspectors-manual.pdf](http://publicfiles.dep.state.fl.us/DEAR/Stormwater_Training_Docs/erosion-inspectors-manual.pdf).

(12) Unless otherwise specified in the general permit, temporary vehicular access within wetlands during construction shall be performed using vehicles generating minimum ground pressure to minimize rutting and other environmental impacts. Within forested wetlands, the permittee shall choose alignments that minimize the destruction of mature wetland trees to the greatest extent practicable. When needed to prevent rutting or soil compaction, access vehicles shall be operated on wooden, composite, metal, or other non-earthen construction mats. In all cases, access in wetlands shall comply with the following:

- (a) Access within forested wetlands shall not include the cutting or clearing of any native wetland tree having a diameter four inches or greater at breast height;
- (b) The maximum width of the construction access area shall be limited to 15 feet;
- (c) All mats shall be removed as soon as practicable after equipment has completed passage through, or work has been completed, at any location along the alignment of the project, but in no case longer than seven days after equipment has completed work or passage through that location; and
- (d) Areas disturbed for access shall be restored to natural grades immediately after the maintenance or repair is completed.

(13) Barges or other work vessels used to conduct in-water activities shall be operated in a manner that prevents unauthorized dredging, water quality violations, and damage to submerged aquatic communities.

(14) The construction, alteration, or use of the authorized project shall not adversely impede navigation or create a navigational hazard in the water body.

(15) Except where specifically authorized in the general permit, activities must not:

- (a) Impound or obstruct existing water flow, cause adverse impacts to existing surface water storage and conveyance capabilities, or otherwise cause adverse water quantity or flooding impacts to receiving water and adjacent lands; or
- (b) Cause an adverse impact to the maintenance of surface or ground water levels or surface water flows established pursuant to section 373.042, F.S., or a Works of the District established pursuant to section 373.086, F.S.

(16) If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, stone tools, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The permittee or other designee

shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section (DHR), at (850)245-6333, as well as the appropriate permitting agency office. Project activities shall not resume without verbal or written authorization from the Division of Historical Resources. If unmarked human remains are encountered, all work shall stop immediately and the proper authorities notified in accordance with section 872.05, F.S.

(17) The activity must be capable, based on generally accepted engineering and scientific principles, of being performed and of functioning as proposed, and must comply with any applicable District special basin and geographic area criteria.

(18) The permittee shall comply with the following when performing work within waters accessible to federally- or state-listed aquatic species, such as manatees, marine turtles, smalltooth sawfish, and Gulf sturgeon:

(a) All vessels associated with the project shall operate at “Idle Speed/No Wake” at all times while in the work area and where the draft of the vessels provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.

(b) All deployed siltation or turbidity barriers shall be properly secured, monitored, and maintained to prevent entanglement or entrapment of listed species.

(c) All in-water activities, including vessel operation, must be shut down if a listed species comes within 50 feet of the work area. Activities shall not resume until the animal(s) has moved beyond a 50-foot radius of the in-water work, or until 30 minutes elapses since the last sighting within 50 feet. Animals must not be herded away or harassed into leaving. All onsite project personnel are responsible for observing water-related activities for the presence of listed species.

(d) Any listed species that is killed or injured by work associated with activities performed shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1(888)404-3922 and [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com).

(e) Whenever there is a spill or frac-out of drilling fluid into waters accessible to the above species during a directional drilling operation, the FWC shall be notified at [ImperiledSpecies@myfwc.com](mailto:ImperiledSpecies@myfwc.com) with details of the event within 24 hours following detection of the spill or frac-out.

(19) The permittee shall hold and save the Agency harmless from any and all damages, claims, or liabilities which may arise by reason of the construction, alteration, operation, maintenance, removal, abandonment or use of any activity authorized by the general permit.

(20) The permittee shall immediately notify the Agency in writing of any submitted information that is discovered to be inaccurate.

*Rulemaking Authority 373.026(7), 373.043, 373.118(1), 373.406(5), 373.4131, 373.414(9), 373.4145, 373.418, 403.805(1) FS. Law Implemented 373.044, 373.118(1), 373.129, 373.136, 373.406(5), 373.413, 373.4131, 373.414(9), 373.4145, 373.416, 373.422, 373.423, 373.429, 403.814(1) FS. History—New 10-3-95, Amended 10-1-07, Formerly 62-341.215, Amended 10-1-13, 6-1-18.*

**Special Consent Conditions**

1. The applicant agrees to indemnify, defend and hold harmless the Board of Trustees and the State of Florida from all claims, actions, lawsuits and demands in any form arising out of the authorization to use sovereignty submerged lands or the applicant's use and construction of structures on sovereignty submerged lands. This duty to indemnify and hold harmless will include any and all liabilities that are associated with the structure or activity including special assessments or taxes that are now or in the future assessed against the structure or activity during the period of the authorization.
  
2. Failure by the Board of Trustees to enforce any violation of a provision of the authorization or waiver by the Board of Trustees of any provision of the authorization will not invalidate the provision not enforced or waived, nor will the failure to enforce or a waiver prevent the Board of Trustees from enforcing the unenforced or waived provision in the event of a violation of that provision.
  
3. Applicant binds itself and its successors and assigns to abide by the provisions and conditions set forth in the authorization. If the applicant or its successors or assigns fails or refuses to comply with the provisions and conditions of the authorization, the authorization may be terminated by the Board of Trustees after written notice to the applicant or its successors or assigns. Upon receipt of such notice, the applicant or its successors or assigns will have thirty (30) days in which to correct the violations. Failure to correct the violations within this period will result in the automatic revocation of this authorization.
  
4. All costs incurred by the Board of Trustees in enforcing the terms and conditions of the authorization will be paid by the applicant. Any notice required by law will be made by certified mail at the address shown on page one of the authorization. The applicant will notify the Board of Trustees in writing of any change of address at least ten days before the change becomes effective.
  
5. This authorization does not allow any activity prohibited in a conservation easement or restrictive covenant that prohibits the activity.

**General Conditions for Authorizations for Activities on State-Owned Submerged Lands:**

All authorizations granted by rule or in writing under rule 18-21.005, F.A.C., except those for geophysical testing, shall be subject to the general conditions as set forth in paragraphs (a) through (j) below. The general conditions shall be part of all authorizations under this chapter, shall be binding upon the grantee, and shall be enforceable under chapter 253 or 258, part II, F.S.

- (a) Authorizations are valid only for the specified activity or use. Any unauthorized deviation from the specified activity or use and the conditions for undertaking that activity or use shall constitute a violation. Violation of the authorization shall result in suspension or revocation of the grantee's use of the sovereignty submerged land unless cured to the satisfaction of the Board.
- (b) Authorizations convey no title to sovereignty submerged land or water column, nor do they constitute recognition or acknowledgment of any other person's title to such land or water.
- (c) Authorizations may be modified, suspended or revoked in accordance with their terms or the remedies provided in sections 253.04 and 258.46, F.S., or chapter 18-14, F.A.C.
- (d) Structures or activities shall be constructed and used to avoid or minimize adverse impacts to sovereignty submerged lands and resources.
- (e) Construction, use, or operation of the structure or activity shall not adversely affect any species which is endangered, threatened or of special concern, as listed in rules 68A-27.003, 68A-27.004 and 68A-27.005, F.A.C.
- (f) Structures or activities shall not unreasonably interfere with riparian rights. When a court of competent jurisdiction determines that riparian rights have been unlawfully affected, the structure or activity shall be modified in accordance with the court's decision.
- (g) Structures or activities shall not create a navigational hazard.
- (h) Activities shall not interfere with the public easement for traditional uses of the sandy beaches provided in section 161.141, F.S.
- (i) Structures shall be maintained in a functional condition and shall be repaired or removed if they become dilapidated to such an extent that they are no longer functional. This shall not be construed to prohibit the repair or replacement subject to the provisions of rule 18-21.005, F.A.C., within one year, of a structure damaged in a discrete event such as a storm, flood, accident, or fire.
- (j) Structures or activities shall be constructed, operated, and maintained solely for water dependent purposes, or for non-water dependent activities authorized under paragraph 18-21.004(1)(g), F.A.C., or any other applicable law.

*Rulemaking Authority 253.03(7), 253.73 FS. Law Implemented 253.001, 253.03, 253.141, 253.0347, 253.665, 253.71, 253.68, 253.72, 253.74, 253.75, 253.77 FS. History—New 3-27-82,*



Q.

*Amended 8-1-83, Formerly 16Q-21.04, 16Q-21.004, Amended 12-25-86, 1-25-87, 3-15-90, 8-18-92, 10-15-98, 12-11-01, 10-29-03, 12-16-03, 3-8-04, 10-27-05, 4-14-08, 9-1-09, 3-21-19.*

**Special Conditions for Federal Authorization for SPGP V-R1**

**Note:** JAXBO (Jacksonville District’s Programmatic Biological Opinion), referenced throughout, may be found online in the Jacksonville District Regulatory Division Sourcebook, or at <http://cdm16021.contentdm.oclc.org/utis/getfile/collection/p16021coll3/id/577>. The SPGP V-R1 instrument and all attachments may be found online through the Sourcebook, or at <https://www.saj.usace.army.mil/SPGP/>

In addition to the conditions specified above, the following Special Conditions apply to all projects reviewed and/or authorized under the SPGP V-R1.

**Special Conditions for All Projects**

1. Authorization, design and construction must adhere to the terms of the SPGP V-R1 instrument including the Procedure and Work Authorized sections.
2. Design and construction must adhere to the PDCs for In-Water Activities ([Attachment 6](#), from PDCs AP.7 through AP11, inclusive, of JAXBO) (Reference: JAXBO PDC AP.1.).
3. All activities performed during daylight hours (Reference: JAXBO PDC AP.6.).
4. For all projects involving the installation of piles or sheet piles, the maximum number of piles, sheet piles or concrete slab walls or boatlift I-beams installed by impact hammer per day is limited to no more than 5 per day. Any installation of metal pipe or metal sheet pile by impact hammer is not authorized (Reference: Categories D and E of JAXBO PDCs for In-Water Noise from Pile and Sheet Pile Installation, page 86.).
5. Projects within the boundary of the NOAA Florida Keys National Marine Sanctuary require prior approval from the Sanctuary (Reference: JAXBO PDCs AP.14 and A1.6).
6. Notifications to the Corps. For all authorizations under this SPGP V-R1, including Self-Certifications, the Permittee shall provide the following notifications to the Corps:
  - a. Commencement Notification. Within 10 days before the date of initiating the work authorized by this permit or for each phase of the authorized project, the Permittee shall provide a written notification of the date of commencement of authorized work to the Corps.
  - b. Corps Self-Certification Statement of Compliance form. Within 60 days of completion of the work authorized by this permit, the Permittee shall complete the “Self-Certification Statement of Compliance” form ([Attachment 32](#)) and submit it to the Corps. In the event that the completed work deviates in any manner from the authorized work, the Permittee shall describe the deviations between the work authorized by this permit and the work as constructed on the “Self-Certification Statement of Compliance” form. The description of any deviations on the “Self-Certification Statement of Compliance” form does not constitute approval of any deviations by the Corps.
  - c. Permit Transfer. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit

will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form ([Attachment 2](#)).

- d. Reporting Address. The Permittee shall submit all reports, notifications, documentation, and correspondence required by the general and special conditions of this permit to the following address.
- (1) For standard mail: U.S. Army Corps of Engineers, Regulatory Division, Enforcement Section, P.O. Box 4970, Jacksonville, FL, 32232-0019.
  - (2) For electronic mail: [SAJ-RD-Enforcement@usace.army.mil](mailto:SAJ-RD-Enforcement@usace.army.mil) (not to exceed 10 MB). The Permittee shall reference this permit number, SAJ- 2015-02575 on all submittals.
7. The District Engineer reserves the right to require that any request for authorization under this SPGP V-R1 be evaluated as an Individual Permit. Conformance with the terms and conditions of the SPGP V-R1 does not automatically guarantee Federal authorization.
  8. On a case-by-case basis, the Corps may impose additional Special Conditions which are deemed necessary to minimize adverse environmental impacts.
  9. Failure to comply with all conditions of the SPGP V-R1 constitutes a violation of the Federal authorization.
  10. No structure or work shall adversely affect or disturb properties listed in the National Register of Historic Places or those eligible for inclusion in the National Register. Prior to the start of work, the Applicant/Permittee or other party on the Applicant's/Permittee's behalf, shall conduct a search of known historical properties by contracting a professional archaeologist, and contacting the Florida Master Site File at 850-245-6440 or [SiteFile@dos.state.fl.us](mailto:SiteFile@dos.state.fl.us). The Applicant/Permittee can also research sites in the National Register Information System (NRIS). Information can be found at <http://www.cr.nps.gov/nr/research>.
    - a. If, during the initial ground disturbing activities and construction work, there are archaeological/cultural materials unearthed (which shall include, but not be limited to: pottery, modified shell, flora, fauna, human remains, ceramics, stone tools or metal implements, dugout canoes or any other physical remains that could be associated with Native American cultures or early colonial or American settlement), the Permittee shall immediately stop all work in the vicinity and notify the Compliance and Review staff of the State Historic Preservation Office at 850-245-6333 and the Corps Regulatory Project Manager to assess the significance of the discovery and devise appropriate actions, including salvage operations. Based on the circumstances of the discovery, equity to all parties, and considerations of the public interest, the Corps may modify, suspend, or revoke the permit in accordance with 33 C.F.R. § 325.7.

- b. In the unlikely event that human remains are identified, the remains will be treated in accordance with Section 872.05, Florida Statutes; all work in the vicinity shall immediately cease and the local law authority, and the State Archaeologist (850-245-6444) and the Corps Regulatory Project Manager shall immediately be notified. Such activity shall not resume unless specifically authorized by the State Archaeologist and the Corps.
11. The Permittee is responsible for obtaining any “take” permits required under the U.S. Fish and Wildlife Service’s regulations governing compliance with these laws. The Permittee should contact the appropriate local office of the U.S. Fish and Wildlife Service to determine if such “take” permits are required for a particular activity.
12. For Projects authorized under this SPGP V-R1 in navigable waters of the U.S., the Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal or alteration.
13. The SPGP V-R1 will be valid through July 26, 2021 unless suspended or revoked by issuance of a public notice by the District Engineer. The Corps, in conjunction with the Federal resource agencies, will conduct periodic reviews to ensure that continuation of the permit during the period ending July 26, 2021, is not contrary to the public interest. The SPGP V-R1 will not be extended beyond July 26, 2021, but may be replaced by a new SPGP. If revocation occurs, all future applications for activities covered by the SPGP V-R1 will be evaluated by the Corps.
14. If the SPGP V-R1 expires, is revoked, or is terminated prior to completion of the authorized work, authorization of activities which have commenced or are under contract to commence in reliance upon the SPGP V-R1 will remain in effect provided the activity is completed within 12 months of the date the SPGP V-R1 expired or was revoked.

**Special Conditions for Docks, Piers, Associated Facilities, and other Minor Piling-Supported Structures**

1. For temporary structures associated with marine events. Upon completion of the event, these structures must be removed and, to the maximum extent practical, the site must be restored to pre-construction elevations. Water depths in the area of marine events must be deep enough to support at least 5 ft of water depth under the keel of a vessel and between the keel of a vessel and Endangered Species Act listed coral colonies, if present, when transiting to the mooring areas (Reference: JAXBO PDC A2.1.4.).



2. Educational Signs. For commercial, multi-family, or public facilities, and marine events, signs must be posted as described below (Reference: These replicate JAXBO PDCs A.2.2 and A.2.2.1 to A.2.2.3., inclusive, within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, starting on page 112.):
- a. (A2.2.) For commercial, multi-family, or public facilities, and marine events, signs must be posted in a visible location(s), alerting users of listed species in the area susceptible to vessel strikes and hook-and-line captures. The most current version of the signs that must be downloaded and sign installation guidance are available at: ([http://sero.nmfs.noaa.gov/protected\\_resources/section\\_7/protected\\_species\\_educational\\_signs/index.html](http://sero.nmfs.noaa.gov/protected_resources/section_7/protected_species_educational_signs/index.html)). The signs required to be posted by area are stated below:
    - (1) (A2.2.1.) All projects in Florida shall use the Save Sea Turtle, Sawfish, and Dolphin sign. These signs shall include contact information to the sea turtle and marine mammal stranding networks and smalltooth sawfish encounter database.
    - (2) (A2.2.2.) Projects within the North Atlantic right whale educational sign zone shall post the Help Protect North Atlantic Right Whales sign.
    - (3) (A2.2.3.) On the east coast of Florida, projects located within the St. Johns River and those occurring north of the St. Johns River to the Florida-Georgia line shall post the Report Sturgeon sign. On the west coast of Florida, projects occurring from the Cedar Key, Florida north to the Florida-Alabama line.
3. Monofilament Recycling Bins. For commercial, multi-family, or public facilities, monofilament recycling bins must be provided as described below (Reference: The below replicates PDC A.2.3 within the table PDCs Specific to Activity 2 - Pile Supported Structures and Anchored Buoys, the PDC itself on page 113 of the JAXBO.):
- a. (A2.3.) For commercial, multi-family, or public facilities, monofilament recycling bins must be provided at the docking facility to reduce the risk of turtle or sawfish entanglement in, or ingestion of, marine debris. Monofilament recycling bins must:
    - (1) (A2.3.1.) Be constructed and labeled according to the instructions provided at <http://mrrp.myfwc.com>.
    - (2) (A2.3.2.) Be maintained in working order and emptied frequently (according to <http://mrrp.myfwc.com> standards) so that they do not overflow.
4. North Atlantic Right Whale. The attached North Atlantic Right Whale Information Form ([Attachment 27](#)) describes the presence of North Atlantic right whales in the area and the Federal regulations governing the approach to North Atlantic right whales. (The FDEP or Designee will attach this document to their authorizations for a dock project (new construction, repair, or replacement) at a private residence located within 11 nautical miles of North Atlantic right whale critical habitat as measured in a radius from the center of the nearest inlet to open ocean described by [Attachment 29](#), the North Atlantic Right Whale Educational Sign Zones (from Section 2.1.1.4 of JAXBO, pages 31 and 32, inclusive) (Reference: JAXBO PDC A2.4.).

5. Aids to Navigation. Aids to navigation must be approved by and installed in accordance with the requirements of the U.S. Coast Guard (i.e., 33 C.F.R., chapter I, subchapter C, part 66, Section 10 of the Rivers and Harbors Act, and any other pertinent requirements) (Reference: JAXBO PDC A2.5.).
6. Lighting for docks installed within visible distance of ocean beaches. If lighting is necessary, then turtle-friendly lighting shall be installed. Turtle-friendly lighting is explained and examples are provided on the Florida Fish and Wildlife Conservation Commission website: <http://myfwc.com/wildlifehabitats/managed/sea-turtles/lighting/> (Reference: JAXBO PDC A2.8.).
7. Construction Location. Project construction shall take place from uplands or from floating equipment (e.g., barge); prop or wheel-washing is prohibited (Reference: JAXBO PDC A2.9.).
8. Regarding submerged and emergent aquatic vegetation, the design and construction of a Project must comply with the following:
  - a. A pile supported structure (i) that is located on a natural waterbody (i.e., outside an artificial waterway that was excavated for boating access and is bordered by residential properties) and (ii) that is within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia north of Ponce Inlet), will be constructed to the following standards:
    - (1) Must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers'/National Marine Fisheries Service's "Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat" updated November 2017 ([Attachment 5](#)).
    - (2) In addition to (1), above, IF the project is within range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below (Reference: JAXBO PDC A2.17).
  - b. For all other Projects,
    - (1) Within the range of Johnson's seagrass (the range of Johnson's seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), the presence of submerged aquatic vegetation will be determined utilizing the "Submerged Aquatic Vegetation Survey Guidelines" ([Attachment 7](#)). If no survey performed, aquatic vegetation, including Johnson's seagrass, will be presumed to be present for purposes of this Special Condition.
    - (2) Outside the range of Johnson's seagrass but within the range of seagrass (estuarine waters within all coastal counties except for Nassau, Duval, St Johns, Flagler and Volusia County north of Ponce Inlet) and within tidal waters, the presence of seagrass and tidal freshwater submerged aquatic vegetation will be determined using the



- “Submerged Aquatic Vegetation Survey Guidelines” ([Attachment 7](#)) unless a site visit or aerial photography observes absence during the growing season (if water depth and clarity allows) or aquatic vegetation has not been found in the vicinity in the past.
- (3) Pile-supported structures, IF aquatic vegetation is present (including seagrass, tidal freshwater submerged aquatic vegetation and emergent vegetation), THEN must comply with or provide a higher level of protection than, the protective criteria in the joint U.S. Army Corps of Engineers’/National Marine Fisheries Service’s “Construction Guidelines in Florida for Minor Piling-Supported Structures Constructed in or over Submerged Aquatic Vegetation (SAV), Marsh or Mangrove Habitat” updated November 2017 ([Attachment 5](#)).
- (4) In addition to (1) to (3) above, IF the proposed dock or proposed structure is within range of Johnson’s seagrass (the range of Johnson’s seagrass is defined as Turkey Creek/Palm Bay south to central Biscayne Bay in the lagoon systems on the east coast of Florida), and IF the proposed dock or proposed structure falls within the following scenarios, THEN the design and construction shall comply with, in some cases, the more restrictive requirements within paragraph 8.c., below. (Reference: The following replicates “Scenario B” as defined within A2.17., PDCs for Docks or Other Minor Structures of JAXBO.):
- (i) Dock replacement in the exact footprint (i.e., same location/configuration/size) as the previous dock and:
- (a) within Johnson’s seagrass critical habitat with No current seagrass survey (completed no earlier than 1 year before submitting the application); or, Johnson’s seagrass under the dock; or, Native seagrass, other than Johnson’s seagrass, under the dock; or,
- (b) within the Range of Johnson’s seagrass (outside of critical habitat) with No current seagrass survey or, Johnson’s seagrass under the dock,
- (ii) New docks or dock expansions and:
- (a) within Johnson’s seagrass critical habitat; or,
- (b) within the Range of Johnson’s seagrass (outside of critical habitat) with: No current seagrass survey (completed no earlier than 1 year before submitting the application) or, Johnson’s seagrass within property limit.
- c. The following additional restrictions apply when required by paragraphs 8.a.(2) or 8.b.(4), above (Reference: The following replicates the “Dock PDCs for Scenario B” within A2.17. PDCs for Docks or Other Minor Structures of JAXBO.):
- (1) To avoid and minimize impacts to Johnson’s seagrass and native, non-listed seagrasses to the maximum extent practicable:
- (i) The dock must be positioned to avoid and minimize effects to Johnson’s seagrass.
- (ii) Over any area that contains Johnson’s seagrass or native, non- listed seagrasses, the dock shall be oriented in a north-south orientation to the maximum extent that is practicable to allow maximum sunlight under the structure.
- (iii) If practicable, terminal platforms shall be placed in deep water, waterward of Johnson’s seagrass beds or native, non-listed seagrasses beds or in an area devoid of Johnson’s seagrass or native, non-listed seagrasses.

- (iv) Piles must be spaced a minimum of 10 ft apart in any area that contains Johnson's seagrass to minimize direct impacts.
  - (v) Piles shall be installed in a manner that will not result in the formation of sedimentary deposits (e.g., donuts or halos) around the newly installed pilings.
  - (vi) No covered boat lifts are allowed over any Johnson's seagrass.
- (2) Decking options: Deck surfaces (parallel with the water) that are located waterward of the MHWL must be constructed of grated materials or plank construction or a combination of the both methods (e.g. plank decking on the walkway and grated decking on the terminal platform). These decking options are described below:
- (i) For grated decking:
    - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 3 ft above MHW when constructed with grated decking.
    - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 160 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft. The 5 ft width restriction is measured from wet side of the seawall. For example, if a seawall cap is 3 feet overwater then the dock would be limited to 2 feet.
    - (c) Material description: Decking materials shaped in the form of grids, grates, lattices, etc., to allow the passage of light through the open spaces. These materials must provide a minimum of 43% open space.
  - (ii) For plank decking:
    - (a) Height requirement: The surface of the structure, including the dock walkway (the over- water narrow portion connecting the terminal platform to the shore and any over-water ramp required for access) and the dock, must be a minimum of 5 ft above MHW when constructed of plank decking.
    - (b) Size limitations: The dock walkway is limited to a width of 4 ft. The terminal platform is limited to a total area of 120 ft<sup>2</sup>. Marginal docks are limited to a width of 5 ft.
    - (c) Material description: Deck boards may be constructed of any material. Deck Boards must be installed to provide a minimum of a 0.5-in gap between individual deck boards.
- d. Aids to Navigation in Acropora critical habitat. The distance from Aids to Navigation (ATONs) to ESA-listed corals and Acropora critical habitat shall ensure there are no impacts to the corals or the essential feature of Acropora critical habitat from the movement of buoys and tackle. The appropriate distance shall be based on the size of the anchor chain or other tackle to be installed to secure the buoy to its anchor, particularly when the design of the ATON does not prohibit the contact of tackle with the marine bottom. In all cases, buoy tackle will include flotation to ensure there is no contact between the anchor chain or line and the marine bottom (Reference: JAXBO PDC A2.10.).



**General Conditions for Federal Authorization for SPGP V-R1**

1. The time limit for completing the work authorized ends on July 26, 2021.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner on the enclosed form and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Further Information:

1. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal projects.
2. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or

- structures caused by the activity authorized by this permit.
- d. Design or Construction deficiencies associated with the permitted work.
  - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
3. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
  4. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
    - a. You fail to comply with the terms and conditions of this permit.
    - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (see 3 above).
    - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.
  5. Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CER 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.
  6. When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date the enclosed form.
  7. The Permittee understands and agrees that, if future operations by the United States require the removal, relocation, or other alteration, of the structures or work herein authorized, or if, in the opinion of the Secretary of the Army or his authorized representative, said structure or work shall cause unreasonable obstruction to the free navigation of the navigable waters, the Permittee will be required, upon due notice from the U.S. Army Corps of Engineers, to remove, relocate, or alter the structural work or obstructions caused thereby, without expense to the United States. No claim shall be made against the United States on account of any such removal, relocation or alteration.

**STANDARD MANATEE CONDITIONS FOR IN-WATER WORK**  
2011

The permittee shall comply with the following conditions intended to protect manatees from direct project effects:

- a. All personnel associated with the project shall be instructed about the presence of manatees and manatee speed zones, and the need to avoid collisions with and injury to manatees. The permittee shall advise all construction personnel that there are civil and criminal penalties for harming, harassing, or killing manatees which are protected under the Marine Mammal Protection Act, the Endangered Species Act, and the Florida Manatee Sanctuary Act.
- b. All vessels associated with the construction project shall operate at "Idle Speed/No Wake" at all times while in the immediate area and while in water where the draft of the vessel provides less than a four-foot clearance from the bottom. All vessels will follow routes of deep water whenever possible.
- c. Siltation or turbidity barriers shall be made of material in which manatees cannot become entangled, shall be properly secured, and shall be regularly monitored to avoid manatee entanglement or entrapment. Barriers must not impede manatee movement.
- d. All on-site project personnel are responsible for observing water-related activities for the presence of manatee(s). All in-water operations, including vessels, must be shutdown if a manatee(s) comes within 50 feet of the operation. Activities will not resume until the manatee(s) has moved beyond the 50-foot radius of the project operation, or until 30 minutes elapses if the manatee(s) has not reappeared within 50 feet of the operation. Animals must not be herded away or harassed into leaving.
- e. Any collision with or injury to a manatee shall be reported immediately to the Florida Fish and Wildlife Conservation Commission (FWC) Hotline at 1-888-404-3922. Collision and/or injury should also be reported to the U.S. Fish and Wildlife Service in Jacksonville (1-904-731-3336) for north Florida or Vero Beach (1-772-562-3909) for south Florida, and to FWC at [ImperiledSpecies@myFWC.com](mailto:ImperiledSpecies@myFWC.com)
- f. Temporary signs concerning manatees shall be posted prior to and during all in-water project activities. All signs are to be removed by the permittee upon completion of the project. Temporary signs that have already been approved for this use by the FWC must be used. One sign which reads *Caution: Boaters* must be posted. A second sign measuring at least 8 ½" by 11" explaining the requirements for "Idle Speed/No Wake" and the shut down of in-water operations must be posted in a location prominently visible to all personnel engaged in water-related activities. These signs can be viewed at [MyFWC.com/manatee](http://MyFWC.com/manatee). Questions concerning these signs can be sent to the email address listed above.

**CAUTION: MANATEE HABITAT**


**All project vessels**

**IDLE SPEED / NO WAKE**

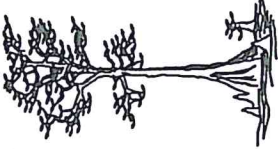
When a manatee is within 50 feet of work  
all in-water activities must

**SHUT DOWN**

Report any collision with or injury to a manatee:  
**Wildlife Alert:**  
**1-888-404-FWCC(3922)**  
cell \*FWC or #FWC







**PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.**

P. O. BOX 385, APALACHICOLA FLORIDA 32329-0385 (850) 653-8899 FAX (850) 653-9656 garlick@garlickenv.com

LB No. 7415

APPLICANT/CLIENT: Dan Guild

WATERBODY/CLASS: St Vincent Sound

PURPOSE: EP-DOCK

JOB: 20-103

DEP: 19-0329939-001-EG

COE: SAJ-2014-03025(GP-SRM)

OTHER:

DATE: September 8, 2020

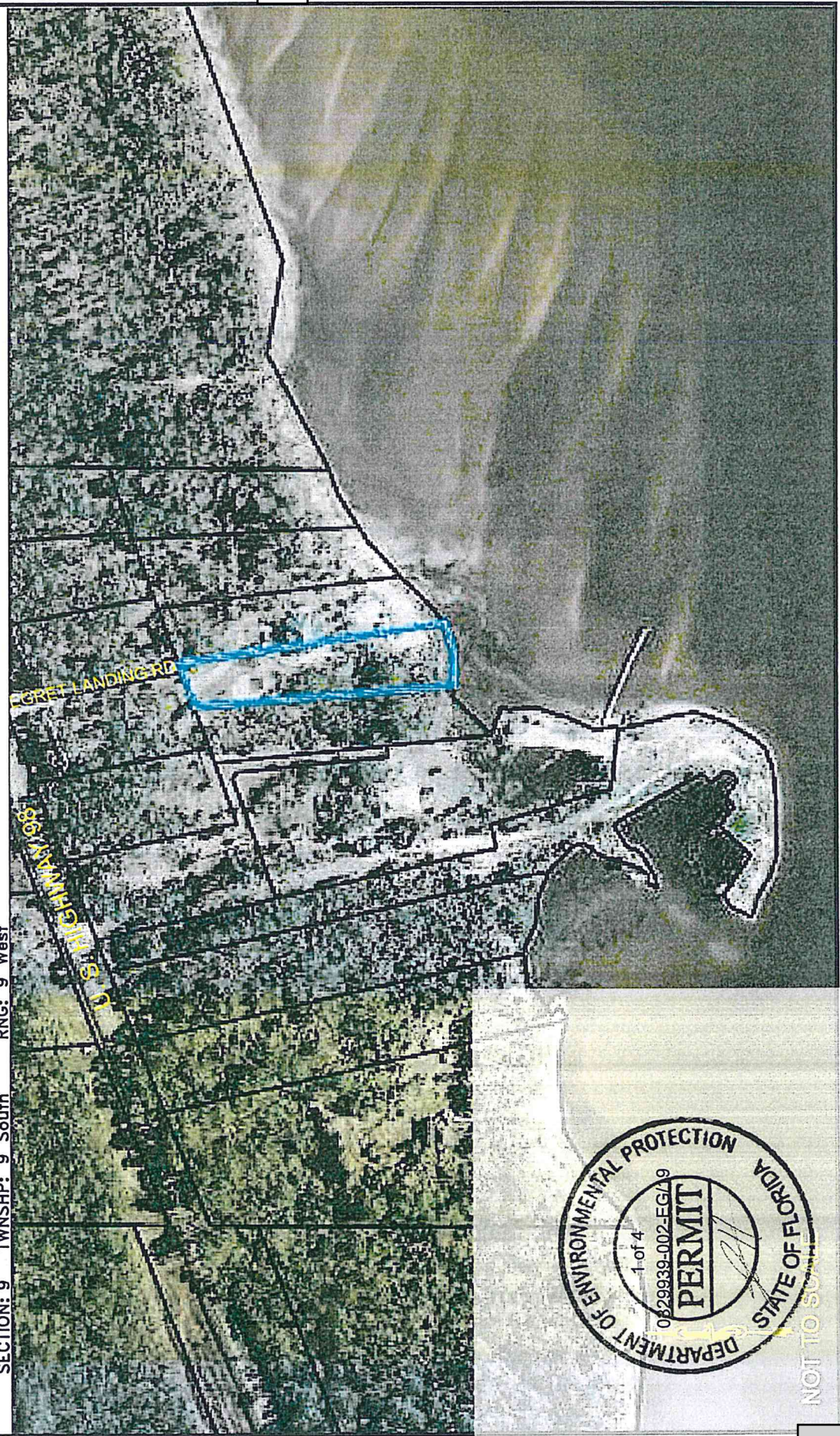
SHEET: 1/4

PROJECT LOCATION / USGS: Franklin County / St Vincent Sound

LATITUDE: 29° 42' 31.11"

LONGITUDE: 85° 9' 9.00"

SECTION: 9 TWSHP: 9 South RNG: 9 West



NOT TO SCALE

Q.







Q.

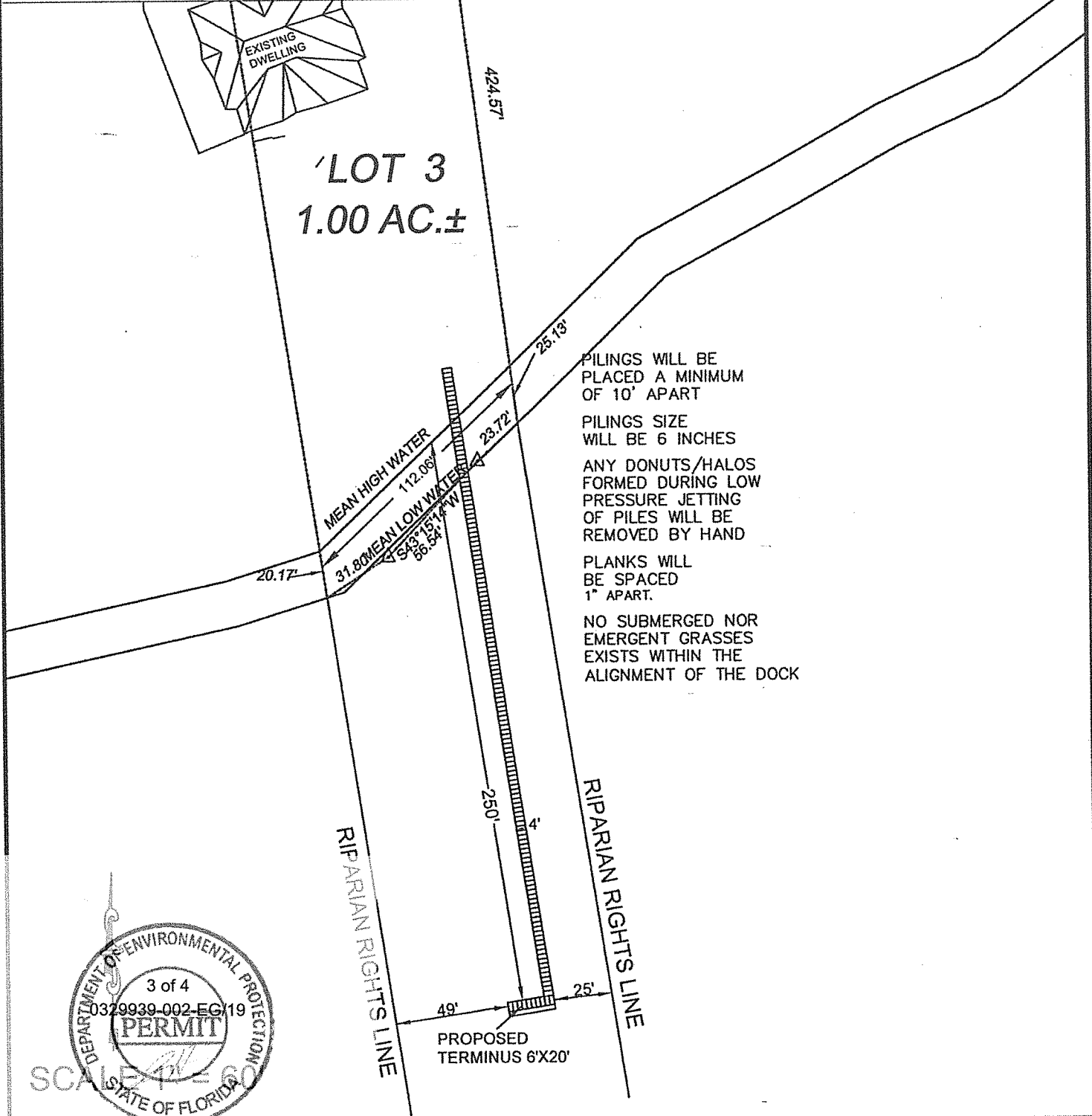
# PREPARED BY: GARLICK ENVIRONMENTAL ASSOCIATES, INC.



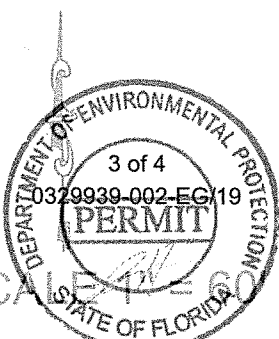
APPLICANT/CLIENT: Don Guild  
 WATERBODY/CLASS: St Vincent Sound  
 PURPOSE: EP-Dock  
 PROJECT LOCATION / USGS: Franklin / St Vincent Sound  
 LATITUDE: 29° 42' 31.11"  
 LONGITUDE: 85° 9' 9.00"

JOB: 20-103  
 DEP:  
 COE:  
 OTHER:  
 DATE: September 8, 2020  
 SHEET: 3/4

SECTION: 9    TWSHP: 9 south    RNG: 9 West



PILINGS WILL BE PLACED A MINIMUM OF 10' APART  
 PILINGS SIZE WILL BE 6 INCHES  
 ANY DONUTS/HALOS FORMED DURING LOW PRESSURE JETTING OF PILES WILL BE REMOVED BY HAND  
 PLANKS WILL BE SPACED 1" APART.  
 NO SUBMERGED NOR EMERGENT GRASSES EXISTS WITHIN THE ALIGNMENT OF THE DOCK

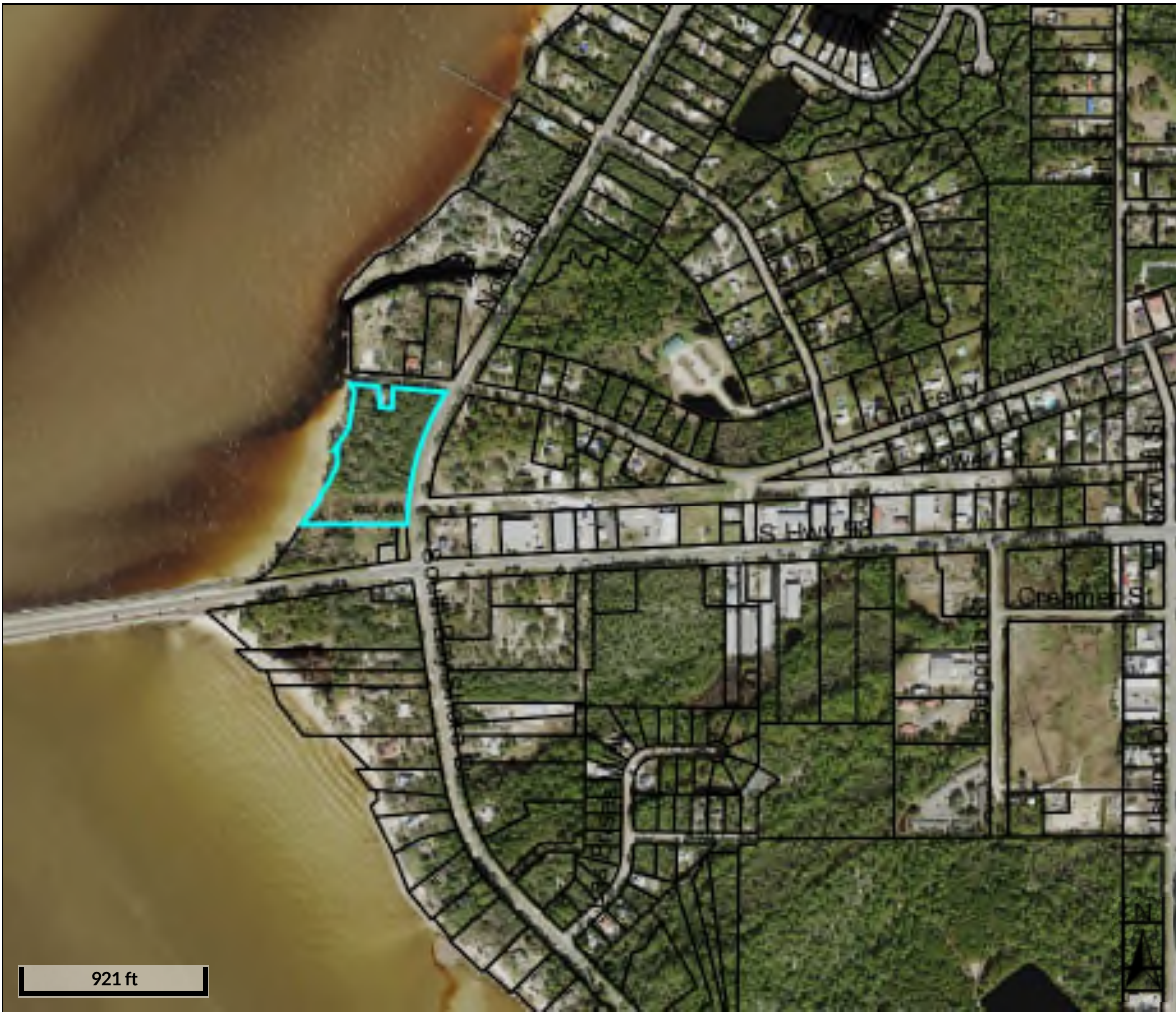








R.



Overview



Legend

-  Parcels
-  Roads
-  City Labels

<b>Parcel ID</b>	36-08S-07W-0000-0090-0000	<b>Alternate ID</b>	07W08S36000000900000	<b>Owner Address</b>	LINDSAY DAVID & ROBERT
<b>Sec/Twp/Rng</b>	36-8S-7W	<b>Class</b>	VACANT		EACH 1/2 INTEREST
<b>Property Address</b>	94 OLD FERRY DOCK	<b>Acreage</b>	n/a		PO BOX 1746
					SARASOTA, FL 34230

**District** 1  
**Brief Tax Description** 5.8 ACRES 2 PARCELS RECD  
 (Note: Not to be used on legal documents)

Date created: 11/23/2020  
 Last Data Uploaded: 11/23/2020 7:49:21 AM

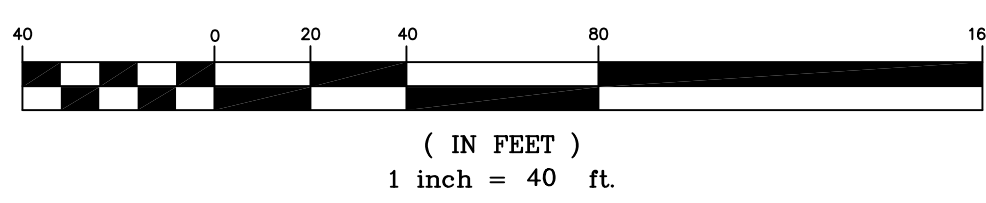
Developed by 



# "THE BLUFFS ON NORTH BAYSHORE"

Parcel ID 36-08S-07W-0000-0090-0000  
 Location Address: 94 OLD FERRY DOCK  
 EASTPOINT, FLORIDA 32328  
 Zoning: R-1 (Residential 1 unit to 1 acres)

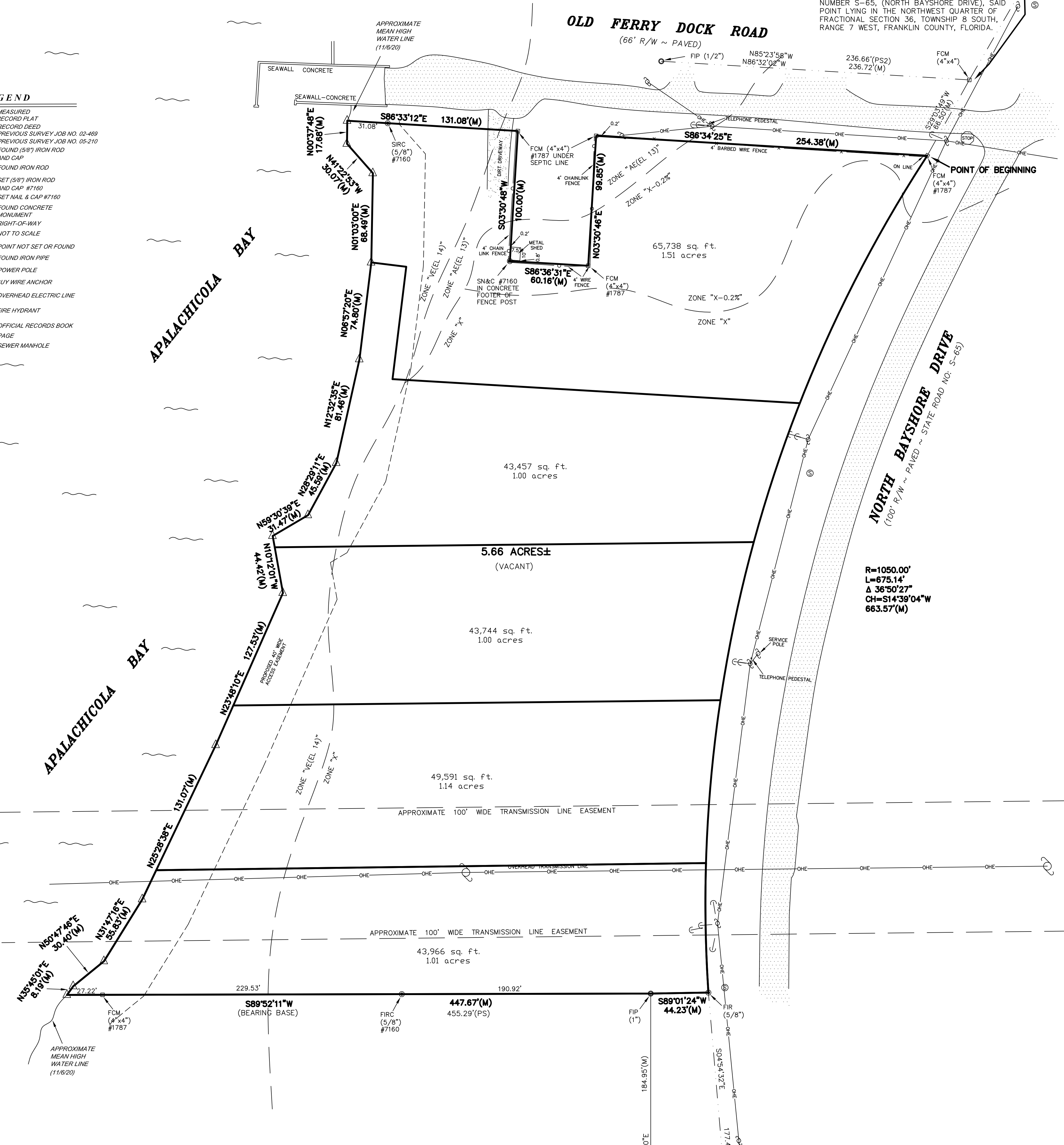
GRAPHIC SCALE



## LEGEND

M	MEASURED
RP	RECORD PLAT
D	RECORD DEED
PS	PREVIOUS SURVEY JOB NO. 02-469
PS2	PREVIOUS SURVEY JOB NO. 05-210
FIRC	FOUND (S/8") IRON ROD AND CAP
FIR	FOUND IRON ROD
SIRC	SET (S/8") IRON ROD AND CAP #7160
SMC	SET NAIL & CAP #7160
FCM	FOUND CONCRETE MONUMENT
R/W	RIGHT-OF-WAY
---	NOT TO SCALE
△	POINT NOT SET OR FOUND
FIP	FOUND IRON PIPE
○	POWER POLE
⊙	GUY WIRE ANCHOR
OHE	OVERHEAD ELECTRIC LINE
⊕	FIRE HYDRANT
ORB	OFFICIAL RECORDS BOOK
PG	PAGE
⊙	SEWER MANHOLE

**POINT OF COMMENCEMENT:**  
 POINT OF INTERSECTION OF THE NORTHERLY R/W BOUNDARY OF OLD FERRY DOCK ROAD WITH THE WESTERLY R/W BOUNDARY OF STATE ROAD NUMBER S-65, (NORTH BAYSHORE DRIVE), SAID POINT LYING IN THE NORTHWEST QUARTER OF FRACTIONAL SECTION 36, TOWNSHIP 8 SOUTH, RANGE 7 WEST, FRANKLIN COUNTY, FLORIDA.



R=1050.00'  
 L=675.14'  
 Δ 36°50'27"  
 CH=S14°39'04"W  
 663.57'(M)

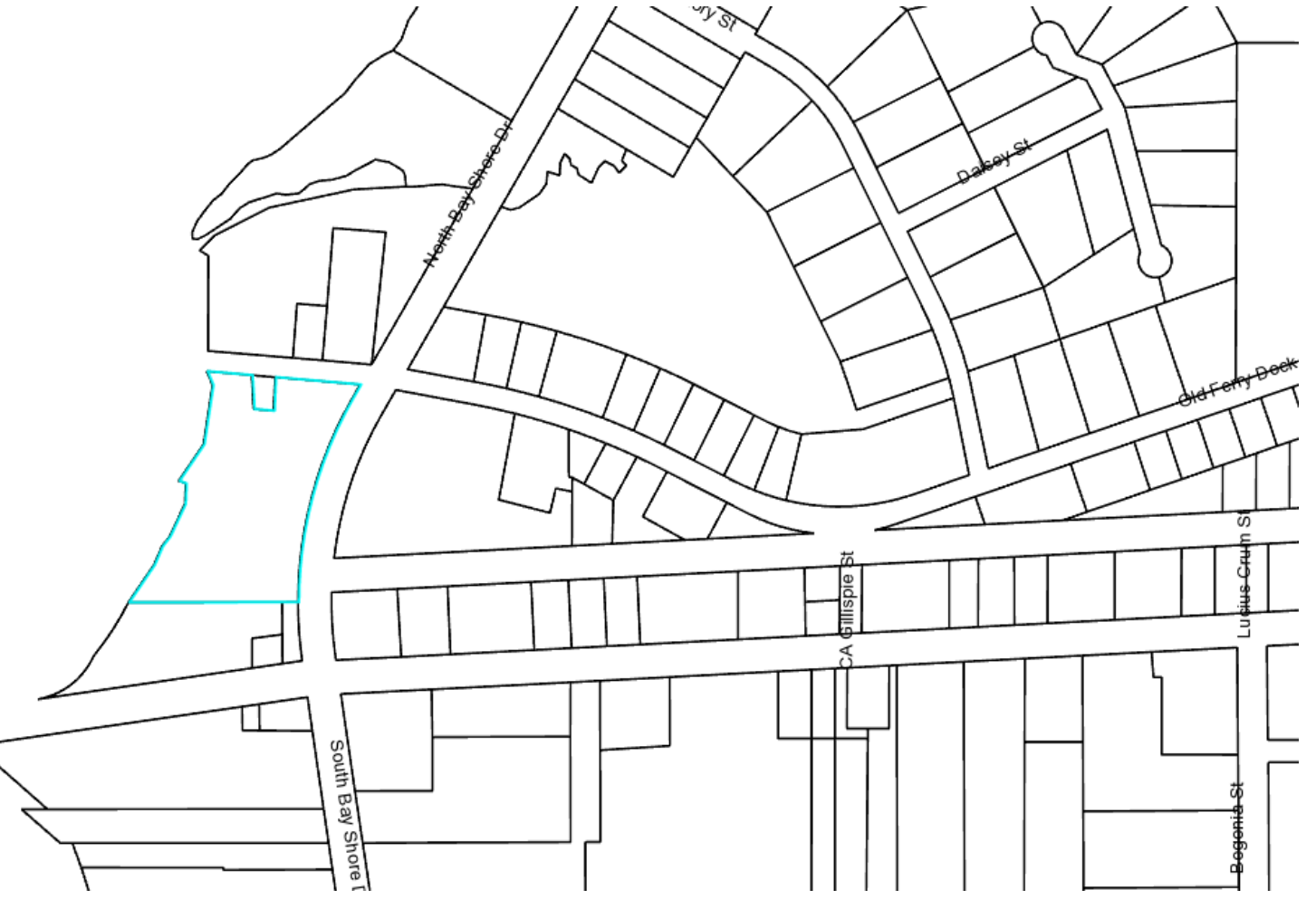
**LEGAL DESCRIPTION:**  
 Commence at a concrete monument marking the point of intersection of the Northernly right-of-way boundary of Old Ferry Dock Road with the Westernly right-of-way boundary of State Road No. S-65 (North Bayshore Drive), said point lying in the Northwest quarter of Fractional Section 36, Township 8 South, Range 7 West, Franklin County, Florida thence leaving said point of intersection run South 29 degrees 03 minutes 49 seconds West along said Westernly right of way boundary 66.50 feet to a concrete monument (marked 1787) marking a point of intersection with said Westernly right of way boundary with the Southernly right of way boundary of said Old Ferry Dock Road, said point also marking a point of curve concave to the Easternly, said point also marking the POINT OF BEGINNING. From said POINT OF BEGINNING run Southwesterly along said Westernly right of way boundary and said curve with a radius of 1050.00 feet, through a central angle of 36 degrees 50 minutes 27 seconds, for an arc distance of 675.14 feet, chord being South 14 degrees 39 minutes 04 seconds West 663.57 feet to an iron rod, thence leaving said Westernly right of way boundary and said curve run South 89 degrees 01 minute 24 seconds West 44.23 feet to an iron pipe, thence run South 89 degrees 52 minutes 11 seconds West 447.67 feet to the approximate mean high water line of Apalachicola Bay, thence run Northwesterly and Northwesterly along said mean high water line the following thirteen (13) courses: North 35 degrees 45 minutes 01 second East 8.19 feet, North 50 degrees 47 minutes 46 seconds East 30.40 feet, North 31 degrees 47 minutes 16 seconds East 55.63 feet, North 23 degrees 29 minutes 38 seconds East 131.07 feet, North 23 degrees 48 minutes 10 seconds East 127.53 feet, North 10 degrees 12 minutes 01 second West 44.42 feet, North 59 degrees 30 minutes 39 seconds East 31.47 feet, North 28 degrees 29 minutes 11 seconds East 45.59 feet, North 12 degrees 32 minutes 35 seconds East 81.46 feet, North 06 degrees 57 minutes 20 seconds East 74.80 feet, North 01 degree 03 minutes 00 seconds East 68.49 feet, North 41 degrees 22 minutes 53 seconds West 30.07 feet, North 00 degrees 37 minutes 48 seconds East 17.68 feet to a point lying on the Southernly right of way boundary of said Old Ferry Dock Road, thence leaving said mean high water line run South 86 degrees 33 minutes 12 seconds East along said Southernly right of way boundary 131.08 feet to a concrete monument (marked 1787), thence leaving said Southernly right of way boundary run South 03 degrees 30 minutes 48 seconds West 100.00 feet to a nail and cap (marked 7160), thence run South 86 degrees 36 minutes 31 seconds East 60.16 feet to a concrete monument (marked 1787), thence run North 03 degrees 30 minutes 46 seconds East 99.85 feet to a concrete monument (marked 1787) lying on said Southernly right of way boundary, thence run South 86 degrees 34 minutes 25 seconds East along said Southernly right of way boundary 254.38 feet to a concrete monument containing 5.66 acres, more or less.

**EFFECTIVE FLOOD ZONE INFORMATION:**  
 Subject property is located in Zones "X", "X-0.2%", "AE (EL 13)" and "VE (EL 14)" as per Flood Insurance Rate Map Community Panel No: 120088 0532F, index date: February 05, 2014, Franklin County, Florida.

**U.S. HIGHWAY NO. 98**  
 (R/W VARIES ~ PAVED)

- NOTES:**
1. SURVEY SOURCE: Record deed a previous survey by this firm (Job No. 02-469, dated 7/08/14) and a field survey performed by the undersigned surveyor.
  2. BEARING REFERENCE: Southernly boundary of subject parcel being North 88 degrees 48 minutes 12 seconds West as per previous survey mentioned above.
  3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
  4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
  5. This survey is dependent upon EXISTING MONUMENTATION.
  6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
  7. ELEVATIONS depicted hereon were established using NAVD 1988 DATUM.
  8. FLOOD ZONES and SETBACKS depicted hereon are not to be used for construction permitting purposes. All FLOOD ZONES and SETBACKS should be verified by the appropriate County Departments.
  9. See attached sheet for LEGAL DESCRIPTION.

VICINITY MAP (NOT TO SCALE)



I hereby certify that this was performed under my responsible direction and supervision and the plat and description are true and accurate to the best of my knowledge and belief. The survey meets or exceeds the standards for practice for land surveying as established by the Florida Board of Professional Surveyors and Mappers, F.A.C. 5A.17-05(1)(2).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

JAMES T. RODDENBERRY  
 Surveyor and Mapper  
 Florida Certificate No: 4261

**TR & A THURMAN RODDENBERRY & ASSOCIATES, INC**  
 PROFESSIONAL SURVEYORS AND MAPPERS  
 P.O. BOX 100 • 125 SHIELDON STREET • SOPCHOPPY, FLORIDA 32358  
 PHONE NUMBER: 850-962-2518 FAX NUMBER: 850-962-1103  
 LB # 7160

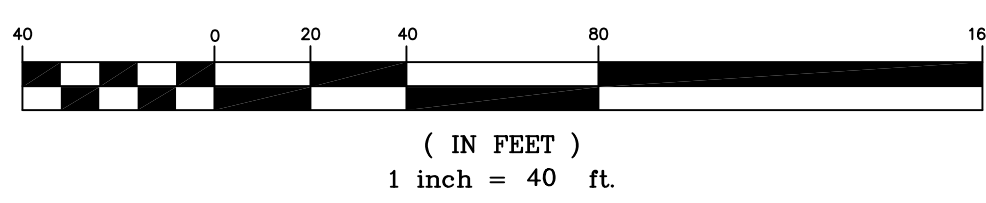
DATE: 11/09/20	DRAWN BY: BB	N.B.640 PG.13	COUNTY: FRANKLIN
FILE: 20908.DWG	DATE OF LAST FIELD WORK: 11/09/20	CHECKED BY:	JOB NUMBER: 20-908



# "THE BLUFFS ON NORTH BAYSHORE"

Parcel ID 36-08S-07W-0000-0090-0000  
 Location Address: 94 OLD FERRY DOCK  
 EASTPOINT, FLORIDA 32328  
 Zoning: R-1 (Residential 1 unit to 1 acres)

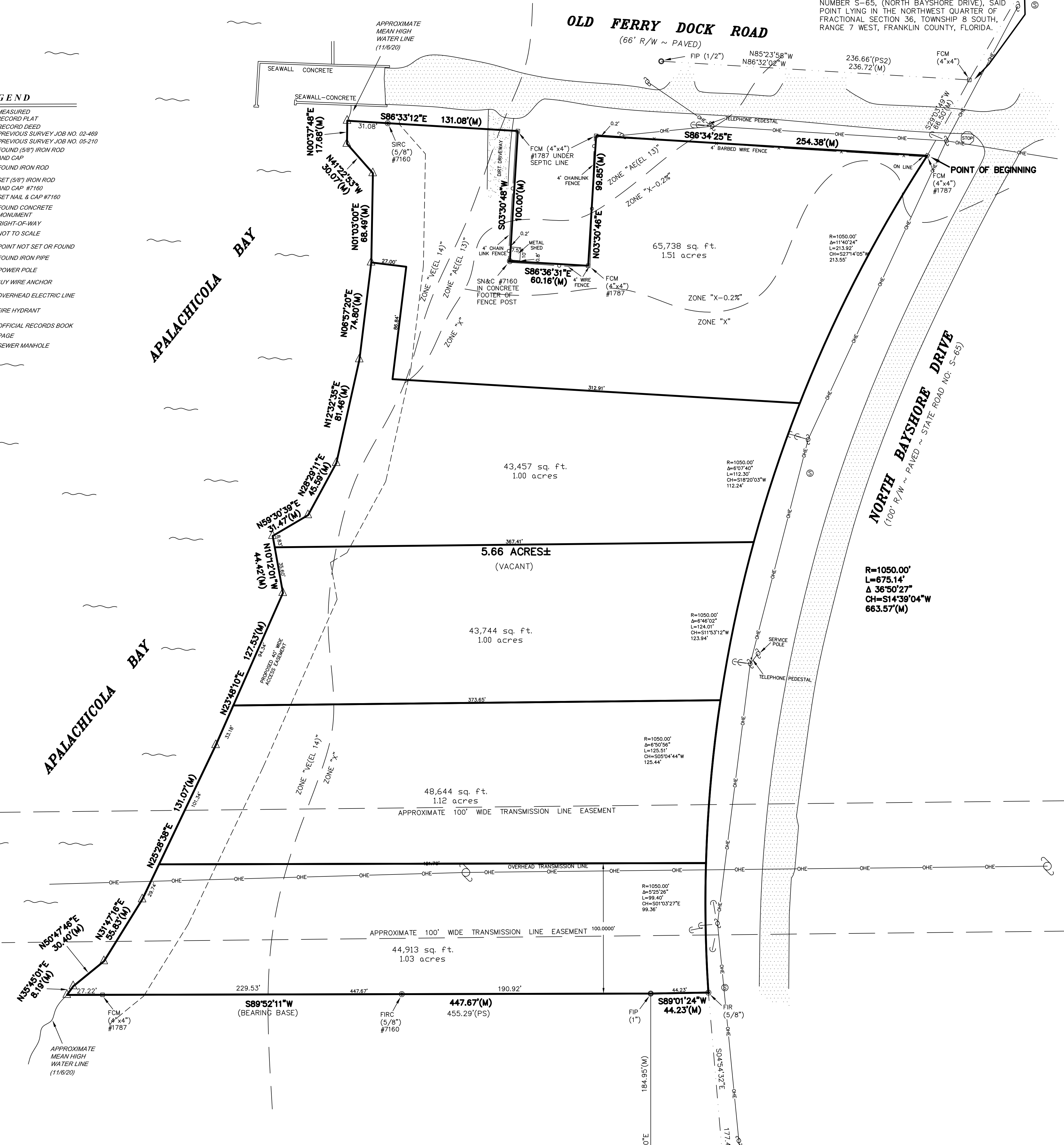
GRAPHIC SCALE



## LEGEND

- M MEASURED
- RP RECORD PLAT
- D RECORD DEED
- PS PREVIOUS SURVEY JOB NO. 02-469
- PS2 PREVIOUS SURVEY JOB NO. 05-210
- FIRC FOUND (S/8) IRON ROD AND CAP
- FIR FOUND IRON ROD
- SIRC SET (S/8) IRON ROD AND CAP #7160
- SMSC SET MAIL & CAP #7160
- FCM FOUND CONCRETE MONUMENT
- R/W RIGHT-OF-WAY
- NOT TO SCALE
- POINT NOT SET OR FOUND
- FIP FOUND IRON PIPE
- POWER POLE
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**POINT OF COMMENCEMENT:**  
 POINT OF INTERSECTION OF THE NORTHERLY R/W BOUNDARY OF OLD FERRY DOCK ROAD WITH THE WESTERLY R/W BOUNDARY OF STATE ROAD NUMBER S-65, (NORTH BAYSHORE DRIVE), SAID POINT LYING IN THE NORTHWEST QUARTER OF FRACTIONAL SECTION 36, TOWNSHIP 8 SOUTH, RANGE 7 WEST, FRANKLIN COUNTY, FLORIDA.



**R=1050.00'**  
**L=675.14'**  
**Δ 36°50'27"**  
**CH=S14°39'04"W**  
**663.57'(M)**

**LEGAL DESCRIPTION:**  
 Commence at a concrete monument marking the point of intersection of the Northernly right-of-way boundary of Old Ferry Dock Road with the Westerly right-of-way boundary of State Road No. S-65 (North Bayshore Drive), said point lying in the Northwest quarter of Fractional Section 36, Township 8 South, Range 7 West, Franklin County, Florida thence leaving said point of intersection run South 29 degrees 03 minutes 49 seconds West along said Westerly right of way boundary 66.50 feet to a concrete monument (marked 1787) marking a point of intersection with said Westerly right of way boundary with the Southernly right of way boundary of said Old Ferry Dock Road, said point also marking a point of curve concave to the Easterly, said point also marking the POINT OF BEGINNING. From said POINT OF BEGINNING run Southwesterly along said Westerly right of way boundary and said curve with a radius of 1050.00 feet, through a central angle of 36 degrees 50 minutes 27 seconds, for an arc distance of 675.14 feet, chord being South 14 degrees 39 minutes 04 seconds West 663.57 feet to an iron rod, thence leaving said Westerly right of way boundary and said curve run South 89 degrees 01 minute 24 seconds West 44.23 feet to an iron pipe, thence run South 89 degrees 52 minutes 11 seconds East 447.67 feet to the approximate mean high water line of Apalachicola Bay, thence run Northwesterly and Northwesterly along said mean high water line the following thirteen (13) courses: North 35 degrees 45 minutes 01 second East 8.19 feet, North 50 degrees 47 minutes 46 seconds East 30.40 feet, North 31 degrees 47 minutes 16 seconds East 55.63 feet, North 23 degrees 29 minutes 38 seconds East 131.07 feet, North 23 degrees 48 minutes 10 seconds East 127.53 feet, North 10 degrees 12 minutes 01 second West 44.42 feet, North 59 degrees 30 minutes 39 seconds East 31.47 feet, North 28 degrees 29 minutes 11 seconds East 45.59 feet, North 12 degrees 32 minutes 35 seconds East 81.46 feet, North 06 degrees 57 minutes 20 seconds East 74.80 feet, North 01 degree 03 minutes 00 seconds East 68.49 feet, North 41 degrees 22 minutes 53 seconds West 30.07 feet, North 00 degrees 37 minutes 48 seconds East 17.68 feet to a point lying on the Southernly right of way boundary of said Old Ferry Dock Road, thence leaving said mean high water line run South 86 degrees 33 minutes 12 seconds East along said Southernly right of way boundary 131.08 feet to a concrete monument (marked 1787), thence leaving said Southernly right of way boundary run South 03 degrees 30 minutes 48 seconds West 100.00 feet to a nail and cap (marked 7160), thence run South 86 degrees 36 minutes 31 seconds East 60.16 feet to a concrete monument (marked 1787), thence run North 03 degrees 30 minutes 46 seconds East 99.85 feet to a concrete monument (marked 1787) lying on said Southernly right of way boundary, thence run South 86 degrees 34 minutes 25 seconds East along said Southernly right of way boundary 254.38 feet to the POINT OF BEGINNING containing 5.66 acres, more or less.

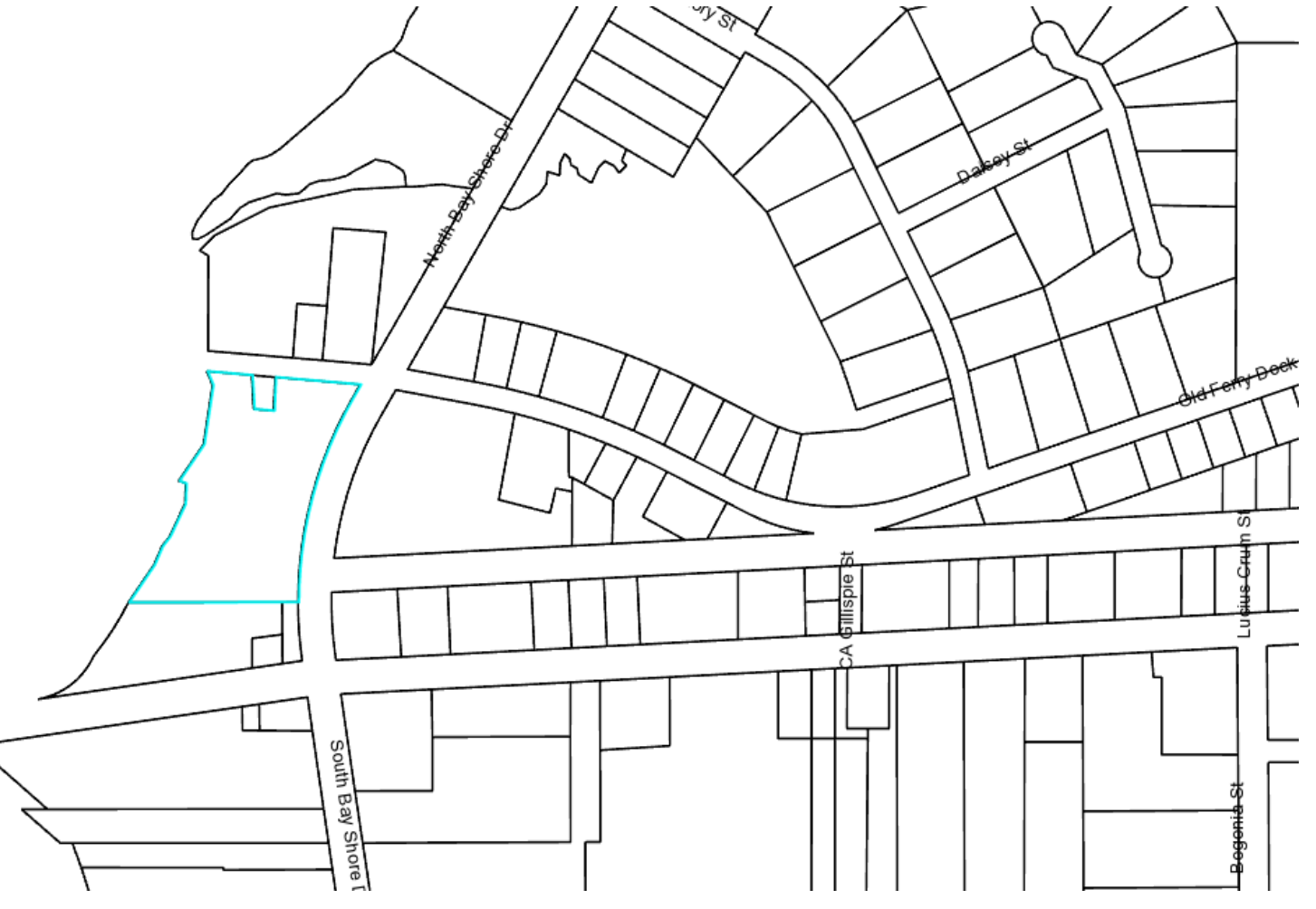
SUBJECT TO: a 100 foot wide Powerline Easement lying over and across the Southernly portion thereof.

**EFFECTIVE FLOOD ZONE INFORMATION:**  
 Subject property is located in Zones "X", "X-0.2%", "AE (EL 13)" and "VE (EL 14)" as per Flood Insurance Rate Map Community Panel No: 120088 0532F, index date: February 05, 2014, Franklin County, Florida.

**U.S. HIGHWAY NO. 98**  
 (R/W VARIES ~ PAVED)

- NOTES:**
1. SURVEY SOURCE: Record deed a previous survey by this firm (Job No. 02-469, dated 7/08/14) and a field survey performed by the undersigned surveyor.
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  3. NO IMPROVEMENTS have been located in this survey other than shown hereon.
  4. There are NO VISIBLE ENCROACHMENTS other than those shown hereon.
  5. This survey is dependent upon EXISTING MONUMENTATION.
  6. Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
  7. ELEVATIONS depicted hereon were established using NAVD 1988 DATUM.
  8. FLOOD ZONES and SETBACKS depicted hereon are not to be used for construction permitting purposes. All FLOOD ZONES and SETBACKS should be verified by the appropriate County Departments.
  9. See attached sheet for LEGAL DESCRIPTION.

VICINITY MAP (NOT TO SCALE)

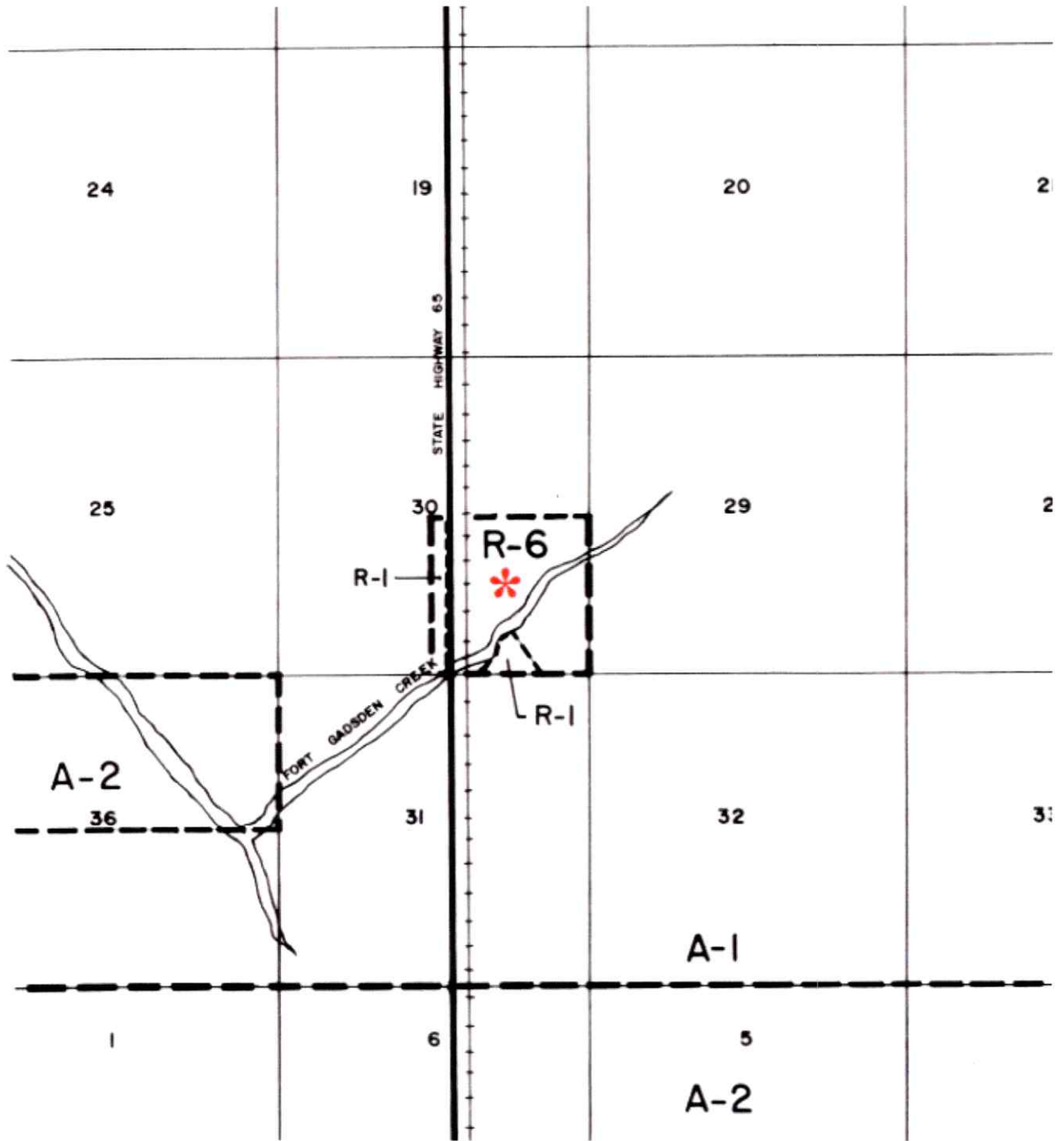


I hereby certify that this was performed under my responsible direction and supervision and the plan and description are true and accurate to the best of my knowledge and belief. The survey meets or exceeds the standards for practice for land surveying as established by the Florida Board of Professional Surveyors and Mappers, F.S. 531.05(1)(2).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

JAMES T. RODDENBERRY  
 Surveyor and Mapper  
 Florida Certificate No: 4261

<b>TR &amp; A</b>			
<b>THURMAN RODDENBERRY &amp; ASSOCIATES, INC</b>			
PROFESSIONAL SURVEYORS AND MAPPERS			
P.O. BOX 100 • 125 SHILDON STREET • SOPCHOPPY, FLORIDA 32358			
PHONE NUMBER: 850-962-2518		FAX NUMBER: 850-962-1183	
LB # 7160			
DATE: 11/09/20	DRAWN BY: BB	N.B.640 PG.13	COUNTY: FRANKLIN
FILE: 20908.DWG	DATE OF LAST FIELD WORK: 11/09/20	CHECKED BY:	JOB NUMBER: 20-908







**APPLICATION FOR RE-ZONING & LAND USE CHANGE**

**FRANKLIN COUNTY BUILDING DEPARTMENT**

34 Forbes Street, Suite 1, Apalachicola, Florida 32320

Phone: 850-653-9783 Fax: 850-653-9799

[http://www.franklincountyflorida.com/planning\\_building.aspx](http://www.franklincountyflorida.com/planning_building.aspx)

PROPERTY OWNER'S NAME: Thomas M. Shuler, as trustee of the Alfred O. Shuler, Sr., Trust

MAILING ADDRESS: 34-4th Street City/State/Zip: Apalachicola, FL 32320

PHONE #: 850 653 1757 CELL #: \_\_\_\_\_ EMAIL: Mshuler@shulerlawfl.com

AGENT'S NAME: n/a

MAILING ADDRESS: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_

PHONE #: \_\_\_\_\_ CELL #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

PROPERTY DESCRIPTION: 911 Address: 3780 Highway 65, Eastpoint, FL 32328

Lot/s: n/a Block: n/a Subdivision: n/a Unit: n/a

Parcel Identification #: 30-06S-07W-0000-0020-0000

JURISDICTION:  Franklin County

Apalachicola  Eastpoint  St. George Island  Carrabelle  Dog Island  Lanark/ St. James  St. Teresa  Alligator Point

ACREAGE: 20 acres of a 90 acres, Mo.I.

CURRENT ZONING: RL CURRENT LAND USE: Residential

REQUESTED ZONING: RL REQUESTED LAND USE: n/a

LEGAL DESCRIPTION OF THE PROPERTY: (Must Attach Legal Description) Deed attached. OR B953 P149

PLANNING & ZONING DATE: \_\_\_\_\_

RECOMMENDED APPROVAL: \_\_\_\_\_ RECOMMENDED DENIAL: \_\_\_\_\_ RECOMMENDED TO TABLE: \_\_\_\_\_  
CONDITIONS: \_\_\_\_\_

BOARD OF COUNTY DATE: \_\_\_\_\_

RECOMMENDED APPROVAL: \_\_\_\_\_ RECOMMENDED DENIAL: \_\_\_\_\_ RECOMMENDED TO TABLE: \_\_\_\_\_  
CONDITIONS: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_

APPROVED  DENIED  TABLED  
CONDITIONS: \_\_\_\_\_

Instructions: Complete application, including proof of ownership in the form of deed, detailed description of request including any necessary information supporting request (site plan/survey) and application fee of \$250.00 for Re-Zoning and \$250.00 for Land Use Change. Return to the following address:

Franklin County  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320

RECEIVED  
OCT 26 2020

BY: ak

over

FRANKLIN COUNTY, FLORIDA  
 REQUIRED ANALYSIS FOR LAND USE OR ZONING CHANGE

- **Eastpoint Urban Service Area** – Is the property located in the Eastpoint Urban Service Area? **No**
- **Coastal High Hazard Area** – Is the property located in the Coastal High Hazard Area? **No**
- **Critical Shoreline Zone** – Is the property located in the Critical Shoreline Zone? **Yes**
- **Soil Conditions** – Copies of the 1994 Soil Survey of Franklin County are available from the Franklin County Planning Office. **#35 Stilson fine sand on high inland ridges; another map show #1 Albany-Blanton-Stilson. Copies of maps and descriptions attached.**
- **Topography** – What is the topography of the property?  
**See attached Google Earth map - ranges from 19' to 13', before Ft. Gadsden creek, which shows as 13'**
- **Drainage** – Are there any natural drainage features located on the property?  
**Ft. Gadsden Creek**
- **Wetlands** – The only way to definitively know if there are wetlands on the property is to have a qualified individual survey the site for wetlands, but the U. S. Fish and Wildlife Service's National Wetlands Inventory can give a general overview of what potential wetlands might be located on the property. The website can be accessed at: <https://www.fws.gov/wetlands/data/mapper.html>  
**See map - wetlands along Ft. Gadsden Creek**
- **Floodplains** – What flood zone is this property located in? The flood maps for Franklin County can be found at [portal.nfwmdfloodmaps.com](http://portal.nfwmdfloodmaps.com).  
**Map says "A", but it is wrong. See elevations under topography**
- **Potential Wildfire Areas** – Is the property susceptible to wildfires?  
**Level 4 estimated. Map is hard to read.**
- **Historic or Cultural Sites** – Are there any historic or cultural sites located on the property? The Florida Master Site File keeps a list of recorded historic and cultural sites in Florida. They can be reached at 850-245-6440 or [sitefile@dos.myflorida.com](mailto:sitefile@dos.myflorida.com). **Applied for. See attached email.**
- **Endangered Species** – Are there any endangered species located on this property? The Florida Fish and Wildlife Conservation Commission's website showing the location of Bald Eagle nests in the state can be found at: <http://myfwc.maps.arcgis.com/apps/webappviewer/index.html?id=253604118279431984e8bc3ebf1cc8e9> **Checked your website provided as well as [ecos.fwc.gov](http://ecos.fwc.gov) - No critical habitat or bald eagles shown on site.**
- **Traffic Circulation** – How will this development affect traffic on the roads that serve the development? The Florida Department of Transportation traffic counts can be found at <https://tdaappsprod.dot.state.fl.us/fto/> **AADT 1784 at 3780 Hwy. 65, Eastpoint, FL - being intersection Hwy. 65 and Al's Landing Rd.**
- **Affordable Housing** – Will this change increase the supply of affordable housing in Franklin County? **Yes, I think so**



FRANKLIN COUNTY, FLORIDA  
REQUIRED ANALYSIS FOR LAND USE OR ZONING CHANGE

- **Economic Development** – How will this change promote economic development in Franklin County? *It will provide affordable one acre homesites compatible with other surrounding properties presently rezoned to R1.*
- **Water and Sewer** – Will the development be served by central water and sewer or will it be on individual water wells and septic tanks? *Water Wells and Septic or Aerobic tank.*

S.

THIS INSTRUMENT PREPARED BY  
Thomas M. Shuler, Esquire  
Post Office Drawer 850  
Apalachicola, Florida 32329

Send Future Tax Bills To:  
Alfred O. Shuler  
P.O. Box 850  
Apalachicola, Florida 32329

Inst: 200719007102 Date: 11/28/2007 Time: 4:15 PM  
Doc Stamp-Deed: 635.60  
C, Marcia Johnson, Franklin County B: 953 P: 149



Parcel I.D. No: 30-06S-07W-0000-0020-0000

WARRANTY DEED

THIS INDENTURE, Made this 17<sup>th</sup> day of August, 2007, Between **Alfred O. Shuler**, a single man, grantor, whose address is P.O. Box 850, Apalachicola, Florida, 32329, and **Thomas M. Shuler and J. Gordon Shuler, as Co-Trustees of the Alfred O. Shuler Irrevocable Trust dated May 4, 2004**, grantee, with the power to sell, convey, grant or mortgage and property, as provided in said trust, whose address is P.O. Box 850, Apalachicola, Florida, 32329 .

WITNESSETH, That said grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00)-----, and other good and valuable considerations to said grantor in hand paid by said grantee, the receipt whereof is hereby acknowledged, has granted, bargained and sold grantee, and grantee's heirs and assigns forever a twelve percent interest in, the following described land, situate, lying and being in Franklin County, Florida, to-wit:

**Commence at the Southeast corner of section 30, Township 6 South, Range 7 West, in Franklin County, Florida, and run North along the east line of said section 30 to the Northeast corner of the Southeast Quarter of said section 30, which is the point of beginning of the parcel herein conveyed. Turn left and run thence West along the quarter-section line to the East boundary of State Road 65. Turn left and run thence Southerly along the East boundary of State Road 65 to the center line of Fort Gadsden Creek. Turn left and meander the center line of Fort Gadsden Creek to the East line of section 30, thence turn left and run North along the East line of section 30 to the POINT OF BEGINNING. Being all of the Southeast Quarter of said section 30 East of State Road 65 that is North of the center line of Fort Gadsden Creek.**

*as*



S.

LEGAL DESCRIPTION FURNISHED BY PARTIES AND NOT VERIFIED BY DRAFTOR

THIS DOCUMENT PREPARED WITHOUT BENEFIT OF TITLE SEARCH OR SURVEY AND IS BASED SOLELY ON FACTS PROVIDED BY EITHER OF THE PARTIES OR AGENT.

and said grantor does hereby fully warrant the title to said land, and will defend the same against the lawful claims of all persons whomsoever.

\*"Grantor" and "grantee" are used for singular or plural, as the context requires.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal the day and year first above written.

Alfred O. Shuler (SEAL)  
ALFRED O. SHULER

Signed, sealed and delivered in our presence:

Deborah J. Shiver  
Signature of Witness

Deborah J. Shiver  
Name of Witness  
(Must be typed or printed.)

Melissa Abercrombie  
Signature of Witness

Melissa Abercrombie  
Name of Witness  
(Must be typed or printed.)

STATE OF FLORIDA  
COUNTY OF FRANKLIN

The foregoing instrument was acknowledged before me this 19<sup>th</sup> day of August, 2007, by **Alfred O. Shuler** who is either () personally known to me or () produced a valid driver's license as identification and who did not take an oath.



Deborah J. Shiver  
Notary Public, State of Florida.  
My Commission Expires:

S.

## Request for Determination of Historic or cultural sites at 3780 Highway 65, Eastpoint, Florida.

From: Thomas Shuler (mshuler@shulerlawfl.com)

To: sitefile@dos.myflorida.com

Date: Monday, October 26, 2020, 02:17 PM EDT

Good Afternoon:

I am applying for a permit in Franklin County, Florida to rezone approximately 20 acres of land along Ft. Gadsden Creek at 3780 Highway 65, Eastpoint, Florida. Franklin County has required that I contact your office to determine whether there are any historic or cultural sites associated with this address.

If it helps, the parcel ID Number for the property is 30-06S-07W-0000-002-00000

The township, range and section are: Township 6 South, Range 7 West, fractional section 30 east of Highway 65 and North of Fort Gadsden Creek, Franklin County, Florida.

Please advise whether there are any historic or cultural sites associated with this location before Franklin County's Planning and Zoning Commission convenes on December 8, 2020.

Sincerely,

Michael Shuler  
34 4th Street  
Apalachicola, Florida 32320  
850-653-1757



S.

R. 8 W. | R. 7 W.

1:645,000 FEET

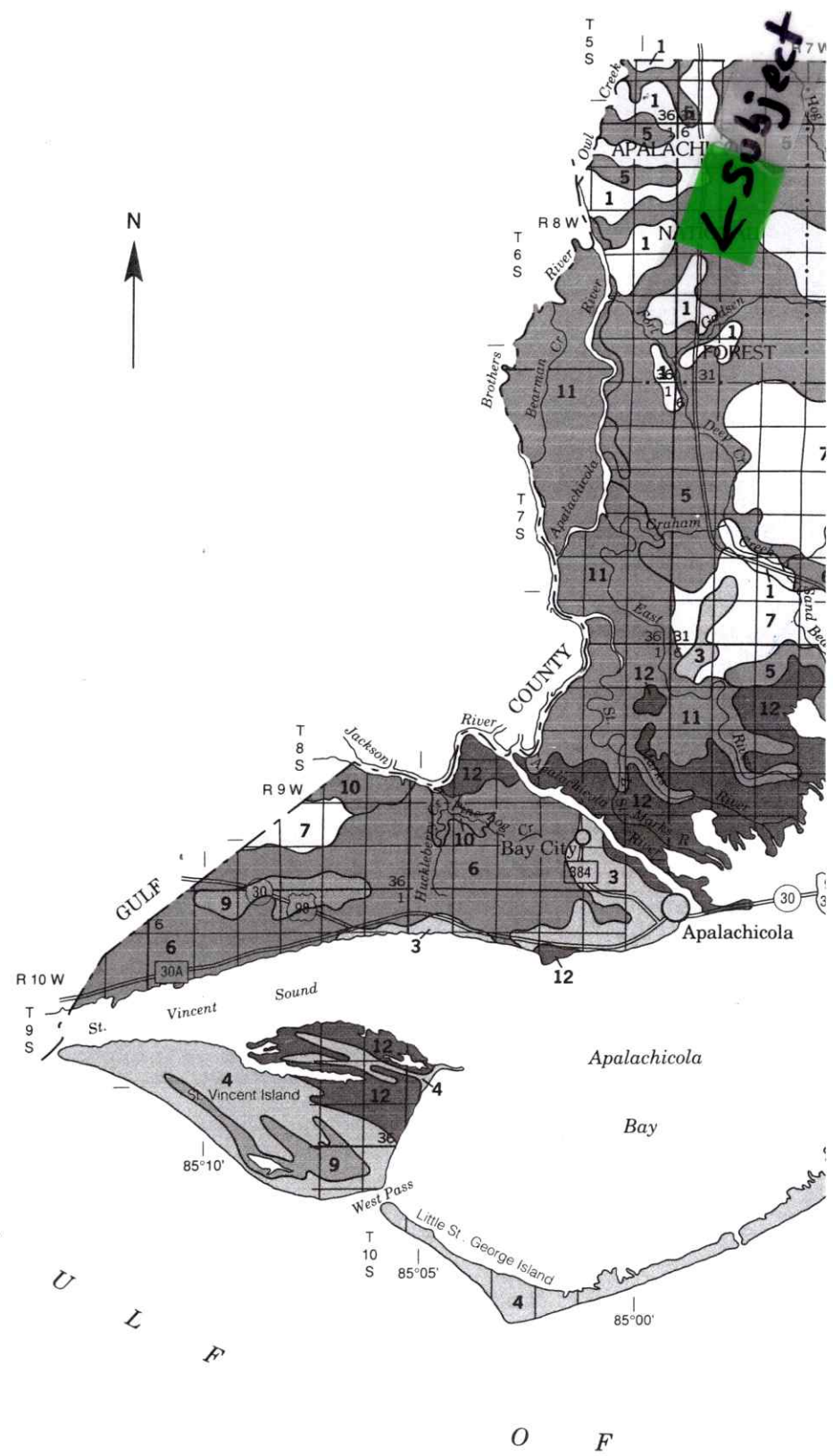




S.



Subject  
↓



Each area outlined on this map consists of more than one kind of soil. The map is thus meant for general planning rather than a basis for decisions on the use of specific tracts.



# General Soil Map Units

The general soil map at the back of this publication shows broad areas that have a distinctive pattern of soils, relief, and drainage. Each map unit on the general soil map is a unique natural landscape. Typically, it consists of one or more major soils and some minor soils. It is named for the major soils. The soils making up one unit can occur in another but in a different pattern.

The general soil map can be used to compare the suitability of large areas for general land uses. Areas of suitable soils can be identified on the map. Likewise, areas where the soils are not suitable can be identified.

Because of its small scale, the map is not suitable for planning the management of a farm or field or for selecting a site for a road or a building or other structure. The soils in any one map unit differ from place to place in slope, depth, drainage, and other characteristics that affect management.

## Soils of the Low Uplands and High Flatwoods

The soils in this group are somewhat poorly drained and moderately well drained and are nearly level or gently sloping. They are in the northwestern part of the county, west of State Road 65 and east of the Apalachicola River.

### 1. Albany-Blanton-Stilson

*Nearly level or gently sloping, somewhat poorly drained and moderately well drained soils that are sandy and loamy or are sandy and have a loamy subsoil that contains plinthite*

This map unit consists of soils on ridges of knolls in the low uplands and in the flatwoods. It occurs as several closely scattered areas in the northwestern part of the county, dominantly west of State Road 65 and east of the Apalachicola River. Individual areas are blocky or irregular in shape.

The landscape is dominantly nearly level or gently sloping. Scattered drainageways, swamps, and flatwoods are common in most areas. The natural vegetation is mostly slash pine, longleaf pine, and

mixed oak trees and an understory of saw palmetto, woody shrubs, and grasses.

This map unit makes up about 5,800 acres, or about 2 percent of the total acreage. It is about 40 percent Albany soils, 20 percent Blanton soils, 14 percent Stilson soils, and 26 percent soils of minor extent.

Albany soils are nearly level and somewhat poorly drained. Typically, the surface layer is dark gray fine sand about 8 inches thick. The subsurface layer is fine sand about 42 inches thick. The upper 14 inches is grayish brown and pale brown. The lower 28 inches is light gray. The upper 12 inches of the subsoil is light brownish gray sandy loam. The lower part to a depth of 80 inches or more is light brownish gray sandy clay loam.

Blanton soils are nearly level and gently sloping and are moderately well drained. Typically, the surface layer is gray fine sand about 6 inches thick. The subsurface layer is fine sand about 66 inches thick. The upper 25 inches is light yellowish brown. The next 30 inches is very pale brown. The lower 11 inches is light gray. The subsoil extends to a depth of 80 inches or more. It is light yellowish brown sandy loam that has many light gray, strong brown, and yellowish red mottles.

Stilson soils are nearly level and moderately well drained. Typically, the surface layer is gray fine sand about 7 inches thick. The subsurface layer is fine sand about 25 inches thick. The upper 6 inches is light yellowish brown. The lower 19 inches is very pale brown and has a few brownish yellow mottles. The upper part of the subsoil, to a depth of about 43 inches, is yellowish brown fine sandy loam that has a few very pale brown mottles. The next 16 inches is yellowish brown sandy clay loam that has very pale brown and light brownish gray mottles and is 5 to 8 percent plinthite. The lower part to a depth of 80 inches or more is sandy clay loam that is mottled in shades of brown, red, and gray.

Of minor extent in this unit are Leefield, Lynchburg, Ortega, Pelham, Plummer, Ridgewood, and Sapelo soils.

Most areas of this unit lie within the Apalachicola



National Forest. They are managed for the production of pine trees, as wildlife habitat, and for recreational uses.

### Soils of the Sand Ridges and Coastal Islands

The soils in this group are excessively drained, moderately well drained, and poorly drained and are nearly level to strongly sloping. They are mainly on coastal ridges, on recent and remnant dunes, and in narrow areas of flatwoods. They are on the coastal islands, on the mainland coast, and in the eastern part of the county on St. James Island, east of Highway 319.

### 2. ~~Kershaw-Ortega-Ridgewood~~

*Nearly level to strongly sloping, excessively drained, moderately well drained, and somewhat poorly drained soils that are sandy throughout*

This map unit consists of soils on high sandy ridges and side slopes. It is in the extreme eastern part of the county and occurs mainly as one large area extending from east of U.S. Highway 319 to the county's north-south segment of U.S. Highway 98. Several smaller areas are along the Gulf Coast and near the Ochlockonee River where it is crossed by U.S. Highway 319.

The landscape is nearly level to strongly sloping. Some areas are interspersed with small depressions and small areas of flatwoods. The natural vegetation consists of longleaf pine, sand pine, slash pine, turkey oak, and scrub live oak and an understory of wiregrass and rosemary. Saw palmetto is scattered throughout the unit but is more abundant in areas of the Ridgewood soils.

This map unit makes up about 11,200 acres, or about 3 percent of the total acreage. It is about 50 percent Kershaw soils, 25 percent Ortega soils, 22 percent Ridgewood soils, and 3 percent soils of minor extent.

Kershaw soils are gently sloping to strongly sloping and are excessively drained. Typically, the surface layer is light gray sand about 5 inches thick. Below this, to a depth of about 58 inches, is light yellowish brown fine sand. The next layer to a depth of 80 inches or more is very pale brown fine sand that has small patches of white, clean sand grains.

Ortega soils are nearly level and gently sloping and are moderately well drained. Typically, the surface layer is grayish brown fine sand about 5 inches thick. Below this is fine sand. The upper 38 inches is brownish yellow. The next 20 inches is very pale brown and has light gray and strong brown mottles. The lower part to a depth of 80 inches or more is light gray and has strong brown and reddish yellow mottles.

Ridgewood soils are nearly level and gently sloping and are somewhat poorly drained. Typically, the surface layer is gray sand about 5 inches thick. Below this is sand. The upper 29 inches is brownish yellow and has light gray mottles. The next 30 inches is very pale brown and has strong brown and brownish yellow mottles. The lower part to a depth of 80 inches or more is light brownish gray and brown.

Of minor extent in this unit are Kureb, Leon, Mandarin, Resota, Rutlege, and Scranton soils.

Most areas of this unit support natural vegetation or are used for the commercial production of pine trees.

### 3. ~~Mandarin-Resota-Leon~~

*Nearly level or gently sloping, poorly drained to moderately well drained soils that are sandy throughout; some are stained with organic matter between depths of 10 and 40 inches*

This map unit consists of soils on the sandy ridge on the mainland along the gulf and coastal bays. It occurs as several narrow, nearly continuous areas broken by rivers and coastal marshes.

The landscape consists of nearly level or gently sloping ridges along the coastline. The natural vegetation consists of sand pine, slash pine, Chapman oak, myrtle oak, turkey oak, and scrub live oak and an understory of woody shrubs, grasses, and saw palmetto.

This map unit makes up about 15,800 acres, or about 5 percent of the total acreage. It is about 30 percent Mandarin soils, 25 percent Resota soils, 20 percent Leon soils, and 25 percent soils of minor extent.

Mandarin soils are nearly level and somewhat poorly drained. Typically, the surface layer is gray fine sand about 4 inches thick. Below this, to a depth of about 25 inches, is light gray fine sand. The subsoil is fine sand about 9 inches thick. It is dark reddish brown grading to dark brown. The substratum is fine sand. The upper 27 inches is brown. The lower part to a depth of 80 inches or more is white and has light yellowish brown and brownish yellow mottles.

Resota soils are nearly level and gently sloping and are moderately well drained. Typically, the surface layer is gray fine sand about 3 inches thick. The subsurface layer, to a depth of about 22 inches, is white fine sand. The subsoil is fine sand and has organic stains at its upper boundary. The upper 22 inches is brownish yellow. The lower 14 inches is yellow and has reddish yellow mottles. The substratum to a depth of 80 inches or more is very pale brown fine sand that has reddish yellow mottles.

Leon soils are nearly level and poorly drained.



Typically, the surface layer is black fine sand about 12 inches thick. The subsurface layer is fine sand about 22 inches thick. The upper 16 inches is dark grayish brown, and the lower 6 inches is grayish brown. The subsoil extends to a depth of 80 inches or more. It is gray sandy loam that grades to sandy clay loam.

Included with this soil in mapping are small areas of Pelham, Plummer, and Rutlege soils. The very poorly drained Rutlege soils are in landscape positions similar to those of the Surrency soil. The poorly drained Pelham and Plummer soils are in the higher areas in the flatwoods and on slight knolls. Also included are soils that have a loamy subsoil below a depth of 40 inches and soils that have a surface layer of muck or mucky sand. These soils are poorly drained and are in landscape positions similar to those of the Surrency soil.

On 80 percent of the acreage mapped as Surrency fine sand, Surrency and similar soils make up 77 to 100 percent of the mapped areas.

The Surrency soil has a seasonal high water table within a depth of 6 inches for 5 months or more in most years. The available water capacity is low in the surface and subsurface layers and moderate in the subsoil. Permeability is rapid or moderately rapid in the surface and subsurface layers and moderate in the subsoil. The content of organic matter is moderate or high in the surface layer and low in the subsurface layer and the subsoil. Natural fertility is high.

Most areas support natural vegetation or are used for the production of pine trees. The natural vegetation consists of slash pine, black titi, swamp cyrilla, cypress, sweetbay, and blackgum and an understory of shrub-sized titi, St Johnswort, and pitcherplant.

This soil is poorly suited to cultivated crops because of the wetness. The number of adapted crops that can be grown is limited unless intensive management practices are applied. A water-control system removes excess water during wet periods. Incorporating crop residue, including that of soil-improving crops, into the soil increases the content of organic matter. Seedbed preparation should include bedding of rows. Applications of fertilizer and lime can increase crop yields.

This soil is poorly suited to pasture and hay. A surface water management system helps to overcome the wetness. Applications of fertilizer and the proper selection of adapted grasses and legumes increase yields. Proper stocking rates, pasture rotation, and restricted grazing during wet periods help to keep the pasture in good condition.

This soil is generally not used for range.

This soil is generally not used for commercial production of pine trees. It is limited mainly by the

seasonal wetness, which can increase the seedling mortality rate, restrict the use of equipment, and cause plant competition. Potential productivity is medium or high for slash pine and loblolly pine and low for longleaf pine. Site preparation, such as chopping, burning, and bedding, removes debris, minimizes plant competition, facilitates planting, and reduces the seedling mortality rate. Using special equipment, such as rubber-tired or crawler machinery, and harvesting during dry periods minimize soil compaction and root damage during thinning activities. Using a harvesting system that leaves plant debris distributed over the site helps to maintain the content of organic matter.

This soil is poorly suited to use as a site for homes, small commercial buildings, and local roads and streets because of the wetness. On sites for septic tank absorption fields, mounding increases the depth to the seasonal high water table and thus helps to overcome the wetness. If adequate outlets are available, a drainage system can lower the water table. Adding suitable fill to elevate roadbeds and building sites helps to overcome the wetness. Installing a drainage system and selecting adapted species can help to establish lawn grasses and landscaping plants.

If areas of this soil are developed for recreational uses, such as playgrounds, picnic areas, and paths or trails, stabilizing the sandy surface layer by adding suitable topsoil or some other material helps to prevent excessive erosion.

The capability subclass is Vlw. The woodland ordination symbol is 11W.

**\* 35—Stilson fine sand.** This moderately well drained, nearly level soil is on high inland ridges and knolls. Slopes range from 0 to 3 percent. Individual areas are elongated or irregularly shaped and range from 3 to 50 acres in size.

Typically, the surface layer is fine sand about 13 inches thick. The upper 7 inches is gray, and the lower 6 inches is light yellowish brown. The subsurface layer is about 19 inches of very pale brown fine sand that has few brownish yellow mottles. The subsoil extends to a depth of 80 inches or more. The upper 11 inches is yellowish brown fine sandy loam that has few very pale brown mottles. The next 16 inches is yellowish brown sandy clay loam that has very pale brown and light brownish gray mottles and contains 5 to 8 percent plinthite. The lower 21 inches or more is mottled brown, red, and gray sandy clay loam.

Included with this soil in mapping are small areas of Blanton and Leefield soils and small areas of soils that are similar to the Blanton soils but contain plinthite. The moderately well drained Blanton soils are in landscape positions similar to those of the Stilson soil. Also



included are soils that are similar to the Stilson soil but have a loamy subsoil within a depth of 20 inches or do not contain plinthite. These soils are in landscape positions similar to those of the Stilson soil.

On 80 percent of the acreage mapped as Stilson fine sand, Stilson and similar soils make up 79 to 100 percent of the mapped areas.

The Stilson soil has a seasonal high water table at a depth of 30 to 42 inches for 1 to 4 months in most years. The water table can be perched above the subsoil for short periods after heavy rains during any part of the year. The available water capacity is low in the surface layer and moderate in the subsoil.

Permeability is rapid in the surface and subsurface layers and moderate in the subsoil. The content of organic matter is low, and natural fertility is medium.

Most areas are used for the production of pine trees. The natural vegetation consists of live oak and longleaf pine and an understory of wiregrass, ferns, huckleberry, and scattered saw palmetto.

This soil is moderately suited to cultivated crops. Using an irrigation system may improve the production of some crops by helping to overcome the potential droughtiness during extended dry periods. Applications of fertilizer can increase crop yields. Returning all crop residue to the soil and using a cropping system that includes grasses, legumes, or grass-legume mixtures help to maintain fertility and tilth.

This soil is well suited to pasture and hay. Proper stocking rates and pasture rotation help to keep the pasture in good condition. Forage plants include longleaf uniola, low panicum, low paspalum, switchgrass, and lopsided indiagrass. If the range deteriorates because of poor management practices, the site is dominated by hardwoods and an understory of undesirable range species.

This soil is generally not used for range.

This soil is well suited to the production of pine trees. The main management concern is the occasional droughtiness, which contributes to seedling mortality. Potential productivity is high for slash pine and medium for longleaf pine. Slash pine grows best with an adequate supply of phosphorus. Site preparation, such as chopping and applying herbicide, helps to control competing vegetation and facilitates mechanical planting. Using a harvesting system that leaves debris distributed over the site helps to maintain the content of organic matter.

This soil is only moderately suited to homesite development because of the seasonal wetness and the occasional droughtiness. It is well suited to use as a site for small commercial buildings and local roads and streets. On sites for septic tank absorption fields, mounding increases the depth to the seasonal high

water table and thus helps to overcome the wetness. Mulching, applying fertilizer, and using an irrigation system help to establish lawn grasses and other small-seeded plants.

If areas of this soil are developed for recreational uses, such as playgrounds, picnic areas, and paths or trails, stabilizing the sandy surface layer by adding suitable topsoil or some other material helps to prevent excessive erosion.

The capability subclass is llw. The woodland ordination symbol is 12W.

### ~~36—Pickney-Pamlico complex, depressional.~~

These very poorly drained, nearly level soils are in depressions, freshwater swamps, and poorly defined drainageways. Slopes are generally less than 1 percent. Individual areas are nearly round or are irregularly shaped and range from 10 to several thousand acres in size. They are about 45 percent Pickney soil and 40 percent Pamlico soil.

Typically, the surface layer of the Pickney soil is about 41 inches of black and very dark brown sand that has pockets of gray sand. Below this to a depth of 80 inches or more is grayish brown and light brownish gray sand.

Typically, the surface layer of the Pamlico soil is muck about 27 inches thick. The upper 5 inches is dark brown, and the lower 22 inches is very dark brown. The next layer is about 19 inches of black mucky sand. Below this to a depth of 80 inches or more is sand. The upper 8 inches is very dark grayish brown, and the lower 26 inches or more is grayish brown.

Included with these soils in mapping are small areas of Dorovan, Lynn Haven, Maurepas, Rutlege, and Scranton soils. Also included are soils that are similar to the Pamlico soil but have a loamy substratum. The very poorly drained Dorovan and Maurepas soils are in landscape positions similar to those of the Pickney and Pamlico soils. The very poorly drained Rutlege and Scranton soils are on slightly elevated flats. The poorly drained Lynn Haven and Scranton soils are on low ridges and flats.

On 95 percent of the acreage mapped as Pickney-Pamlico complex, depressional, Pickney, Pamlico, and similar soils make up 89 to 100 percent of the mapped areas.

The Pickney and Pamlico soils have a seasonal high water table within a depth of 18 inches for as much as 5 months each year. The water table is generally within a depth of less than 6 inches for the rest of most years. The available water capacity ranges from very low to very high in the Pamlico soil and from very low to moderate in the Pickney soil. Permeability ranges from moderate to rapid in both soils. The content of organic



# Ft. Gadnden Creek Elevations - per Google Earth

Write a description for your map.

S.

Legend








**U.S. Fish and Wildlife Service**  
**National Wetlands Inventory**

Wetlands



October 26, 2020

Wetlands

- |   |                                |   |                                   |   |          |
|---|--------------------------------|---|-----------------------------------|---|----------|
|  | Estuarine and Marine Deepwater |  | Freshwater Emergent Wetland       |  | Lake     |
|  | Estuarine and Marine Wetland   |  | Freshwater Forested/Shrub Wetland |  | Other    |
|   |                                |  | Freshwater Pond                   |  | Riverine |

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)  
 This page was produced by the NWI mapper





### Wetlands



October 26, 2020

This map is for general reference only. The US Fish and Wildlife Service is not responsible for the accuracy or currentness of the base data shown on this map. All wetlands related data should be used in accordance with the layer metadata found on the Wetlands Mapper web site.

National Wetlands Inventory (NWI)  
This page was produced by the NWI mapper





**This record search is for informational purposes only and does NOT constitute a project review. This search only identifies resources recorded at the Florida Master Site File and does NOT provide project approval from the Division of Historical Resources. Contact the Compliance and Review Section of the Division of Historical Resources at [CompliancePermits@dos.MyFlorida.com](mailto:CompliancePermits@dos.MyFlorida.com) for project review information.**

October 26, 2020

Michael Shuler  
34 4th Street  
Apalachicola, Florida 32320  
850-653-1757



In response to your request of October 26, 2020, the Florida Master Site File lists no cultural resources recorded for Township 6 South, Range 7 West, fractional section 30 east of Highway 65 and North of Fort Gadsden Creek, Franklin County, Florida.

When interpreting the results of this search, please consider the following information:

- **This search area may contain *unrecorded* archaeological sites, historical structures or other resources even if previously surveyed for cultural resources.**
- **Because vandalism and looting are common at Florida sites, we ask that you limit the distribution of location information on archaeological sites.**
- **While many of our records document historically significant resources, the documentation of a resource at the Florida Master Site File does not necessarily mean the resource is historically significant.**
- **Federal, state and local laws require formal environmental review for most projects. This search DOES NOT constitute such a review. If your project falls under these laws, you should contact the Compliance and Review Section of the Division of Historical Resources at 850-245-6333.**

#

Please do not hesitate to contact us if you have any questions regarding the results of this search.

Kind Regards,

Eman M. Vovsi, Ph.D.  
Sr. Data Base Analyst  
Florida Master Site File  
[Eman.Vovsi@DOS.MyFlorida.com](mailto:Eman.Vovsi@DOS.MyFlorida.com)



S.



Gadsden Creek Over...

FT. GADSDEN WEEDEN SITE

USES 92-37, APALACH

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGR and the GIS User Community, Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, IFAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community





T.



Overview



Legend

- Parcels
- Roads
- City Labels

<b>Parcel ID</b>	10-06S-03W-0000-0010-0050	<b>Alternate ID</b>	03W06S10000000100050	<b>Owner Address</b>	BB&G RESORTS LLC
<b>Sec/Twp/Rng</b>	10-6S-3W	<b>Class</b>	TIMBERLAND		1219 EAST NORTH STREET
<b>Property Address</b>		<b>Acreage</b>	41.64		TAMPA, FL 33604
<b>District</b>	1				
<b>Brief Tax Description</b>	41.64 AC M/L POB NE2856.52				

(Note: Not to be used on legal documents)

Date created: 6/29/2020

Last Data Uploaded: 6/29/2020 7:42:19 AM

Developed by Schneider GEOSPATIAL





**APPLICATION FOR RE-ZONING & LAND USE CHANGE**  
**FRANKLIN COUNTY BUILDING DEPARTMENT**  
34 Forbes Street, Suite 1, Apalachicola, Florida 32320  
Phone: 850-653-9783 Fax: 850-653-9799  
[http://www.franklincountyflorida.com/planning\\_building.aspx](http://www.franklincountyflorida.com/planning_building.aspx)

PROPERTY OWNER'S NAME: BB + G Resorts LLC  
MAILING ADDRESS: 1219 EAST North ST City/State/Zip: Tampa, Florida, 33604  
PHONE #: \_\_\_\_\_ CELL #: 713-858-7051 EMAIL: westgccc@gmail.com

AGENT'S NAME: Gary West + William McKinney  
MAILING ADDRESS: \_\_\_\_\_ City/State/Zip: \_\_\_\_\_  
PHONE #: \_\_\_\_\_ CELL #: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**PROPERTY DESCRIPTION:** 911 Address: 471 McIntyre Road Sopchoppy Florida 32358  
Lot/s: \_\_\_\_\_ Block: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Unit: \_\_\_\_\_  
Parcel Identification #: 10-06S-03W-0000-0010-0050

**JURISDICTION:**  Franklin County  
 Apalachicola  Eastpoint  St. George Island  Carrabelle  Dog Island  Lanark/ St. James  St. Teresa  Alligator Point

ACREAGE: 41.64

CURRENT ZONING: A-1 CURRENT LAND USE: Agricultural/Fish Camp  
REQUESTED ZONING: C-3 REQUESTED LAND USE: Campground

LEGAL DESCRIPTION OF THE PROPERTY: (Must Attach Legal Description)

PLANNING & ZONING DATE: December 8, 2020 @ 6:30pm

RECOMMENDED APPROVAL: \_\_\_\_\_ RECOMMENDED DENIAL: \_\_\_\_\_ RECOMMENDED TO TABLE: \_\_\_\_\_  
CONDITIONS: \_\_\_\_\_

BOARD OF COUNTY DATE: December 15, 2020 @ 10:00am  
RECOMMENDED APPROVAL: \_\_\_\_\_ RECOMMENDED DENIAL: \_\_\_\_\_ RECOMMENDED TO TABLE: \_\_\_\_\_  
CONDITIONS: \_\_\_\_\_

PUBLIC HEARING DATE: \_\_\_\_\_  
 APPROVED  DENIED  TABLED  
CONDITIONS: \_\_\_\_\_

Instructions: Complete application, including proof of ownership in the form of deed, detailed description of request including any necessary information supporting request (site plan/survey) and application fee of \$250.00 for Re-Zoning and \$250.00 for Land Use Change. Return to the following address:

Total: \$540.00  
( \$270 Re-Zoning )  
( \$270 Land Use )

RECEIVED  
NOV 17 2020  
BY: AK

Franklin County  
34 Forbes Street, Suite 1  
Apalachicola, FL 32320



**EXHIBIT A**  
Legal Description

Commence at a concrete monument marking the Southeast Corner of Section 10, Township 6 South, Range 3 West, Franklin County, Florida, also being the Southwest Corner of Section 11, Township 6 South, Range 3 West, Franklin County, Florida; thence run along the Easterly boundary line of said Section 10 North 00 degrees 25 minutes 56 seconds East 2206.53 feet to a point lying on the centerline of a 60 foot wide ingress/egress easement; thence leaving said Easterly boundary line run along said centerline as follows: North 87 degrees 45 minutes 29 seconds West 521.69 feet to a re-bar; thence North 88 degrees 06 minutes 23 seconds West 364.42 feet to a re-bar; thence North 88 degrees 06 minutes 23 seconds West 19.19 feet to a re-bar; thence North 88 degrees 00 minutes 20 seconds West 874.89 feet to a re-bar; thence North 88 degrees 00 minutes 20 seconds West 392.54 feet to a re-bar; thence North 88 degrees 31 minutes 28 seconds West 153.71 feet; thence North 87 degrees 48 minutes 48 seconds West 245.88 feet to a re-bar; thence North 87 degrees 48 minutes 48 seconds West 172.67 feet to a re-bar; thence North 88 degrees 11 minutes 04 seconds West 478.12 feet to a re-bar; thence North 89 degrees 15 minutes 22 seconds West 9.54 feet to a re-bar marking the Point of Beginning; thence leaving said Point of Beginning and said centerline run North 12 degrees 21 minutes 28 seconds East 2856.52 feet to a point lying on the Mean High Water Line of the Ochlocknee River as located on November 22, 2010; thence run along said Mean High Water Line as follows: North 71 degrees 18 minutes 25 seconds West 22.18 feet; thence North 76 degrees 57 minutes 32 seconds West 103.09 feet; thence North 70 degrees 27 minutes 52 seconds West 103.60 feet; thence North 66 degrees 39 minutes 17 seconds West 65.69 feet; thence North 67 degrees 54 minutes 17 seconds West 100.57 feet; thence North 77 degrees 06 minutes 19 seconds West 17.24 feet; thence North 54 degrees 29 minutes 20 seconds West 21.67 feet; thence South 33 degrees 03 minutes 10 seconds West 25.40 feet; thence South 49 degrees 05 minutes 35 seconds West 20.74 feet; thence North 39 degrees 22 minutes 48 seconds West 7.44 feet; thence North 06 degrees 41 minutes 56 seconds East 23.86 feet; thence North 29 degrees 40 minutes 10 seconds East 12.36 feet; thence North 21 degrees 23 minutes 05 seconds West 9.36 feet; thence North 68 degrees 51 minutes 59 seconds West 10.24 feet; thence North 30 degrees 14 minutes 57 seconds West 13.10 feet; thence South 80 degrees 13 minutes 10 seconds West 16.74 feet; thence South 65 degrees 57 minutes 09 seconds West 11.42 feet; thence North 54 degrees 06 minutes 57 seconds West 25.29 feet; thence South 56 degrees 38 minutes 17 seconds West 16.93 feet; thence North 82 degrees 31 minutes 00 seconds West 42.34 feet; thence North 60 degrees 51 minutes 38 seconds West 35.64 feet; thence North 43 degrees 02 minutes 08 seconds West 25.15 feet; thence North 54 degrees 55 minutes 27 seconds West 25.86 feet; thence North 70 degrees 33 minutes 54 seconds West 1.91 feet to a point marking the intersection of said Mean High Water Line with the Easterly maintained right of way line of McIntyre Road; thence leaving said Mean High Water Line run along said Easterly maintained right of way line as follows: South 19 degrees 22 minutes 39 seconds West 164.73 feet; thence South 51 degrees 45 minutes 38 seconds West 28.04 feet; thence South 17 degrees 52 minutes 44 seconds West 91.61 feet; thence South 16 degrees 25 minutes 16 seconds West 107.20 feet; thence South 16 degrees 05 minutes 49 seconds West 99.20 feet; thence South 18 degrees 16 minutes 07 seconds West 107.86 feet; thence South 20 degrees 24 minutes 03 seconds West 129.12 feet; thence South 08 degrees 56 minutes 35 seconds West 160.27 feet; thence South 08 degrees 24 minutes 56 seconds West 187.69 feet; thence South 04 degrees 50 minutes 41 seconds West 95.77 feet; thence South 00 degrees 28 minutes 10 seconds West 134.81 feet; thence South 01 degrees 20 minutes 06 seconds East 75.90 feet; thence South 04 degrees 11 minutes 45 seconds East 104.02 feet; thence South 03 degrees 33 minutes 27 seconds East 254.77 feet; thence South 04 degrees 36 minutes 24 seconds East 161.63 feet; thence South 02 degrees 22 minutes 01 seconds East 61.46 feet; thence South 01 degrees 52 minutes 10 seconds West 77.32 feet; thence South 10 degrees 56 minutes 25 seconds West 78.57 feet; thence South 15 degrees 33 minutes 38 seconds West 163.26 feet; thence South 16 degrees 23 minutes 09 seconds West 150.54 feet; thence South 13 degrees 56 minutes 12 seconds West 290.63 feet; thence South 15 degrees 50 minutes 33 seconds West 110.97 feet; thence South 09 degrees 22 minutes 01 seconds West 68.53 feet; thence South 01 degrees 41 minutes 37 seconds East 50.11 feet; thence South 11 degrees 58 minutes 58 seconds East 78.47 feet; thence South 15 degrees 58 minutes 19 seconds East 64.43 feet to a point marking the intersection of said Easterly maintained right of way line with the centerline of an ingress/egress easement; thence leaving said Easterly maintained right of way line run along said centerline as follows: South 89 degrees 15 minutes 22 seconds East 296.99 feet to a re-bar; thence South 89 degrees 15 minutes 22 seconds East 160.39 feet to the Point of Beginning.

**FRANKLIN COUNTY, FLORIDA  
REQUIRED ANALYSIS FOR LAND USE OR ZONING CHANGE**

- **Eastpoint Urban Service Area** – Is the property located in the Eastpoint Urban Service Area? **No**
- **Coastal High Hazard Area** – Is the property located in the Coastal High Hazard Area? **No**
- **Critical Shoreline Zone** – Is the property located in the Critical Shoreline Zone? **The 1<sup>st</sup> 150 Feet From River**
- **Soil Conditions** – Copies of the 1994 Soil Survey of Franklin County are available from the Franklin County Planning Office. **The soil types are Leon-Scranton-Lynn Haven and Pamlico-Pickney-Maurepas**
- **Topography** – What is the topography of the property? **See Attached Survey**
- **Drainage** – Are there any natural drainage features located on the property? **Yes**
- **Wetlands** – The only way to definitively know if there are wetlands on the property is to have a qualified individual survey the site for wetlands, but the U. S. Fish and Wildlife Service’s National Wetlands Inventory can give a general overview of what potential wetlands might be located on the property. The website can be accessed at: <https://www.fws.gov/wetlands/data/mapper.html> **See attached Wetlands Inventory Map**
- **Floodplains** – What flood zone is this property located in? The flood maps for Franklin County can be found at [portal.nwfwmd.floodmaps.com](http://portal.nwfwmd.floodmaps.com). **Yes, Most of the property is located in a Shaded X Flood Zone (Not in a Special Flood Hazard Area, and the property closer to the River is in a AE Elevation 13.**
- **Potential Wildfire Areas** – Is the property susceptible to wild fires? **Yes, potentially**
- **Historic or Cultural Sites** – Are there any historic or cultural sites located on the property? The Florida Master Site File keeps a list of recorded historic and cultural sites in Florida. They can be reached at 850-245-6440 or [sitefile@dos.myflorida.com](mailto:sitefile@dos.myflorida.com). **No**
- **Endangered Species** – Are there any endangered species located on this property? The Florida Fish and Wildlife Conservation Commission’s website showing the location of Bald Eagle nests in the state can be found at: <http://myfwc.maps.arcgis.com/apps/webappviewer/index.html?id=253604118279431984e8bc3ebf1cc8e9> **None**
- **Traffic Circulation** – How will this development affect traffic on the roads that serve the development? The Florida Department of Transportation traffic counts can be found at <https://tdaappsprod.dot.state.fl.us/fs to/> **There is one permanent**



**FRANKLIN COUNTY, FLORIDA  
REQUIRED ANALYSIS FOR LAND USE OR ZONING CHANGE**

**resident on McIntyre road and occasional boat launchings that average 3-5 a day. Our project will increase that to 8-10 a day.**

- **Affordable Housing** – Will this change increase the supply of affordable housing in Franklin County? **N/A**
- **Economic Development** – How will this change promote economic development in Franklin County? **This will increase property taxes and sales taxes once the Land Use and Re-Zoning and Site Plan has been approved with the addition of bath houses, store and boat rentals.**
- **Water and Sewer** – Will the development be served by central water and sewer or will it be on individual water wells and septic tanks? **Water and Sewer is not available in this area so the site will be serviced by an approved septic and well source.**

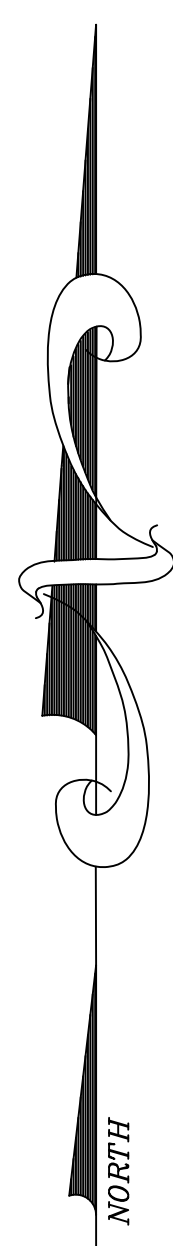
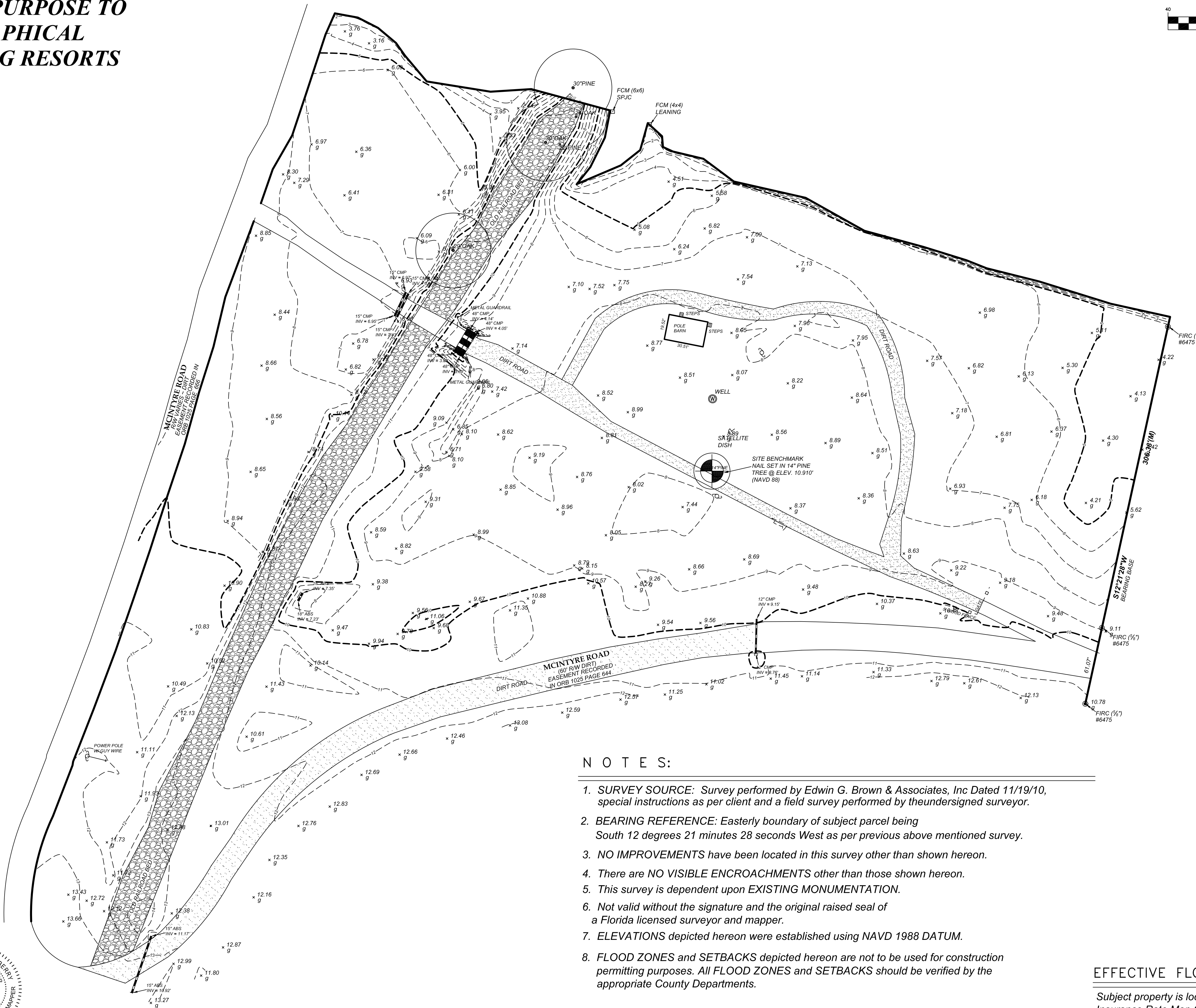
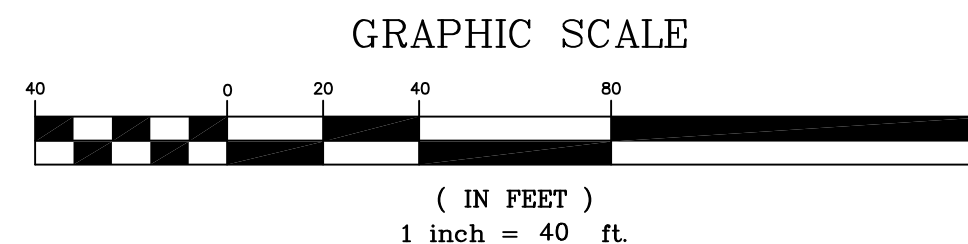








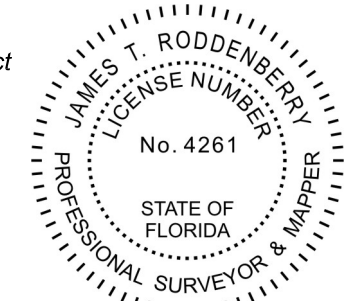
**PLAT OF SPECIFIC PURPOSE TO  
SHOW TOPOGRAPHICAL  
SURVEY FOR: B.B.&G RESORTS**



I hereby certify that this was performed under my responsible direction and supervision and the plat and description are true and accurate to the best of my knowledge and belief. The survey meets or exceeds the standards for practice for land surveying as established by the Florida Board of Professional Surveyors and Mappers (F.A.C. 5J-17.0511,052).

The undersigned surveyor has not been provided a current title opinion or abstract of matters affecting title or boundary to the subject property. It is possible there are deeds of records, unrecorded deeds, easements or other instruments which could affect the boundaries.

*James T. Roddenberry*  
**JAMES T. RODDENBERRY**  
 Surveyor and Mapper  
 Florida Certificate No: 4261



**NOTES:**

- SURVEY SOURCE:** Survey performed by Edwin G. Brown & Associates, Inc Dated 11/19/10, special instructions as per client and a field survey performed by the undersigned surveyor.
- BEARING REFERENCE:** Easterly boundary of subject parcel being South 12 degrees 21 minutes 28 seconds West as per previous above mentioned survey.
- NO IMPROVEMENTS** have been located in this survey other than shown hereon.
- There are **NO VISIBLE ENCROACHMENTS** other than those shown hereon.
- This survey is dependent upon **EXISTING MONUMENTATION**.
- Not valid without the signature and the original raised seal of a Florida licensed surveyor and mapper.
- ELEVATIONS** depicted hereon were established using NAVD 1988 DATUM.
- FLOOD ZONES** and **SETBACKS** depicted hereon are not to be used for construction permitting purposes. All **FLOOD ZONES** and **SETBACKS** should be verified by the appropriate County Departments.

**EFFECTIVE FLOOD ZONE INFORMATION:**

Subject property is located in Zone "AE" (EL 13) as per Flood Insurance Rate Map Community Panel No: 120088 0275F index date: February 5, 2014, Franklin County, Florida.

<b>REVISIONS:</b> NO. IDENTIFICATION 1 FOUND CONCRETE MONUMENT MORE OR LESS 2 OFFICIAL RECORD BOOK PAGE 3 CENTERLINE 4 RECORD PLAT MEASURED 5 DEED CALL CALCULATED 6 POINT OF BEGINNING 7 POINT OF COMMENCEMENT 8 FLORIDA DEPARTMENT OF TRANSPORTATION DEPARTMENT OF ENVIRONMENT PROTECTION 9 RIGHT-OF-WAY		<b>LEGEND</b> CM CORNER OF CROSSWALK FRC FOUND IRON ROD & CAP SET 1/2" RE-ROD WITH FRC FOUND IRON PIPE FRC FOUND IRON ROD & CAP FRC FOUND CONCRETE MONUMENT SITE BENCHMARK CTCL POWER POLE W WELL V VALVE		DATE: <b>10/15/20</b> FIELD BOOK _____ PAGE _____ DRAWING NAME: <b>20634.DWG</b> CLIENT: <b>B.B.&amp;G RESORTS</b>		<b>JAMES T. RODDENBERRY &amp; ASSOCIATES, INC.</b> PROFESSIONAL SURVEYORS AND MAPPERS P.O. BOX 100 • 125 SHELDON STREET • SOPCHOPPY, FLORIDA 32358 PHONE NUMBER: 850-962-2538 FAX NUMBER: 850-962-1103 LB # 7160		JOB NO. <b>20-634</b> SHEET NO. <b>1</b> OF <b>1</b>	
DATE OF LAST FIELD WORK: <b>10/13/20</b> COUNTY: <b>WAKULLA</b> DRAWN BY: <b>MMD</b>		DATE: <b>10/15/20</b> FIELD BOOK _____ PAGE _____ DRAWING NAME: <b>20634.DWG</b> CLIENT: <b>B.B.&amp;G RESORTS</b>		<b>JAMES T. RODDENBERRY &amp; ASSOCIATES, INC.</b> PROFESSIONAL SURVEYORS AND MAPPERS P.O. BOX 100 • 125 SHELDON STREET • SOPCHOPPY, FLORIDA 32358 PHONE NUMBER: 850-962-2538 FAX NUMBER: 850-962-1103 LB # 7160		JOB NO. <b>20-634</b> SHEET NO. <b>1</b> OF <b>1</b>			



# Opposition to the Application for Re-Zoning & Land Use Change requested by BB&G Resorts, LLC

December 4, 2020

Board of County of Commissioners  
Franklin County  
34 Forbes Street  
Apalachicola, Florida 32320

I am writing to strongly oppose the proposed land use change requested by BB&G Resorts, LLC (471 McIntyre Road, Parcel #1-06S-03W-0000-0010-0050 containing 41.64 acres. My name is Wade Brown and I own 41.6-acre tract located at 465 McIntyre Road, directly adjacent to the proposed RV site. While most of the land surrounding the proposed site is now owned by the State, I have spoken with most of the private property owners located nearby and all of them unanimously oppose the proposed development. Opponents include: MJD Ventures, Inc (Parcel ID #10-06S-03W-0000-0010-0030); McIntyre Bluff, LLC (Parcel ID #10-06S-03W-0000-0010-0020); Jimmys Spot, LLC (Parcel ID #10-06S-03W-0000-0010-0010).

During 2010 myself and four other partners purchased 200+ acres from St. Joe Timberland Co. with the understanding that the existing land use of the property was agriculture and existing zoning was agriculture which allows one single family residence per 40 acres. March 2011, we divided the property amongst us five parties with equal river frontage and equal acreage. The applicant's property being one of the divisions. Each parcel contains approximately 41.6 acres. On 3-17-2020 BB&G Resorts, LLC (the applicant) purchased 471 McIntyre Road, being one of the original divisions, from one of my partners understanding the agriculture land use density being one family residence per 40 acres.

I have constructed a residence on my parcel and have made many property improvements for my family's enjoyment and with the intent on being my permanent retirement residence. Knowing that the surrounding property would only allow one family residence per 40 acres. The 40 acre tracts allow for a nice structure as well as being able to enjoy the remaining acres as recreational use for hunting, farming, silvicultural farming (pine trees).

We embarked on this knowing/trusting the other landowners would have to adhere to the 1 per 40 land use. It is also noteworthy that the state purchased thousands of acres that surround the original 5 parcels on the North, East & west in efforts to conserve the Ochlocknee and Crooked River system and prohibit any future development.

The proposed land use change – which allows the construction of an RV Park in an environmentally sensitive and historically significant area is a very bad idea and is at odds with applicable zoning, land use, and environmental laws. It would also wreak environmental havoc in an area which is largely wetlands, and which has no available potable water system nor available connection to a centralized sewer system that might lessen the impact.



While I am an advocate of private property rights, the public good must sometimes take precedence, especially in situations where a proposed land use change could adversely affect so many. This is such a situation.

The proposed RV Park is adjacent to McIntyre Landing, just off of McIntyre Road, and directly on the Ochlocknee River. The land where BB&G proposes to construct the RV Park is a historical site and once was the center of a struggling company town where McIntyre Mill operated. An old railroad bed crosses the property, and it includes a ditch which provides drainage of thousands of adjacent acres.

The land is of historic significance, not only because of McIntyre Mill, but also because it was used as a camping site for native Americans for thousands of years. Many artifacts, including native American pottery and arrowheads have been uncovered during recreational digs.

Because it is located on the Ochlocknee River and is a drainage port, the environmental impact from an RV Park would be enormous. There is also no public need for such an RV Park, since the Ochlocknee River State Park is about two miles away as the crow flies. In the end, the public would be the victims of the development because of pollution to the River and the aquifer.

The significance of this area is demonstrated by the State's recent acquisition of thousands of acres of surrounding land. It would be a travesty to allow an RV Park to be developed in this gem of an area that the State has purchased to preserve untarnished for future generations.

The proposed land use change should be denied for the foregoing and following reasons:

- The proposed land use of "campground" requested does not exist as a land use designation under the Comprehensive Plan.
- The application notes that the existing land use is "Agriculture/Fishcamp." This is incorrect. The Land Use Map under the Comprehensive Plan designates this property as Agriculture Land Use. Fish camp does not exist.
- The proposed rezoning to C-3 is inconsistent with the existing Agriculture Land Use designation. The proposed Land Use Change failed to comply with Franklin County Land Use Element, Policy 1.1 and 1.2.
  - o Policy 1.1 The Future Land Use Maps will be reviewed to be sure adequate infrastructure is in place before areas are permitted for development. Adequate infrastructure is defined as the infrastructure necessary to maintain the adopted levels of service in this plan. The County shall not issue development orders that will degrade the existing levels of service below that level adopted as the minimum in this Comprehensive Plan.
  - o Policy 1.2 The Future Land Use Maps will be reviewed to ensure that the proposed uses, in the various categories, do not conflict with the prevailing natural conditions including:
    - (a) SOIL CONDITIONS – When the US. Soil Conservation Services completes and publishes the maps of their soil survey for Franklin County the County will coordinate the land use maps with the soil survey maps to ensure that areas proposed for development have soils suitable to support the proposed development.
    - (b) TOPOGRAPHY – Areas of excessive topographical relief shall be classified for low density development.

- (c) DRAINAGE – Natural drainage features will be protected and preserved to ensure the continuation of their natural function.
- (d) WETLANDS – No development will be allowed within 60 feet of wetlands, except as allowed pursuant to policies 1.6 and 1.7 of this element, Policies 1.1, 1.2, and 1.5 of the Coastal Conservation Element or as provided in paragraphs 1-6 below.
- The proposed rezoning to C-3 constitutes spot zoning. No commercial zonings exist in any close proximity to the subject property.
  - **See attached spot zoning information based on past court cases.**
- The Application does not contain suitable data and analysis to support land use amendment. No field truthing investigations, studies or reports have been provided to substantiate the claims in the application that no endangered species, historical or cultural resources exist on-site. The documents provided are not the best available data nor adequate to ensure compliance and compatibility with the Comprehensive Plan.
- The statement in the application that no historical or cultural resources exist on-site is completely untrue as the historic GF&A railroad bed lies within and through the boundaries of the subject property. Subject property lies within the old McIntyre town site. Additional undiscovered historically significant sites may also exist within this property.
  - Land Use Element, Objective 3 provides that "the County shall ensure the protection of natural and historical resources . . ."
  - Land Use Element, Policy 3.7 "Historic resources shall be protected . . ."
- The applicant did not provide any traffic analysis to support the claim that the project will only increase traffic from 3-5 per day currently to 8-10 a day.
  - Traffic Element Policy 3.2 provides "Land use changes will not be made that will cause the peak hour level of service on the roads that service that area to fall below the level of service . . ." (Application lacks sufficient data to support change and ensure compliance with level of service standards.)
  - McIntyre Road is currently dirt measuring 1.5 miles from US 319 to subject property and cannot support commercial traffic. Furthermore, there is a Franklin County ordinance on McIntyre Road #92-3 that states Road is closed to vehicles having more than two axles. Increased traffic volumes will increase the cost of maintenance on the County would result in a violation of Franklin County ordinance #92-3, which does not allow McIntyre Road to be used by vehicles with tandem axles.
- Studies regarding environmental conditions, endangered species, historical and cultural resources, and traffic impacts should be prepared by licensed professionals and utilizing acceptable methodology.
- The Applicant has not demonstrated consistency with the Comprehensive Plan:
  - The first Goal outlined in the Land Use Element of the Comprehensive Plan is to "Ensure that the character and location of land uses in Franklin County

minimize the threat to the natural environment . . ." Objective 1 directs that "Future development activities shall be directed to appropriate areas as depicted on the Future Land Use Maps to assure that soil conditions, topography, drainage, and natural conditions are suitable for development and adequate public facilities are available . . ." (site is 85% wetlands, that drain into the Ochlocknee and Crooked riverine system, and no public facilities are available).

- o Land Use Element, Policy 1.2(d) provides "No development will be allowed within 50 feet of wetlands..." (the entire site lying south of McIntyre Road is a wetland (85%) of the project and a riverine system exists on the north side of McIntyre Road)
- o Land Use Element, Policy 3.1 provides "Development, alteration of native vegetation, and habitable structures within 50 feet landward of wetlands or waters of the State, is prohibited..." (site is all wetland lying south of McIntyre Road)
- o Coastal/Conservation Element, Objective 1 states, "The wetlands of Franklin County shall be conserved and protected such that no net loss (after mitigation) shall occur." Further, Policy 1.6 (c) provides for the discouragement of altering wetlands but requires mitigation. The application fails to demonstrate conservation, protection and/or mitigation of wetlands and therefore also violates Objective 2 of this Element.
- o Coastal/Conservation Element Policy 2.2 prohibits high density development adjacent to sensitive wetlands and prohibits destruction of wetland vegetation.
- o Failed to provide documentation of compliance with Land Use Element, Policy 1.6.
- o Land Use Element, Policy 3.10, Infrastructure Element, Policy 2.2, and Coastal/Conservation Element Policy 4.3 prohibits installation of septic tanks within 150 feet of wetlands and shorelines. Applicant proposes to install multiple septic systems within wetlands.
- o Land Use Element, Policy 6.1 provides "...replacement of land uses which are incompatible with the Future Land Use Plan shall be prohibited." Changing the land use on this site for commercial uses is incompatible with the nature of the area, existing surrounding uses and inconsistent with the Land Use Element of the Comprehensive Plan.
- Land Use Element, Objective 8 states "to prevent urban sprawl the County shall encourage infill in already developed area..." Further, Policy 8.2 provides that the County should "encourage infill in already developed areas through the



provision of existing infrastructure. "Policy 8.1 requires urban sprawl factors to be considered during the review of map and plan amendments. (Subject property is outside of any urban service area, surrounded by conservation land use as per the land use map and nowhere near any other developed lands or commercial uses.)

- Coastal/Conservation Element Policy 13.9 requires "Any Future Land Use Map amendments and corresponding density and intensity assignments shall be consistent with the requirements of Chapter 163, Part II, of the Florida Statutes, and the Franklin County Comprehensive Plan . . . and must and must be supported by the best available data and analysis..."
- **Finally, the Applicant has not demonstrated consistency with Chapter 163, Part II, Florida Statutes which is required on a large scale map amendment that the State of Florida will review.**

In view of all of the above, the proposed land use change should be denied.

I would like to further comment on the Topographical Survey and the Site Plan provided by applicant as part of application and how it is inconsistent with Franklin County Comprehensive plan.

#### Topographical Survey prepared by Thurman Roddenberry & Associates provided by applicant

- Has only been performed in the area lying north of McIntyre Road (approximately 15% of property)
- The entire property has a significant slope from the McIntyre Road to the edge of Ochlocknee River
- There are 3 natural drainage areas to the Ochlocknee River which drain the area lying south of McIntyre Road via culverts lying under the road as well as sheet flow drainage across the road
- Shows the railroad bed of the historic GF&A Railroad
- This parcel contains the historic Ochlocknee River trussel crossing an abutment on the Franklin County side
- Fails to show mean high water line along the Ochlocknee River as well as any wetlands along the riverbank
- Shows the entire property lying within a Zone AE elevation 13 flood zone

#### Site Plan prepared by Marvin HeyMann & Associates provided by applicant

The applicants site plan and data exhibits provided show the following:

- Site map of the National Wetlands Inventory of subject property shows the entire parcel lying south of McIntyre Road is a fresh water emergent wetland which encompasses (makes up) approximately 85% of subject property. The remaining 15% of property that is located entire river frontage is in a Riverine system located at the confluence of Crooked River and Ochlocknee River, both tidal water bodies.

- Site plan shows approximately 32 RV sites, roadway system, 3 septic tanks and 2 large septic drain fields lying on the south side of McIntyre Road. As illustrated on the National Wetlands Inventory Map it is entirely within wetlands. Furthermore, based on the site plan the easterly side of the 32 sites would encroach over my property line in a triangular shape approximately 40 feet on the south side by 160 feet heading back north.
- On the northerly side of McIntyre road, it appears that an approximately 1,225 square foot shower/bath facility, a 1,225 square foot store, as well as a 3,600 square foot septic field is proposed.
- There is also an undesignated area for primitive camping, it is unclear how many camping sites are proposed.
- Proposed dock is also shown without any riparian rights lines determined.
- No proposed storm water management facilities or demonstration of how storm water runoff would be diverted from draining directly into the river on this excessive natural slope.
- Proposed septic field on the north side of McIntyre lies within one of the natural drains, draining the southerly lands to the river.
- The septic field, shower/bathroom facility, store and primitive camping are located around the natural ground contour elevation between 8 and 6 feet, which lies anywhere between 7 to 5 feet below the base flood elevation of AE-13 feet.
- Fails to provide any type of shoreline revetment plan to prevent erosion along the river bank.

If you need further information or would like to otherwise discuss this matter, I can be reached at [wadebrown@embarqmail.com](mailto:wadebrown@embarqmail.com) or 850-524-2413.

I will attend the Planning & Zoning meeting scheduled for December 8, 2020, as well as the Board of County Commission meeting scheduled for December 15, 2020 and will be available for questions.

Sincerely,

Wade Brown

### Spot Zoning Attachment

A rezoning that is inconsistent with the zoning of surrounding parcels and results primarily in a benefit or favorable treatment to a particular property owner may be invalidated by a reviewing court upon review as illegal spot zoning.

When considering whether a local government's zoning decision constitutes illegal spot zoning, courts often look at the following four factors: 1) the size of the spot 2) the compatibility with the surrounding area 3) the benefit to the owner and 4) the detriment to the immediate neighborhood.<sup>1</sup> The size of an illegal spot zoning is generally a single parcel.<sup>2</sup>

When considering the compatibility with the surrounding area, courts look at the current zoning of the surrounding area and the proposed zoning of the parcel at issue. Where the zoning of the surrounding parcels are of a much different density or type than the rezoning applicant's parcel, a court is likely to find illegal spot zoning.<sup>3</sup> Where the rezoning would allow the parcel to be developed more like the surrounding parcels, a court is likely to uphold the rezoning.<sup>4</sup> For example, where commercial zoned parcels have grown around a residential parcel, rezoning the residential parcel to match is not considered illegal spot zoning.<sup>5</sup> On the other hand, where residentially zoned parcels surround a parcel proposed to become a multifamily zone, Florida's Third District Court of Appeal found that such a change would constitute illegal spot zoning.<sup>6</sup>

Courts often look at the benefit to the owner of the parcel and detriment to the immediate neighborhood to decide whether a local government's rezoning constitutes spot zoning. Spot zoning "creates a small island of property with restrictions on its use different from that of surrounding properties-solely for the benefit of a particular property owner."<sup>7</sup> Where rezoning benefits accrue only to the owner at substantial cost to the neighborhood, zoning is generally found illegal.<sup>8</sup> Even where the rezoning could grant the surrounding neighborhood some benefit if the rezoning would have negative impact as well, the rezoning may be struck down by a reviewing court. In the case of a rezoning for a parking structure with space for businesses planned for a neighborhood in need of parking, the commercial zoning was not allowed because it "could well spread and destroy the character of the neighborhood."<sup>9</sup>

Further, the existence of a non-conforming use does not create an entitlement to a rezoning. On the contrary, zoning are generally intended to "look forward to the eventual elimination of all non-conforming structures and uses as speedily as is consistent with the safeguards for the rights of those persons affected." See e.g., Jpm Inv. Group v. Brevard County, 818 So. 2D 595 (Fla. 5<sup>th</sup> DCA 2002); 12A Fla. Jur. 2d, Counties and Municipal Corporations 203.



1 Bird-Kendall Homeowners Ass'n v. Metro. Dade County Bd. of County Com'rs, 695 So. 2d 908,910 (Fla. 3d DCA 1997) (citing Parking Facilities, Inc. v. City of Miami Beach, 88 So.2d 141 (Fla.1956) and Dade County v. Inversiones Rafamar S.A., 360 So.2d 1130 (Fla. 3d DCA 1978)).

2 See Parking Facilities, Inc. v. City of Miami Beach, 88 So.2d 141 (Fla.1956) and Bird-Kendall Homeowners Ass'n v. Metro. Dade Cnty. Bd. of Cnty. Comm'rs, 695 So. 2d 908 (Fla. Dist. Ct. App. 1997).

3 See, e.g., Bird-Kendall Homeowners Ass'n v. Metro. Dade Cnty. Bd. Of Cnty. Comm'rs, 695 So. 2d 908 (Fla. Dist. Ct. App. 1997); Allapattah Cmty. Ass'n, Inc. of Florida v. City of Miami, 379 So. 2d 387, 388 (Fla. 3d DCA 1980); and Parking Facilities, Inc. v. City of Miami Beach, 88 So. 2d 141, 143 (Fla. 1956).

4 See Town of Juno Beach v. McLeod, 832 So. 2d 864 (Fla. Dist. Ct. App. 2002) and City Comm'n of City of Miami v. Woodlawn Park Cemetery Co., 553 So. 2d 1227 (Fla. Dist. Ct. App. 1989) (upholding the rezoning of residential parcels to match surrounding commercially zoned parcels in order to remedy 'reverse spot zoning').

5 See id.

6 Donch v. City of Miami, 214 So. 2d 503 (Fla. 3d DCA 1968).

7 City Commission of the City of Miami v. Woodlawn Park Cemetery Co., 553 So.2d 1227, 1240 (Fla. 3d DCA 1989).

8 See Bird-Kendall Homeowners Ass'n v. Metro. Dade County Bd. of County Com'rs, 695 So. 2d 908, 910 (Fla. 3d DCA 1997) (citing Parking Facilities, Inc. v. City of Miami Beach, 88 So.2d 141 (Fla.1956) and Dade County v. Inversiones Rafamar S.A., 360 So.2d 1130 (Fla. 3d DCA 1978)).

9 Parking Facilities, Inc. v. City of Miami Beach, 88 So. 2d 141, 143 (Fla. 1956).

AN ORDINANCE PROHIBITING VEHICLES HAVING  
 MORE THAN TWO AXLES FROM COMING ON OR  
 TRAVELING McINTYRE ROAD; DECLARING  
 THAT AN EMERGENCY EXISTS

EMERGENCY ORDINANCE

FRANKLIN COUNTY, FLORIDA

ORDINANCE NO. 92-3

WHEREAS, the Franklin County Board of County Commissioners, by a vote of at least 4/5 of the Board, declares that an emergency exists which necessitates the enactment of this ordinance, and

WHEREAS, County-owned McIntyre road is unpaved, and not constructed for heavy vehicles in all weather, and

WHEREAS, heavy trucks have made McIntyre road unusable and dangerous for passenger vehicles, and

WHEREAS, heavy trucks have torn up McIntyre road and continue to do so, exceeding the ability of Franklin County to maintain this road,

NOW, THEREFORE, BE IT ORDAINED BY THE FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS, in order to protect the health, safety and welfare of the people of Franklin County:

1. No person, firm, or corporation shall drive or operate any vehicle having over two axles on McIntyre Road in Sections 2, 10, and 11, Township 6 South, Range 3 West, in Franklin County, Florida.

2. No person, firm or corporation shall drive, operate or pull any trailer having a load weight over five thousand pounds on McIntyre road.

This Ordinance adopted in open regular session this 5th day of May, 1992, as an Emergency Ordinance upon a waiver of notice requirements by a 4/5th vote of the membership of the Board of County Commissioners of Franklin County, Florida, said 4/5th majority of said commission hereby declares that an emergency exists and that the immediate enactment of this ordinance is necessary.



THE BOARD OF COUNTY COMMISSIONERS  
OF FRANKLIN COUNTY, FLORIDA.

BY: B. Brent Braft  
Its Chairman

ATTEST:

Lee R. P. Rivers  
Clerk





# CDBG-CV ACTIVITIES

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Under the CARES Act, funding is available through the Community Development Block Grant Program for activities that **prevent, prepare for and respond to the coronavirus pandemic.**

## Eligible

- Acquisition.
- Public improvements.
- Public facilities.
- Business assistance.
- Microenterprise assistance.
- Public services.
- Planning.
- Broadband planning and public infrastructure.

## Ineligible

- General government expenses.
- Buildings for the general conduct of government.
- Political activities.
- Purchase of equipment (with exceptions).
- Operating and maintenance expenses.
- New housing (with exceptions).
- Income payments.

U.

# SAMPLE ACTIVITIES

<b>Buildings and Improvements, Including Public Facilities</b>	
Acquisition, construction, reconstruction or installation of public works, facilities and site or other improvements.	Rehabilitate a facility for testing, diagnosis or treatment.
	Reconstruction of roads/sidewalks (expansion) to allow for social distancing.
	Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.
Rehabilitation of buildings and improvements	Installation of wiring, fiber optic cables and permanently affixed equipment, such as receivers, for LMI areas to receive broadband/internet access.
	Rehabilitate a senior center, community center or homeless shelter by replacing the HVAC system and/or installing air purification system.
	Acquisition and/or rehabilitation of a building to expand capacity of homeless shelters to accommodate social distancing and isolation.
	Installation of wifi routers/extenders in affordable housing buildings for LMI residents.

U.

# SAMPLE ACTIVITIES

## Assistance to Businesses, including Special Economic Development Assistance

Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project.

Provide grants to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.

Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.

Provision of assistance to microenterprises.

Provide technical assistance, grants and other financial assistance to establish, stabilize and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.

U.



# SAMPLE ACTIVITIES

## Public Services

Provision of assistance to primarily Low- and-Moderate Income (LMI) persons.

Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.

Provide testing, diagnosis or other services at a fixed or mobile location.

Provide equipment, supplies and materials necessary to carry-out a public service (e.g., childcare for working parents with distance learning school kids).

Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.

u.



# SAMPLE ACTIVITIES

Planning	
Planning Only Grants	Gather data and develop non-project specific emergency infectious disease response plans.
Project Planning	Planning activities in conjunction with another eligible activity (e.g., preliminary engineering with sidewalk project, economic impact study with business assistance program).

u.

**FRANKLIN COUNTY CDBG-DR HURRICANE MICHAEL, SAINT GEORGE ISLAND DUNE RESTORATION****Project Description**

Franklin County was impacted by Hurricane Michael, especially in the 32328 zip code area, which includes Saint George Island. Sand dunes were eroded/destroyed during Hurricane Michael, primarily by tidal surge. These dunes provided needed protection against further beach erosion, as well as protection to the developed property north of the actual beach. Dunes are also an ecological resource, as a nesting and foraging area. Franklin County will use Hurricane Michael CDBG-DR grant funds to restore Saint George Island (gulf side) sand dunes along the public beach between East 11<sup>th</sup> Street to West 12<sup>th</sup> Street.

The County's staff and CDBG consultant will coordinate more extensively with the County's consultant engineer to refine the scope of work and determine the most appropriate dune restoration methods to use. It is likely that a combination of methods will be employed. At this time, the plan is to create sand berm dunes in the area between 2<sup>nd</sup> Street East and 2<sup>nd</sup> Street West (FEMA allows 6 cubic yards per linear foot). In the remaining length of beach sand fencing will be installed (typically 4' high and 10' long, spaced 10' apart) to catch sand as it blows and naturally build dunes, and sea oats and/or other appropriate vegetation (spaced 18" apart) will be planted to stabilize the sand, catch sand as it blows, and grow up through the sand as dunes form. A coastal engineering specialist will be a valuable part of the engineering team, and has already provided basic construction cost information.

This highly experienced team will successfully manage, engineer and administer the project. They will be responsible for environmental review, appropriate design and specifications, preparing bid documents with applicable federal and state contract language, procuring the construction contractor (with contract approval of the Board of County Commissioners), and then managing construction, contract compliance (such as Davis-Bacon Act, EEO, environmental protection, etc.), payments and reimbursements, reporting, public relations, and all other related tasks.

The dune restoration will reverse Hurricane Michael's damage to the public beach. The beneficial result/outcome of the project will be a more resilient shore line, which is important to County residents who enjoy recreational opportunities on this public beach. Visitors also enjoy utilizing this public beach, which makes it a major tourist destination and a vital part of the local economy. Dunes will continue to play a critical role in protecting the island from storm surge damage, which would be much worse without the dunes to provide a buffer. Storm surge damage would include damage/destruction of houses (both for local residents and for vacationers), commercial development, a County park, other visitor attractions such as the lighthouse, and infrastructure such as roads, signage and power lines. Destruction of the built environment or the beaches would result in major loss of employment. Dunes and their surroundings also provide a nesting area for sea turtles and a foraging area for various birds and other creatures.

The area most lacking in dunes is in the area of the County park, between 2<sup>nd</sup> Street East and 3rd Street West, which is also the central business district area. The most costly type of dune restoration, installation of new dunes, will be reserved for this area, in order to make the project more cost effective



while focusing on immediately protecting this vital part of the island. The other areas of the beach will have dune restoration that relies on natural build-up of sand from fencing. All of the dunes will be augmented by plantings, primarily sea oats with self-watering fertilizer packs.

This project meets the national objection of Urgent Need, because it addresses damage from Hurricane Michael. The damage has not been resolved, so it is still an unmet need. Funding has not been available, thus there is no duplication of benefits.

The project service area is defined as all of Franklin County. Although the U. S. Census data does not indicate that Franklin County's population is 51% low to moderate income, it is quite possible that such is the case, due to hurricane damage, a serious decline deterioration of the local seafood industry, and COVID related economic declines.

Many County residents, especially those of the lower income range, rely on the tourism/hospitality industry for their employment. Examples of tourism/hospitality jobs on the island include cleaning the houses and other lodging, maintenance and groundskeeping, food preparation and service, retail sales, pleasure fishing guides, and many other directly related jobs. Loss of the Saint George Island beach would result in loss of these types of jobs both on the island and county wide, due to the Island's draw of tourists who also visit other parts of the county. In addition to the direct employment of local residents in the tourism/hospitality industry, there are other jobs in the local economy that would be eliminated or scaled back in the event that Saint George Island tourism failed, because of the ripple effect of the tourism/hospitality job losses.

The proposed dune restoration work will involve employment of workers who install the sand, fencing and plants, as well as engineering and grant administration consultants. Franklin County is one of the state designated Northwest Rural Areas of Opportunity (REDI).

Franklin County maintains this public beach area in terms of providing trash collection, dune walkover maintenance, minor sand work, hazard warnings, parking, etc. This project will enable the beach to be reclassified from "natural" to "engineered", which will make the beach eligible for future disaster recovery funding from FEMA. FEMA assistance will be a valuable resource for the County to pursue in the event of future storm damage.

### **Damage Summary**

Franklin County was impacted by Hurricane Michael, especially in the 32328 zip code area, which includes Saint George Island. Saint George Island is a barrier island, providing protection to the mainland. Sand dunes were eroded during Hurricane Michael, primarily by tidal surge. The surge completely eliminated some dunes, washed out the seaward side of other dunes, and also cut through some dunes, and the high winds shrank dune size by blowing some of the dune sand into other locations outside the beach dune area. The County's public beach, located between East 11<sup>th</sup> Street and West 12<sup>th</sup> Street, approximately 22,000 feet long, experienced loss of sand dunes. Although the project area sustained some loss of dune volume in previous storms, Hurricane Michael greatly exacerbated the

damage. The area between 2<sup>nd</sup> Street East and 2<sup>nd</sup> Street West is especially void of dunes, and this is the most important area to protect in terms of tourism, public infrastructure, and the built environment.

Loss of dunes, shrinkage in the size of dunes, and larger gaps between dunes decrease the level of protection against further beach erosion and eventual erosion of the island as a whole. There is a decrease the available nesting and foraging area for shoreline animals such as sea turtles and birds. There is also a reduced level of protection to the developed property north of the actual beach, including houses and other buildings, infrastructure, public and commercial facilities.

Although the project area (which is the County's public beach on Saint George Island) was not devastated by Hurricane Michael, continued erosion would be devastating to the natural environment, the built environment, and to the County's recreation and tourism economy. The condition of the public beach is especially critical to the service area, because it is open not only to visitors who stay in the houses and lodging directly adjacent to the beach, but also to the local residents and visitors who do not stay in the adjacent houses and lodging. Therefore, the entire county is the service area, especially lower income residents who rely on tourism related employment.

### **Resilience to Damage from Future Storms**

Although there is always risk of future storm damage to coastal areas, the very nature of sand dune restoration is a pro-active investment in resiliency against such damage. Larger, more consistent and more stable sand dunes will increase the dune survival rate. The dunes will provide protection to the natural environment, including foraging and nesting areas. Another protection to the natural environment is derived from the continued existence of this barrier island, which buffers the mainland from the severity of storm surge. Dunes protect the built environment against storm surge, shielding houses, commercial structures, public facilities and infrastructure. Best practices will be employed in determining the exact scope of work for the dune restoration, to enhance dune viability. The preliminary plan is to construct new dunes in the area of the County park and businesses, which will provide immediate protection of the shoreline. Sand fences will be constructed/installed throughout the remainder of the beach. Sea oats or other appropriate vegetation will be planted on all dunes, with self-watering fertilizer packs so the plants will survive and thrive.

### **Addressing an Unmet Need Tied to Hurricane Michael**

Hurricane Michael eroded/destroyed sand dunes on Franklin County's public beach located on Saint George Island. There has been no funding for dune restoration, at the local, state or federal level. Therefore, the need to restore sand dunes is still unmet. The dune restoration will reverse Hurricane Michael's damage to the public beach.

### **Roles of Key Staff, Contractors and/or Vendors in Operations Management**

The CDBG-DR dune restoration project will be implemented by consultants and construction contractors, under the general guidance and oversight of County staff and the Board of County Commissioners.

The County's staff and CDBG consultant will coordinate with the County's consultant engineer. A coastal engineering specialist will be a valuable part of the engineering team.

This highly experienced team will successfully manage, engineer and administer the project. They will be responsible for environmental review, appropriate design and specifications, preparing bid documents with applicable federal and state contract language, procuring the construction contractor (with contract approval of the Board of County Commissioners), and then managing construction, contract compliance (such as Davis-Bacon Act, EEO, environmental protection, etc.), additional CDBG grant tasks, payments and reimbursements, reporting, public relations, and all other related tasks.

The County Planner will be the Project Manager, in coordination with the CDBG grant consultant. This arrangement has worked well for Franklin County's CDBG program for more than 2 decades. The County Coordinator and the Board of County Commissioners will be kept informed of the project status, and will approve contract procurement and payments. County staff working for the Board and for the Clerk of Court will process payment requests. No additional County staff will be needed for this project.

The County has not gone through the procurement process for consultants for Hurricane Michael CDBG-DR. However, the current consultants have been involved in this grant application, and are ready, willing and able to contract with and serve the County if the procurement process results in their selection. No new County employees will be needed for the project.

### **Experience and Capacity of Key Members of the Management Team**

Mark Curenton, County Planner, has a Master's degree in Urban and Regional Planning, and 32 years of employment as Franklin County's Assistant County Planner and County Planner. Curenton has coordinated and provided oversight of Franklin County's CDBG program for more than 20 years. He is well versed in issues relating to grant administration, having been the County contact for the CDBG grants as well as other state and federal grants. Mr. Curenton is the qualifying agent for Franklin County's Local Assistance Program (LAP) Certification by the Florida Department of Transportation, which requires training in Davis-Bacon Act related labor and wage compliance, minority/woman-owned business utilization, equal employment opportunity, competitive bidding, etc. With Mr. Curenton's coordination, Franklin County has completed FDOT grant projects (state and federal) including road paving and sidewalk installation, as well as installation of a multi-use pathway on Saint George Island, Carrabelle Beach, and other locations. Curenton has also administered grants from the Florida Department of State and the Florida Department of Environmental Protection. Another grant-funded project he was involved in coordinating years ago involved planting sea oats at various locations in the County.



Michael Morón works directly for the Board of County Commissioners as County Coordinator. He served as Clerk to the Board from 2005 to 2015, at which time he became County Coordinator. Mr. Morón coordinates a variety of programs and County functions for the Board, and works with consultants and staff to provide direction on grant funded projects.

Erin Griffin began work for the Clerk of Court in 2003, and became Assistant Finance Director in 2008. She handles all of the Board of County Commissioners funds, including tracking grants.

For more than 20 years, Franklin County has contracted with Roumelis Planning and Development Services, Inc. for CDBG grant writing and administration/project management. RPDS handles every aspect of the grant, including project planning, developing the budget (informed by engineers), public participation, environmental review, contract development and procurement, construction oversight, financial management (tracking, payment approval, ordering funds, etc.), reporting, conducting fair housing activities, updating policies, contract compliance issues such as labor/wage and EEO, grant monitoring and modifications, etc. Deborah Belcher, President of RPDS, has also assisted the County in developing grant related policies and procedures, including development of a grants implementation system approved by the U. S. Treasury for the Restore Act projects.

Dewberry Engineers, formerly Preble-Rish, has handled a variety of the County's infrastructure projects, with the same staff that would be used for this project. Dewberry has coordinated with MRD and Associates, a coastal engineer, on projects similar to this one. MRD did engineering for a beach renourishment program for Gulf County through Restore Act funding, among other relevant projects.

The County has not gone through the procurement process for consultants for Hurricane Michael CDBG-DR. However, these consultants have been involved in this grant application, and are ready, willing and able to contract with and serve the County if the procurement process results in their selection.

### **Comparable Projects Within the Last Five Years**

Franklin County has administered FEMA grants for numerous projects, including rebuilding the roadway on Alligator Point. During the past five years, the County has not had CDBG-DR funds, but did successfully complete a roadway elevation project in 2012, using this type of funding. The current Small Cities CDBG grant, which is near completion, was extended to assist Eastpoint residents after the Eastpoint Wildfire. The additional funds for that phase of the CDBG grant took the total funding from \$700,000 to \$3,330,558. As previously discussed, the County staff have been involved in a sea oat planting program which helps restore and preserve sand dunes.

Although not within the past 5 years, the County's CDBG grant consultant provided a wide range of CDBG-DR and FEMA assistance to Okeechobee County, including projects for stormwater drainage with property acquisition for retention, expanding the wastewater treatment plant, affordable housing development, owner-occupied and rental housing rehabilitation/replacement, and road paving. The same consultant administered Calhoun County CDBG-DR road paving projects linked with FEMA.

### **Procurement Process to Cultivate Program and Project Management Capacity**

Franklin County will use its DEO-approved CDBG procurement policy to procure engineering services and grant administration/management/implementation services for the Hurricane Michael CDBG-DR project. The process will be essentially the same as what the County has utilized in the past, with the County Planner developing the request for proposals and advertising/soliciting proposals. A committee will evaluate proposals, present recommendations to the Board of County Commissioners, and prepare contracts for approval by the County Attorney and DEO (if DEO requires this step). The selected consultants will then take the lead in procuring the other vendors needed to implement the program, with the Board approving the contracts.

### **Plans to Augment Existing Staff with Contractors/Vendors**

Franklin County staff have the time and ability to coordinate and oversee the CDBG-DR project, but not to actually implement it. The County will augment their staff with a consultant engineer as well as a consultant CDBG grant administrator/manager.

Franklin County has decades of successful experience with its current CDBG grant consultant and consultant engineers. These consultants are prepared to implement this project, if the procurement process results in their selection.

Franklin County CDBG-DR Engineering, Saint George Island Dune Restoration				
<b>Engineering</b>				
<b>Planning</b>		\$ 5,000	Restore Act	
Plans & specs	\$ 50,000			
Survey	\$ 80,000			
Permitting	\$ 10,000			
Construction Management	\$ 20,000			
Inspections	\$ 150,000			
<b>TOTAL</b>	<b>\$ 310,000</b>			
<b>Construction</b>				
<b>Sand dune construction</b>				
Linear feet, E 2nd - W 3rd	2400			
Times cubic yards	6			
Price per yard	\$ 46			
<b>Dune construction subtotal</b>	<b>\$ 662,400</b>			
<b>Sand fencing</b>				
Linear feet minus constructed	19600			
# fences, spaced 10' apart	1960			
Price per 10' long fence, 4' tall	\$ 90			
<b>Fencing construction subtotal</b>	<b>\$ 176,400</b>			
<b>New dune walkovers, 10 @ \$22,000</b>	<b>\$ 220,000</b>	10	\$22,000	
<b>Dune, fence, walkover construction totals</b>	<b>\$ 1,058,800</b>			
<b>Planting</b>				
Total linear feet	22000			
Total feet wide	40			
Total dune square feet	880000			
Divided by 2.25 for 18" spacing	2.25			
Number of plants	391111			
Price per plant with hdrogel, fertilizer	\$ 3.00			
<b>Total planting subtotal</b>	<b>\$ 1,173,333</b>			
<b>Site preparation</b>	<b>\$ 22,000</b>			
<b>Maintenance of pedestrian/vehicle traffic</b>	<b>\$ 50,000</b>			
<b>Mobilization</b>	<b>\$ 220,000</b>			
<b>Bonds, insurance, profit</b>	<b>\$ 200,000</b>			
<b>CONSTRUCTION-PLANTING TOTAL</b>	<b>\$ 2,724,133</b>			
<b>Admin general</b>	<b>\$ 100,000</b>			
<b>Admin, project</b>	<b>\$ 100,000</b>			
<b>Admin &amp; delivery total</b>	<b>\$ 200,000</b>			
<b>Total CDBG-DR</b>	<b>\$ 3,234,133</b>			
<b>County</b>	<b>\$ 5,000</b>			
<b>Grand total for project</b>	<b>\$ 3,239,133</b>			
<b>INFORMATION REGARDING DUNE CONSTRUCTION, SAND FENCING, PLANTING AND SURVEY PROVIDED BY DEWBERRY ENGINEERS, WITH INPUT FROM MRD ASSOCIATES. OTHER INFORMATION PROVIDED BY ROUMELIS PLANNING AND DEVELOPMENT SERVICES, INC.</b>				





## **REBUILD FLORIDA HOMETOWN REVITALIZATION PROGRAM GUIDELINES**

This document provides the guidelines for implementation of the Rebuild Florida Hometown Revitalization Program administered by the Florida Department of Economic Opportunity (DEO). This program is funded by the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBG-DR) allocation described in the *Supplemental Appropriations for Disaster Relief Act, 2018* (Public Law 115-254) and the *Additional Supplemental Appropriations for Disaster Relief Act, 2019* (Public Law 116-20).

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## DEFINITION AND ACRONYMS

**Action Plan:** The State of Florida's Action Plan for Hurricane Michael long-term recovery provides the high-level strategy to carry out strategic and high-impact activities to minimize or eliminate risks and reduce losses from future disasters. The Plan also describes the opportunity to improve state and local planning protocols and procedures. The Plan was approved by HUD on June 26, 2020.

**Applicant:** Any entity that submits a response to the request for applications (RFA) for potential funding through the CDBG-DR program.

**AMI – Area Median Income:** The median (middle point) household income for an area adjusted for household size as published and annually updated by the United States Department of Housing and Urban Development (HUD). Once household income is determined, it is compared to HUD's income limit for that household size.

**CDBG-DR: Community Development Block Grant - Disaster Recovery:** Federal funding provided by HUD to help communities, especially low-income areas, recover from Presidentially declared disasters.

**Commercial:** Any building other than a residential or governmental, including any building constructed for industrial, retail, business, or public purposes.

**Community Based Development Organization (CBDO) –** CBDOs are generally nonprofit organizations that undertake specific kinds of CDBG-funded activities. CBDOs can be for-profit or nonprofit organizations but cannot be governmental entities. A CBDO may be designated as a subrecipient by the grantee.

**Community Development District (CDD) –** A local, special-purpose government framework authorized by Chapter 190 of the Florida Statutes as amended and is an alternative to municipal incorporation for managing and financing infrastructure required to support development of a community.

**Community Revitalization Agency (CRA) –** A dependent special district in which any future increases in property values are set aside to support economic development projects within that district (F.S. 163.356).

**DBA – Davis-Bacon Act (DBA):** Federal law requiring contractors and subcontractors performing on federally funded or assisted contracts for the construction, alteration, or repair of public buildings or public works to pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.

**DEO – Florida Department of Economic Opportunity:** Administrator of the CDBG-DR program funded by HUD under Public Law 115-254 and 116-20. DEO is the governor-designated state authority responsible for administering all long-term disaster recovery funds awarded to Florida from HUD.

**DOB – Duplication of Benefits:** A duplication of benefits occurs if DEO provides assistance to a participant for the same purpose as any previous financial or in-kind assistance provided to that participant for the same purpose. The DEO CDBG-DR program is prohibited from creating a DOB. This prohibition comes from the Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act) and therefore, other sources of funds must be deducted from any potential award or expenditures for individual participants.



**FR - Federal Register:** The official journal of the Federal government of the United States that contains government agency rules, proposed rules, and public notices. A Federal Register Notice (FRN) is issued for each CDBG-DR funded disaster. The FRN outlines the rules that apply to each allocation of disaster funding.

**HRP - Hometown Revitalization Program:** HRP is an economic development program within DEO's economic revitalization activities for recovery from Hurricane Michael.

**HUD - United States Department of Housing and Urban Development:** The federal agency responsible for national policy and programs that address America's housing needs, that improve and develop the Nation's communities, and enforce fair housing laws.

**Income** – Annual income as reported under the Census long-form for the most recent available decennial Census. This definition includes:

- A. Wages, salaries, tips, commissions, etc.;
- B. Self-employment income from own nonfarm business, including proprietorships and partnerships;
- C. Farm self-employment income;
- D. Interest, dividends, net rental income, or income from estates or trusts;
- E. Social Security or railroad retirement;
- F. Supplemental Security Income, Aid to Families with Dependent Children, or other public assistance or public welfare programs;
- G. Retirement, survivor, or disability pensions; and
- H. Any other sources of income received regularly, including Veterans' (VA) payments, unemployment compensation, and alimony.

**LMH - Low to Moderate Income Household:** A household having an income equal to or less than the Section 8 low income limit established by HUD.

**LMI - Low-and-Moderate-Income National Objective:** Activities that benefit households whose total annual gross income does not exceed 80% of AMI, adjusted for family size.

- **Extremely low:** Household's annual income is up to 30% of the area median family income, as determined by HUD, adjusted for family size.
- **Very Low:** Household's annual income is between 31% and 50% of the area median family income, as determined by HUD, adjusted for family size.
- **Low:** Household's annual income is between 51% and 80% of the area median family income, as determined by HUD, adjusted for family size.

**Low- and Moderate- Income (LMI) Person** – A member of a household having an income equal to or less than the Section 8 low-income limit established by HUD. Unrelated individuals will be considered as one-person household for this purpose.

**Low-Income Person** – A member of a family that has an income equal to or less than the Section 8 very low-income limit established by HUD. Unrelated individuals shall be considered as one-person families for this purpose.

**MID - Most Impacted and Distressed Areas:** Areas of most impact as determined by HUD or the state using the best available data sources to calculate the amount of disaster damage. The HUD-designated MID areas include Bay, Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, Wakulla and Washington Counties; The state-identified MID areas, Holmes, Leon and Taylor Counties are also eligible for funding due to having received both Individual Assistance (IA) and Public Assistance (PA) through the Federal Emergency Management Agency (FEMA).

**REDI – Rural Economic Development Initiative:** Section 288.0656, F.S., establishes the Rural Economic Development Initiative (REDI) to better serve Florida’s economically distressed rural communities by providing a more focused and coordinated effort among state and regional agencies that provide programs and services for rural areas. Rural Areas of Opportunity (RAO) are priority assignments for REDI (288.0656(2)(d), F.S.).

**Slum and Blight National Objective:** Activities under this national objective are carried out to address one or more of the conditions which have contributed to the deterioration of an area designated as a slum or blighted area. The focus is a change in the physical environment of a deteriorating area. Under the elimination of slum and blight national objective, determining the extent of and physical conditions that contribute to blight is central to qualifying an activity.

**Small Business:** A business is considered a small business, if it meets the definition of small business as defined by the SBA pursuant to 13 CFR Part 121. The SBA’s size standards define whether a business entity is small, and, thus, eligible for government programs and preferences reserved for “small business” concerns. Size standards have been established for types of economic activity, or industry, generally under the North American Industry Classification System (NAICS). See <https://www.sba.gov/document/support-table-size-standards>.

**State Agency** – Structure of executive branch. The executive branch of state government is structured as follows: (1) the department is the principal administrative unit of the executive branch. Each department must bear a title beginning with the words “State of Florida” and continuing with “Department of” (F.S. 20.04).

**Subrecipient:** Any entity that has been awarded funding by DEO to implement and administer a CDBG-DR project and has executed a subrecipient agreement.

**Subrecipient Agreement:** An agreement between DEO and a subrecipient that has been awarded funding to implement a CDBG-DR project. The agreement details the conditions under which funds are provided and the contractual obligations to which the subrecipient must adhere.

**Subrogation:** Subrogation is a legal doctrine that allows one entity to take on the rights of another. In the context of disaster recovery grants, a subrecipient must enter into a subrogation agreement in which the funding agency (DEO) obtains the right to collect any additional disaster recovery payments the entity obtains for the same purpose after the entity has received disaster recovery benefits.

**UGLG - Units of General Local Government:** A city, county, town, parish, village, or other general-purpose political subdivision of a State.

**Urgent Need National Objective:** Designed only for activities that alleviate emergency conditions. Qualified activities must meet the following criteria:

- The existing conditions must pose a serious and immediate threat to the health or welfare of the community;
- The existing conditions are of recent origin or recently became urgent (generally, within the past 18 months);
- The grantee is unable to finance the activity on its own; and
- Other sources of funding are **not** available.

**2 CFR 200 Subpart E:** Code of Federal Regulations passage that governs CDBG-DR administrative requirements and cost principles.

## INTRODUCTION

The Florida Department of Economic Opportunity (DEO) has allocated \$60,406,429 in funding for the Rebuild Florida Hometown Revitalization Program through the Community Development Block Grant – Disaster Recovery (CDBG-DR) Program by the U.S. Department of Housing and Urban Development (HUD) to address unmet disaster recovery needs related to damage from Hurricane Michael. This guidebook will describe applicant and project eligibility, program guidelines and application procedures for the funding.

On October 10, 2018, Hurricane Michael made landfall near Mexico Beach in Bay County as a Category 5 storm. The hurricane moved northeast across several Florida counties before traveling into Georgia and across the southeastern United States. As one of the strongest hurricanes on record, Hurricane Michael caused unprecedented damage to housing, businesses, and infrastructure in Florida’s Panhandle. The impacts of Hurricane Michael demonstrated the need for an effective, comprehensive long-term recovery plan that would address and meet the remaining unmet needs of Floridians.

Small businesses are the lifeblood of local economies throughout Florida. This can include typical small shops and restaurants in communities’ commercial districts, often the central hub of small and rural communities. Impacts on specific businesses may filter throughout the commercial area, as a few businesses unable to reopen after the disaster may reduce visitors to the commercial district, which then impacts the viability of the remaining businesses. Supporting the recovery of commercial areas is essential to ensuring that commercial tenants, customers and jobs are restored. By facilitating the return of commercial districts and businesses to profitability, jobs will be created or retained within the community and residents will continue to have access to the products and services they need within their local community.

Utilizing data from the unmet needs assessment and research on economic disaster recovery programs in other states, DEO developed the Rebuild Florida Hometown Revitalization Program (HRP) for communities impacted by Hurricane Michael. The program’s goal is to support the recovery of economic activity in commercial areas of impacted towns and cities, facilitating the return and recovery of businesses, jobs, and provision of goods and services to the community.

Eligible applicants in the following counties may apply for funding based on the terms and conditions in this application:

Eligible Counties that Experienced Storm Damage			
Bay*	Gadsden*	Jackson*	Wakulla*
Calhoun*	Gulf*	Leon**	Washington*
Franklin*	Holmes*	Liberty*	Taylor**

\*HUD Most Impacted and Distressed (MID) Counties

\*\*State Most Impacted and Distressed (MID) Counties

State Agencies as defined in section 20.04 F.S., counties and municipalities, as defined in section 180.01 F.S., located in the HUD and State designated MID areas that experienced Hurricane Michael storm damage are eligible to apply for funding based on the terms and conditions in this application. Applicants must provide a detailed description of damage caused by Hurricane Michael. Applications should include plans to mitigate against future damage and show how the proposed project will assist the community in rebuilding after Hurricane Michael.

DEO encourages all prospective applicants to read the State Action Plan for Hurricane Michael long-term recovery located at: <http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative/hurricane-michael>

## BACKGROUND

Following a major disaster, Congress can appropriate funds through the CDBG-DR program to satisfy a portion of unmet need that remains after other federal assistance such as the Federal Emergency Management Agency (FEMA), Small Business Administration (SBA) or private insurance have been allocated. DEO is the lead agency and responsible entity for administering the CDBG-DR funds allocated to the State of Florida.

HUD uses the best available data to identify and calculate unmet needs for disaster relief, long-term recovery, restoration of infrastructure, housing and economic revitalization. Based on this assessment, HUD announced that the State of Florida would receive an allocation of \$735,553,000 in disaster recovery funds to assist in the long-term recovery from the hurricane.

To ensure the funds assist the most impacted areas as outlined in the Federal Register, 80 percent of funding awarded to the state will go to the HUD-identified Most Impacted and Distressed (MID) counties. The remaining 20 percent of funding may be awarded to state-designated MID areas.

During the implementation process, program funding will be provided to subrecipient awardees. Subrecipients must develop and implement policies, procedures, and processes to deliver and maintain projects. Projects may be provided by the subrecipient directly or in partnership with governmental, private sector, or non-profit partners. At the end of the term specified in the subrecipient agreement, the grant will be closed. DEO, with the support provided by its designated partners, will monitor subrecipients throughout the life of the project.

## GENERAL INFORMATION

The availability of the funding was formally announced by publication in the Federal Register, Volume 85, Number 17 on January 27, 2020.

<https://www.govinfo.gov/content/pkg/FR-2020-01-27/pdf/2020-01204.pdf>

Federal Register requirements clearly state that funds may be used only for disaster relief and long-term recovery in communities affected by the specified disaster. Requirements provide that funds be directed to areas with the greatest need. All CDBG-DR funded eligible activities must tie to storm damage as specified in and not prior to the Presidential Disaster Declaration 4399 for Hurricane Michael on October 11, 2018. (<https://www.fema.gov/disaster/4399>). All projects must be directly related to damage caused by Hurricane Michael and evidence must be produced that documents the damage caused by Hurricane Michael. CDBG-DR funds cannot be used to replace or reimburse any available funding, such as FEMA Individual and Public Assistance (IA/PA). However, in certain situations, CDBG-DR funds can serve as the local match portion for eligible projects.

HRP is not a direct grant program. No funds will be paid directly to businesses seeking rehabilitation of their physical structures.



## HUD CDBG-DR PROGRAM AND PROJECT FUNDING DIRECTIVES

In response to HUD directives, the Action Plan directs DEO to fund projects and programs that:

1. Provide the maximum feasible priority to activities that will benefit low- and moderate-income (LMI) families.

The aggregate use of the CDBG-DR funds made available under this application shall principally benefit LMI families in a manner that ensures that at least 70 percent of the grant amount is expended for activities that benefit such persons.

2. Focus first on unmet housing needs.

Federal Register Volume 85, Number 17 dated January 27, 2020 states: "Grantees receiving an allocation of funds under this notice are subject to the requirements of the Prior Notices, as amended by this notice or by subsequent notices. Pursuant to the Prior Notices, each grantee receiving an allocation for a 2018 or 2019 disaster is required to primarily consider and address its unmet housing recovery needs. These grantees may, however, propose the use of funds for unmet economic revitalization and infrastructure needs unrelated to the grantee's unmet housing needs if the grantee demonstrates in its needs assessment that there is no remaining unmet housing need or that the remaining unmet housing need will be addressed by other sources of funds" (p. 4682).

For more information: <https://www.govinfo.gov/content/pkg/FR-2020-01-27/pdf/2020-01204.pdf>

3. Projects or programs must address a clear unmet need:
  - Have demonstrated physical damages or other direct impact from Hurricane Michael, not including economic impacts; and
  - Primarily serving LMI populations.
4. Projects must designate a specific, identifiable commercial area as the project location, which must:
  - Be located entirely within the applying entity's or entities' jurisdiction;
  - Be in one (1) contiguous commercial area
  - Be primarily commercial in nature. Mixed use areas are eligible if commercial uses are the majority (51%) of the units with the area, however, HRP funding may only be utilized for the commercial component(s) of the project and may not be used for housing components;
  - Include multiple (minimum 3) separate commercial businesses within the commercial area;
5. Projects must include a credible financial and development plan for completion and occupancy.
6. Projects must demonstrate ability to utilize the requested funding and complete all components of the project within twenty-four (24) months of subrecipient agreement execution.
7. Projects may not be undertaken for the benefit of any single business; projects must be intended to benefit a diversity of business occupants located within the designated commercial area.
8. Subrecipient must document the general use of each business location/property and the national objective it expects to meet. The subrecipient of the program must also make a written commitment that each business property will remain under the general use that will meet the specified national objective as described in the application for the economic development project for a minimum of five (5) years.

## PRE-AWARD AND PRE-CONSTRUCTION COSTS

HUD eligible pre-award and pre-construction costs may be eligible for reimbursement by DEO provided that all HUD and applicable Florida procurement rules and regulations have been followed and the applicant can demonstrate proper procedure was followed.

## THRESHOLD AND SCORING CRITERIA

DEO will apply a two-phased process to review applications. First, proposals must pass DEO CDBG-DR Threshold Compliance Criteria. Next, DEO will review and score each proposal based on Scoring Criteria. If a proposal does not meet any of the Threshold Criteria, DEO cannot proceed to score it for funding consideration. The maximum score for Scoring Criteria is 140 points.

**Proposed project must meet minimum award amount of \$250,000 and may not exceed the maximum award of \$15,000,000.**

### A. Threshold Compliance Criteria

Every project application must meet the following threshold criteria to be determined eligible:

- Be located entirely within the applying entity's or entities' jurisdiction;
- Located within an eligible HUD or State designated MID area;
- Benefit to LMI Persons, Aid in the prevention or elimination of slums and blight, or Meeting a need having a particular urgency (urgent need);
- Is an eligible activity under HUD Guidelines;
- Is an eligible activity under the State of Florida Hurricane Michael Action Plan; and
- Addresses an unmet need tied to damage caused by Hurricane Michael

### 1. Projects must meet a CDBG-DR National Objective such as:

- Benefit LMI persons;
- Slum and Blight; or
- Address an urgent need

### 2. Hometown Revitalization Projects must be considered as CDBG-DR Eligible Activities.

HRP awards are for the revitalization of a designated commercial district that has been damaged by Hurricane Michael. Projects may focus on the physical revitalization of a commercial district through rehabilitation, reconstruction, or demolition. Eligible uses of funds include, but are not limited to:

- Public facility improvements, including streetscapes, lighting, sidewalks, and other physical improvements to commercial areas;
- Acquisition, demolition, site preparation, or rehabilitation of commercial structures carried out by a unit of local government;
- Assistance to small businesses for rehabilitation and physical improvements to their places of business; and
- Façade improvements to private or public structures in commercial areas.

For more detail see Housing and Community Development Act, Sections 105(a)(1), (2), (4), (14), (15), and (17).

<https://www.hudexchange.info/sites/onecpd/assets/File/CDBG-State-National-Objectives-Eligible-Activities-Appendix-A.pdf>

## B. Scoring Criteria

Once a proposal is determined to satisfy CDBG-DR’s Threshold Compliance Criteria, DEO will apply scoring based on the following Scoring Criteria. The maximum Scoring Criteria score is 140.

The following chart further defines each category and lists the maximum point allocation for each scoring category. In the event of a scoring tie, projects that have a higher LMI or are located within HUD designated MID areas will be considered first.

		<b>Max Points</b>
1	<p><b>Overall LMI Benefit (percent LMI benefit of the activity):</b>                      The LMI score will be determined on the service area the project serves, in order to calculate the LMI score. The applicant should provide their LMI data for the project service area in a percentage form. For example, if the service area LMI is 65%, DEO will multiply by 30 (the maximum amount of points) to receive the final LMI score of 19.5 points.                      The LMI percentage will be calculated by DEO using the formula outlined on the CDBG LMI Data website:  <a href="https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/">https://www.hudexchange.info/programs/cdbg/cdbg-low-moderate-income-data/</a></p>	<b>30</b>
2	<p><b>Project Description:</b>                      Write an overview/summary, not to exceed 2,500 words, of the project being proposed.                      1. State the project purpose and include a description of the proposed activity.                      2. Specify the businesses that will be assisted by completion of this project.                      3. Describe the tie-back to Hurricane Michael.                      4. Describe how the work will be done and the team assembled to complete work.                      5. Explain the method used to determine project funding requirements.                      6. Describe anticipated outcomes.                      7. Describe how the project will be maintained after it is completed.                      8. If not using LMI national objective, provide justification for using slum or blight; or urgent need national objective</p>	<b>20</b>
3	<p><b>Project Impact:</b>                      The impact of the project in expanding permanent employment opportunities, including opportunities for LMI individuals.</p>	<b>20</b>
4	<p><b>Leverage of Funds:</b></p> <ul style="list-style-type: none"> <li>• CDBG-DR funds used as federal program local match – 10 points</li> <li>• CDBG-DR funds used along with leveraged funds from the applicant – 10 points</li> </ul>	<b>20</b>
5	<p><b>Management Capacity Plan:</b>                      Provide a strategic plan overview of 1,500 words or less that addresses goals, stakeholders, the work plan (major tasks and deliverables), resources (staffing and budget) and monitoring/quality controls. Describe any community partnerships and roles. Identify the staff members who will be responsible and/or positions that will be filled for the HRP project management and maintenance. Provide a short profile on each person on your current staff who perform project-related tasks and a brief position description for any new hires who will be assigned to project work.</p>	<b>10</b>
6	<p><b>Special Designation:</b> Application outlines qualification as a special designation</p> <ul style="list-style-type: none"> <li>• Rural Economic Development Initiative (REDI) eligible county or community (see section F.S. 288.0656)</li> </ul>	<b>10</b>

7	<b>Budget:</b> Include your project budget using the Budget Worksheet provided as Appendix A. The project budget must be cost-reasonable, appropriate and accurate. Budgeted items must be consistent with the project description and tasks. The funding requested must meet the HRP minimum award of \$250,000. Applicant must demonstrate there is no duplication of benefits.	<b>10</b>
8	<b>Project Readiness:</b> <ul style="list-style-type: none"> <li>• Planning is complete, and the project is ready to break ground after the completion of a required HUD compliant environmental review or assessment and funds are available – 10 points</li> <li>• Initial planning has been completed and the procurement process is ready to begin – 5 points</li> </ul>	<b>10</b>
9	<b>Project Located in HUD or state-identified MID area</b> HUD MID – 10 pts. State MID – 5 pts.	<b>10</b>
<b>Total Maximum Score</b>		<b>140</b>

## ELIGIBLE APPLICANTS

Entities applying to receive assistance through the HRP must meet the following eligibility requirements:

- Unit of general local government (UGLG);
- State agency;
- Community revitalization agency (CRA);
- Community development district (CDD);
- Community-based development organization (CBDO); or
- Non-profit primarily engaged in community redevelopment activities that applies in partnership with their local UGLG or a state agency; and
- Must not appear on the Excluded Parties Listing System. The Excluded Parties List System (EPLS) is an electronic directory of individuals and organizations that are not permitted to receive federal contracts or assistance from the United States government. Any company doing business-or hoping to do business-with the U.S. government or federal agencies must assure that is has no affiliation with excluded parties. For search, go to:  
<https://sam.gov/SAM/pages/public/searchRecords/search.jsf>

DEO will maintain one subrecipient agreement and relationship with the eligible applicant. Applicants may only submit one project per application. Proposals for funding may only serve eligible counties. DEO encourages eligible applicants to form partnerships that provide the necessary capacity to successfully administer the proposed CDBG-DR projects and programs.

If allocated funds by DEO, applicants that are working as a group or in partnership with non-profits, not for profits, nongovernmental organizations or other eligible applicant, must have a signed Interlocal Agreement or Memorandum of Understanding between the partnering entities prior to execution of the subrecipient agreement with DEO.



**ELIGIBLE ACTIVITIES**

To be eligible for consideration of funding, applicants must propose programs or projects that align with CDBG-DR and DEO requirements and priorities as outlined in the action plan and the Federal Register, including but not limited to those set forth below:

- Projects must demonstrate damage tie-back to Hurricane Michael.
- Projects must primarily serve LMI populations.
- Projects must not duplicate benefits.

**Activities**

1. Public facility improvements, including streetscapes, lighting, sidewalks, and other physical improvements to commercial areas;
2. Acquisition, demolition, site preparation, or rehabilitation of commercial structures carried out by a unit of local government;
3. Assistance to small businesses for rehabilitation and physical improvements to their places of business; and
4. Façade improvements to private or public structures in commercial area.

**INELIGIBLE USES**

Ineligible uses of HRP funds include, but are not limited to:

- Working capital, operational capital, or startup capital for a business or business incubator;
- New construction of a commercial building(s) that was not present prior to Hurricane Michael;
- Purchase of equipment;
- Inventory, furnishings, equipment, or similar items provided to a business that are not related to improvements of real property;
- Acquisition of property via Eminent Domain;
- Activities relating to a building or portion of a building used for the general conduct of government; and
- General government expenses.

**BUSINESS ELIGIBILITY**

- Business must be located in Florida
- Business must be owned and controlled by persons who are eligible to work in the U.S.
- Business must have been established prior to October 10, 2018
- Be appropriately be registered with the State of Florida, as documented in a certificate of status obtained from the Florida Department of State
- Business is required to provide the following documentation, if applicable:
  - State Certificate of Status;
  - State/Local Tax Registration or Certificate of Exemption; and
  - State business or professional license
- Business must currently have a least two (2) full-time employees, and must have employed at least two (2) full-time employees prior to October 10, 2018
  - This includes microenterprises. A microenterprise is a commercial enterprise that has five (5) or fewer employees, one or more of who owns the enterprise

## BUSINESS INELIGIBILITY

- A business deriving more than one-third of gross annual revenue from legal gambling activities.
- A business engaged in any illegal activity.
- A business that presents live performances of an indecent sexual nature or derive directly or indirectly more than 2.5 percent of gross revenues through the sales of products and services, or the presentation of any depictions or displays, of an indecent sexual nature.
- A business that has a primary purpose of facilitating polyamorous relationships.
- Massage parlors.
- Hot tub facilities.
- Escort services.

## ENVIRONMENTAL CLEARANCE

All CDBG-DR activities are to comply with the provisions of the National Environmental Policy Act of 1969 (NEPA), as well as all HUD environmental regulations provided in 24 CFR part 58. All subrecipients will be responsible for determining the appropriate level of environmental clearance required for the project, conducting the required environmental study, and supplying the information to DEO. The environmental clearance must be completed and approved prior to any release of funds for the project or construction commencing. If an identified environmental condition for a site or project cannot be cleared, the site or project may not be an eligible location for CDBG-DR activities and may be deemed ineligible for funding.

## DUPLICATION OF BENEFITS

Eligible entities may have previously received assistance from other sources for the same purpose as the HRP. Under the requirements of *The Robert T. Stafford Disaster Assistance and Emergency Relief Act*, as interpreted and applied by HUD, DEO, and its subrecipients, DEO and subrecipients must take into account certain aid received by a person or entity in determining the amount of assistance which can be granted. DEO and subrecipients must follow HUD's Duplication of Benefits (DOB) Guidance. Individual applicants and entities must provide any information on benefits received that may create a DOB during the application process and upon request. The subrecipient must perform due diligence verification of DOB information.

The Supplemental Appropriations Act authoring CDBG funding and the Stafford Act include restrictions on using CDBG-DR program funds to provide assistance when other entities have already funded all or a portion of the activity. The Stafford Act also contains eligibility requirements for recipients who have received prior disaster funding based upon whether or not they are in compliance with requirements associated with receipt of those funds. Where applicable, recipients must be in compliance with these restrictions or funding will be denied. Applicants and partner entities must report all financial assistance, other local, state, or federal programs, private or non-profit charitable organizations and other assistance received for the purpose for which the participant is applying for, and receiving, funding or services.

Funds provided by any federal, state, or local government entity, or non-profit or private source intended for the same purpose as the HRP are considered a DOB and under federal law **must** be deducted from the assistance provided by the HRP. Any additional funds paid to entities for the same purpose as the HRP after the HRP projects are completed **must** be returned to DEO. Entities in the HRP must agree to repay any duplicative assistance considered a duplication of benefits.

## SUBROGATION

Subrogation is a legal doctrine that allows one person to take on the rights of another. In the context of disaster recovery grants, a HRP subrecipient must enter into a subrogation agreement where the funding agency (DEO) obtains the right to collect any additional payments the subrecipient receives for the same purpose after the subrecipient has entered into a grant agreement for HRP benefits.

All duplicative funding received must be remitted to or accounted for by the program, regardless of when it is received by the subrecipient. If a subrecipient receives additional funding for the same purpose as the HRP award, including after the HRP award is executed or HRP services are completed, the subrecipient is required to report the additional funding to the program.

By accepting the award, subrecipient agrees that they will report any duplicative funds to the program whenever received. Upon receipt of a report that additional benefits have been received, the program will recalculate the subrecipient's award and provide instructions whether the subrecipient's award will be reduced by such amount, or whether the subrecipient must remit such amounts to the program as reimbursement (when additional assistance received after program disbursements). Each subrecipient will execute and be bound by a subrogation agreement.

Entities listed in the subrecipient application must also agree to subrogate (commit to the state of Florida) any future payments they may receive after award from any sources that represent a potential duplication of benefits. The subrogation agreement requires the subrecipient to notify DEO if additional funds are received and to assist DEO in collecting any amounts owed to them from these sources. All parties shall comply with standard anti-fraud measures. DEO will exercise all normal due diligence in collection of amounts owed through contact with awardees and will pursue investigation and collection efforts which may include demand letters, small claims court, filing of judgments, and/or other collection activity. Collection activity following demand letters will be determined in consultation with DEO and/or the Florida Attorney General's Office.

## CDBG-DR COMPLIANCE

All applicants with proposals approved for CDBG-DR funds under this application must execute a subrecipient agreement with DEO which will specify all terms and conditions for successful program and/or project and compliance management of a grant. The DEO subrecipient agreement will include, but is not limited to, the following topics:

### **A. National Objectives**

All activities must meet one of the national objectives set out in the Housing and Community Development Act, with at least 70 percent of the dollars going towards projects benefiting LMI persons. In the Rebuild Florida Hometown Revitalization Program, the three National Objectives that will be addressed are:

- 1) Benefit LMI persons;
- 2) Slum and Blight; or
- 3) Meet an urgent need.

### **B. Cross-Cutting Federal Regulations**

DEO requires projects or programs selected for CDBG-DR funding to meet HUD crosscutting federal regulations, such as NEPA environmental review, duplication of benefits, fair housing, Section 3

employment, Davis Bacon wages and others which will be specified in the subrecipient funding agreement. For more information please see:

<https://www.hudexchange.info/resources/documents/CDBG-DR-Cross-CuttingTraining-Resources.pdf>

**C. Citizen Participation Requirements**

All applicants must submit evidence of a publicly noticed meeting or public comment period to discuss the proposed project and application for the HRP. Counties eligible to receive funds must consider the needs of all municipalities (and federally recognized tribes) within the incorporated and unincorporated area of the county (and reservations contiguous to the county).

Due to the impacts of COVID-19, DEO is allowing applicants to receive public input on their HRP application by the following meeting formats:

1. Posting information about the project online: An applicant posts the information about the project and the program to its public website and allows for 14-day public comment period. Please submit a copy of the post and any public comments to DEO as part of the application. In choosing this option for public comment, the entity will still need to follow proper public noticing guidelines such as advertising the posting in a newspaper of general circulation for five (5) days.
2. Virtual public meetings: An applicant would need to supply the same documentation that would normally be required to demonstrate if a meeting was held, including minutes and a public meeting notice.

Evidence of public meeting with city and tribal governments must meet the following requirements:

- Notice of the public meeting must be provided at least five (5) days prior to the meeting.
- Documentation of the meeting must include sign-in sheets and minutes.

Prior to applying for CDBG-DR funding, applicants are required to post a public notice in a newspaper of general circulation and to their website that states the types of projects to be undertaken, the source and amount of funding available for the activities, the date by which comments must be made and a contact person for a copy of the proposed application. Applicants must provide for a 10-day comment period, which must be published prior to the submission of the application.

Evidence of the public notice must meet the following requirements:

- Documentation of newspaper advertisement.
- Print-out of county webpage showing public notice.
- Documentation that the needs of non-English speaking citizens have been met where a significant number of non-English speaking citizens can be reasonably expected to participate. In this case, documentation will need to be translated into Spanish.

**D. Use of CDBG-DR as Match**

Funds may be used to meet a matching, share, or contribution requirement for another federal program when used to carry out an eligible CDBG-DR activity. This includes programs or activities administered by the Federal Emergency Management Agency (FEMA) or the U.S. Army Corps of Engineers (USACE). By law, the amount of CDBG-DR funds that may be contributed to a USACE project is \$250,000 or less. Note that the Appropriations Act prohibits supplanting the use of CDBG-DR funds for any activity reimbursable by, or for which funds are also made available, by FEMA or USACE.



**E. System of Record and Compliance Verifications**

Subrecipients will be required to submit information and reports in the means, format, and frequency required by DEO.

**F. Anti-Fraud and Compliance Policies**

HUD requires policies to prevent fraud, waste, and abuse. DEO is committed to aggressively detecting and eradicating fraud, waste, and abuse to ensure that DEO-administered programs provide services effectively and efficiently and that taxpayer funds are protected. Each employee, provider, vendor, contractor, consultant, partner, citizen, applicant, and beneficiary has a role and responsibility to ensure that every project is in compliance with local, state, and federal laws and policies, and that any incidents are reported immediately for investigation and resolution.

DEO has established procedures for verifying the accuracy of information provided by subrecipients, applicants, and participants. The program will investigate all allegations regarding eligibility, disbursement of funds, or any other allegations of fraud or noncompliance. Where appropriate, the program will assist federal, state, and local agencies in investigations.

Instances of suspected fraud, waste, and abuse should be reported to the DEO Office of Inspector General and to the HUD OIG Fraud Hotline at:

Office of Inspector General  
 Florida Department of Economic Opportunity  
 107 East Madison Street  
 Caldwell Building, MSC 300  
 Tallahassee, FL 32399-4126  
 (850) 245-7135  
[OIG@deo.myflorida.com](mailto:OIG@deo.myflorida.com)  
 Online complaint form:  
<http://www.floridajobs.org/office-directory/office-of-the-inspector-general/request-for-assistance/general-complaint-form>

HUD Inspector General Hotline (GFI)  
 451 7<sup>th</sup> Street, SW  
 Washington, DC 20410  
 1-800-347-3735  
[hotline@hudoig.gov](mailto:hotline@hudoig.gov)  
 More information and online complaint form: [www.hudoig.gov/report-fraud](http://www.hudoig.gov/report-fraud)

Any complaints or allegations of fraud, waste, abuse, or noncompliance reported to a subrecipient involving HRP or funds must be reported by the subrecipient to the DEO Office of the Inspector General.

**G. CDBG-DR Costs Guidance**

Applicants in their budget proposals must include all costs related to the construction and ongoing, necessary maintenance, of the project.

DEO will apply the following standards in the analysis and ongoing compliance review of allowable costs. Please see <https://files.hudexchange.info/resources/documents/CDBG-DR-Cost-Types-Summary.pdf> for HUD guidance.

As outlined in 2 CFR 200 Subpart E, all costs must meet four (4) criteria:

- **Necessary:** CDBG-DR funding will fill a necessary gap to address an unmet need that cannot be filled by another funding source. This is demonstrated by conducting a duplication of benefits analysis and calculation for each activity.
- **Reasonable:** Costs do not exceed what a prudent person would incur under similar circumstances as demonstrated by the market price for comparable goods and services.
- **Allowable:** Costs must be allowable under CDBG-DR rules and regulations and under 2 CFR 200 Subpart E. Some costs such as lobbying, entertainment, and alcohol are never allowed under any circumstances.
- **Allocable:** Costs must be clearly allocated, meaning the cost is assigned to a CDBG eligible activity with a methodology for determining where to attribute cost.

Activity Delivery Costs must be tied to the time staff and contractors dedicate to a specific project. Applicants must show how the proposed Activity Delivery Costs are or will be cost reasonable through procurement of professional services and/or cost of in-house staff to provide program or project related services. All Activity Delivery Costs must be included as part of the total project costs in a request for CDBG-DR funding. Please include a cost reasonable estimate for all administrative costs associated with the proposed project.

#### **H. Conflict of Interest**

State officials and employees, DEO employees, subrecipients, contractors, and consultants who exercise function with respect to CDBG-DR activities or who are in a position to participate in a decision-making process or gain inside information with regard to such activities, are prohibited from receiving any benefit from the activity either for themselves or for those with whom they have family or business ties, during their tenure.

For purposes of this section, “family” is defined to include parents (including mother-in-law and father-in-law), grandparents, siblings (including sister-in-law and brother-in-law) and children of an official covered under the conflict of interest regulations at 24 CFR 570.489(h).

An exception to the conflict of interest provision may be granted should it be determined that all the concerns generated by the potential conflict of interest have been adequately and publicly addressed and that an exception would serve to further the purposes of Title I of the Housing and Community Development Act of 1974 and the effective administration of the program. No party will enter into a conflict of interest until a request for an exception has been granted by DEO.

#### **I. Public Records**

Pursuant to Article 1, Section 24, Florida Constitution, and Chapter 119, Florida Statutes, DEO is subject to Florida’s public records laws. Accordingly, unless an exemption exists, all records produced or received pursuant to law or in connection with the official business of DEO can be requested and provided for inspection. Subrecipients participating in the HRP are also subject to Florida’s public records laws. All public records requests made to DEO will be processed in accordance with DEO Administrative Policy 1.06, Processing Public Records Request. Public records held by subrecipients may be requested by contacting the relevant subrecipient.

## APPLICATION PROCEDURES

- A. NOTE: The application submission cycle will officially open on November 16, 2020 through February 16, 2021. DEO will take questions about HRP throughout the application process. Please email any question regarding the application to:  
[CDBG-DRMichaelHRP@deo.myflorida.com](mailto:CDBG-DRMichaelHRP@deo.myflorida.com).
- B. All eligible applicants are invited to visit the Hurricane Michael Rebuild Florida Hometown Revitalization Program webpage and click on “Online Application” found at the following link:  
<http://www.floridajobs.org/community-planning-and-development/assistance-for-governments-and-organizations/disaster-recovery-initiative/hurricane-michael>. The applicant will then be prompted to provide contact information and an email address. Once registered, the applicant will receive an individualized application link via the provided email.
- C. All eligible applicants will be expected to complete and submit all required attachments to the application which are listed below. DEO may request additional supporting documents during the application review period and site visit period.
1. Cover letter detailing the project and the importance to the community that the project will serve.
  2. Project budget estimates. Please include all estimates for administration of the grant in the budget. If an applicant is attempting to leverage funds from another program or is committing additional local funds, please clearly list these funds on the budget worksheet.
  3. Projected project work plan, including which segments of the project are expected to be carried out by contractors or applicant staff.
  4. Organization Chart or Schedule of Team Roles, such as staff, contractor, vendor and community partners illustrating their roles and responsibilities as it relates to the proposed project.
  5. Public Meeting Notice, which includes meeting agenda, meeting minutes, and any received public comments pertaining to the proposed project.
  6. Maps illustrating the following:
    1. Total service area;
    2. Proposed project area;
    3. Zoning of proposed project area; and
    4. Most recent flood plain map of the proposed project area.
  7. Pictures of damage caused by Hurricane Michael and the current condition. Applicants will have the ability to upload up to ten (10) pictures of the damage caused to the project/project area and the current conditions of the project/project area.
  8. Documentation of REDI eligibility.
  9. List of businesses to be assisted in proposed project. Also, include FEIN for each business.

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- D. DEO will score each proposed project separately based on information provided in the application packet. DEO reserves the option to fund none, a selection of, or all of the project proposed by an applicant.
- E. DEO will conduct site visits and reserves the opportunity to interview applicants and request follow-up clarification information.
- F. If an applicant is planning to submit more than one project proposal, please fill out a different application packet for each of the proposed projects.

#### **TECHNICAL ASSISTANCE FOR THE APPLICATION PROCESS**

DEO will host a live webinar on 12/3/2020 at 2:00 EST to provide an overview of the application process and answer questions. DEO will also host 20-minute one on one meetings with potential applicants to discuss any questions that may arise during the application process beginning after the live webinar. Please email any question to [CDBG-DRMichaelHRP@deo.myflorida.com](mailto:CDBG-DRMichaelHRP@deo.myflorida.com).



Special Projects Coordinator Report  
December 15, 2020

1- Board action on draft letter to USACOE. The Corps has requested the Board send the letter to further confirm the county's commitment to paying the non-federal share of costs related to dredging Eastpoint and Two Mile Channel. While Mr. Shuler and I recognize the Corps is in control of the costs, the Corps has advised that any changes to the proposed language will delay the review and approval of the MOA that is still sitting in Atlanta. In my conversations with Corps personnel I now realize part of the problem in getting this MOA out of the Corps is that it is not standard practice for the Corps to accept non-federal funds to complete projects. Our project is about the second MOA the Mobile office has done in 10 years, so no one in the Corps is familiar or comfortable with what they need. The concern for the Corps is that they are going to be signing the contract with the dredge operator, so they will have the legal requirement to pay the contract, not Franklin County.

2- Board action to authorize the disposal of a 1988 Chevy S-10 Blazer and a 1994 GMC Jimmy. In 2019, Mr. Ted Mosteller brought into the County Finance Office vehicle tags to two vehicles that had been used at the airport but had been deemed no longer road worthy. He brought the tags in as evidence the vehicles would not be driven off the airport property. He parked the vehicles under the Shade Hanger and left them there. In March/April of 2020, Mr. John Collins, AVCON, was called by the contractor building the airport access road and was told there were two abandoned vehicles in the path of the road, and what did Mr. Collins want the contractor to do with the vehicles. The contractor said his options were to charge the county for disposal of the vehicles as they were in the way, or to give the vehicles away if someone would move them at no cost. One of the vehicles was a 1988 Chevy S-10 Blazer and the other vehicle was a 1994 GMC Jimmy.

Mr. Collins called me and asked me what to do. Acting on the information that the vehicles did not have tags I assumed the vehicles had been abandoned and had no value. I did not draw the connection to the vehicles still being owned by the county as there were no plates on the vehicles and they had been moved at some point from beneath the Shade Hanger. I told Mr. Collins to get rid of the vehicles at the lowest cost, which in this case was for the contractor to give the vehicles away.

Now, in December, 2020, someone in Eastpoint has ended up with the 32 year old Chevy S-10 Blazer and needs the title. Board action to acknowledge and authorize the disposal as junked surplus equipment both the 1988 Chevy S-10 Blazer and the 1994 GMC Jimmy during the airport road construction project in 2020. The sprayer equipment that was mounted on the 1988 Chevy Blazer is missing and was not on the vehicle at the time it was in the path of the road. Board action.

### Information Items

1- Provide Board with a status report of projects that Commissioner Boldt asked me to create.

2- Inform Board that I have consulted with Bay County regarding the language they use for bidding out county roads being rebuilt with FEMA funds. Bay County is in agreement with what Franklin County does. Bay County uses similar language limiting qualified bidders to FDOT pre-qualified firms, but they do it by citing the appropriate Florida Administrative Code. Dewberry and I are moving forward with re-advertising Alligator Drive.

v.

# FRANKLIN COUNTY

REPLY TO:   
BOARD OF COUNTY COMMISSIONERS  
33 MARKET STREET, SUITE 203  
APALACHICOLA, FL 32320  
(850) 653-8861, EXT. 100  
(850) 653-4795 FAX



REPLY TO:   
PLANNING & BUILDING DEPARTMENT  
34 FORBES STREET, SUITE 1  
APALACHICOLA, FL 32320  
(850) 653-9783  
(850) 653-9799 FAX

December 15, 2020

Mr. Donald Greene  
Mobile District  
USACOE  
Mobile, AL

Dear Mr. Greene:

This is to confirm that the County's letter of October 8, 2020 is its commitment to pay all applicable costs for dredging the channels above the federal funding. While the current Government estimate for dredging is \$6,000,000 of which \$5,000,000 is non-federal, that estimated figure is not a cap or limitation on the County's commitment.

Sincerely,

Ricky Jones, Chairman  
Franklin County  
Board of County Commissioners

Cc: Franklin County Commission  
Michael Shuler, County Attorney

Status Report on a Variety of Projects  
December 15, 2020

1- Alligator Drive. FEMA has obligated \$5.5M to rebuild the road and install vertical sheetpile along 1100 feet of the water side of road. Road will be rebuilt in the current right-of-way. In order to comply with FEMA procurement requirements the project will be re-bid. FEMA has allowed until 2022 for the project to be completed, but construction should be completed by July, 2021.

2- Island View. FEMA has obligated some \$1M to rebuild Park. The next step is to convert the FEMA work description into a set of construction plans and bid the project out. FEMA has also allowed until 2022 for the project to be completed, but it could be completed in 6 months from when the bids are opened.

3- Dune Restoration on Alligator Point and St. George Island- This is NOT a FEMA project. Dune Restoration is a RESTORE project with the funds for the project being held by US Treasury. Langton Consultants are working with Treasury staff to get this project ready for design. The Treasury staff person handling RESTORE projects for Franklin County has been on six week paternity leave and is due back at work in mid-December. The county is expecting approval of the projects shortly after the Treasury employee returns to work.

4- Additional protection for Alligator Drive beyond what will be accomplished by the FEMA project. The FEMA project will install sheetpile along 1100 feet of roadway but Alligator Drive extends for miles east and west of these 1100 feet. In some areas the road is protected by well built structures on private property and in other places the road is not as protected. The erosion forces are so severe on Alligator Point that over a mile of Alligator Drive is within the 30 year erosion zone. This means that without protection the state of Florida expects erosion in the next 30 years to move landward and potentially damage more of the road. The state of Florida traditionally funds erosion control through a state managed program that builds “engineered” beaches in areas subject to erosion. Franklin County is requesting \$200,000 from the 2021 Legislature to complete the design for an “engineered” beach along 1.1 mile of Alligator Drive that is most exposed. If the Legislature funds this request, the county would then seek \$5M of construction funds in 2022.

If the Legislature funds the construction, the county would match the state funds with \$5M of RESTORE funds because the total construction estimate for the 1.1 mile beach is approximately \$10M.

However, before the Franklin County Commission engages in construction some mechanism will have to be put in place to generate a maintenance fund for the beach, as engineered beaches are known to erode over time and there must be some way to put the sand back. The Commission has not agreed on a method for creating a maintenance fund.

5- Multi-Use Path for Alligator Point- FDOT has funded a 2 mile bike path starting at the Marina on the west end of the Point and going east to the Alligator Drive wash-out being



rebuilt with FEMA funds. The Multi-Use Path has been bid out, but because of potential conflicts with water lines owned and maintained by the Alligator Point Water District FDOT has agreed to let the county re-design the project to reduce the potential conflict, and then re-bid the project. The date for the re-bid can not be set until the redesign is completed.

The county has also received another agreement from FDOT for the design of the bike path through the washout area and continuing east to Gulf Shore Blvd. This agreement is under discussion because of the problem of trying to rebuild the road and build the bike path at the same time. The design of the bike path in this section is still being formulated because the existing right of way has been reduced because of erosion so there is not a full width of right of way to separate the multi-use path from vehicular traffic.

**STATE OF FLORIDA  
FLORIDA FISH AND WILDLIFE CONSERVATION COMMISSION**

**AGREEMENT NO. 20011**

<b>CFDA Title(s):</b> Federal Aid in Sportfish Restoration	<b>CFDA No(s):</b> 15.605
<b>Name of Federal Agency(s):</b> U.S. Fish and Wildlife Service	
<b>Federal Award No(s):</b> FL-F-F20AF11284	<b>Federal Award Year(s):</b> 2020-2021
<b>Federal Award Name(s):</b> Marine Artificial Reef Planning, Development, Administration, and Assessment in Florida	
<b>CSFA Title(s):</b> Florida Artificial Reef Program	<b>CSFA No(s):</b> N/A
<b>State Award No(s):</b> FWC-20011	<b>State Award Year(s):</b> N/A
<b>State Award Name(s):</b> Franklin County Artificial Reef Construction 2020-21	

This Agreement is entered into by and between the Florida Fish and Wildlife Conservation Commission, whose address is 620 South Meridian Street, Tallahassee, Florida 32399-1600, hereafter “**Commission**,” and Franklin County Board of Commissioners, FEID # 59-6000612, whose address is 33 Market Street, Suite 203, Apalachicola, FL 32320, hereinafter “**Grantee**.”

**WHEREAS**, the Commission and Grantee have partnered together to construct three artificial reef complexes by deploying at least 25 concrete prefabricated reef modules within Buddy Ward permitted area; and,

**WHEREAS**, Grantee has been awarded the grant entitled "Franklin County Artificial Reef Construction 2020-2021/ FWC-20011; and,

**WHEREAS**, such benefits are for the ultimate good of the State of Florida, its resources, wildlife, and public welfare.

**NOW THEREFORE**, the Commission and the Grantee, for the considerations hereafter set forth, agree as follows:

**1. PROJECT DESCRIPTION.**

The Grantee shall provide the services and perform the specific responsibilities and obligations, as set forth in the Scope of Work, attached hereto as Attachment A and made a part hereof (hereafter, Scope of Work). The Scope of Work specifically identifies project tasks and accompanying deliverables. These deliverables must be submitted and approved by the Commission prior to any payment. The Commission will not accept any deliverable that does not comply with the specified required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable. If this agreement is the result of Grantee responses to the Commission’s request for competitive or other grant proposals, the Grantee’s response is hereby incorporated by reference.

**2. PERFORMANCE.**

The Grantee shall perform the activities described in the Scope of Work in a proper and satisfactory manner. Unless otherwise provided for in the Scope of Work, any and all equipment, products or materials necessary or appropriate to perform under this Agreement shall be supplied by the Grantee. Grantee shall obtain all necessary local, state, and federal authorizations necessary to complete this project, and the Grantee shall be licensed as necessary to perform under this Agreement as may be required by law, rule, or regulation; the Grantee shall provide evidence of such compliance to the Commission upon request. The Grantee shall procure all supplies and pay all charges, fees, taxes and incidentals that may be required for the completion of this Agreement. By acceptance of this Agreement, the Grantee warrants that it has the capability in all respects to fully perform the requirements and the integrity and reliability that will assure good-faith performance as a responsible Grantee. Grantee shall immediately notify the Commission's Grant Manager in writing if its ability to perform under the Agreement is compromised in any manner during the term of the Agreement. The Commission shall take appropriate action, including potential termination of this Agreement pursuant to Paragraph eight (8) below, in the event the Grantee's ability to perform under this Agreement becomes compromised.

**3. AGREEMENT PERIOD.**

**A. Agreement Period and Commission's Limited Obligation to Pay.** This Agreement is made pursuant to a grant award and shall be effective upon execution by the last Party to sign and shall remain in effect through 08/31/2021. However, as authorized by Rule 68-1.003, F.A.C., referenced grant programs may execute Agreements with a retroactive start date of no more than sixty (60) days, provided that approval is granted from the Executive Director or his/her designee and that it is in the best interest of the Commission and State to do so. For this agreement, the retroactive start date was not approved. The Commission's Grant Manager shall confirm the specific start date of the Agreement by written notice to the Grantee. The Grantee shall not be eligible for reimbursement or compensation for grant activities performed prior to the start date of this Agreement nor after the end date of the Agreement. For this agreement, preaward costs are not eligible for reimbursement. If necessary, by mutual agreement as evidenced in writing and lawfully executed by the Parties, an Amendment to this Agreement may be executed to lengthen the Agreement period.

**4. COMPENSATION AND PAYMENTS.**

**A. Compensation.** As consideration for the services rendered by the Grantee under the terms of this Agreement, the Commission shall pay the Grantee on a cost reimbursement basis in an amount not to exceed \$60,000.00.

**B. Payments.** The Commission shall pay the Grantee for satisfactory performance of the tasks identified in Attachment A, Scope of Work, as evidenced by the completed deliverables, upon submission of invoices, accompanied by supporting documentation sufficient to justify invoiced expenses or fees, and after acceptance of services and deliverables in writing by the Commission's Grant Manager identified in Paragraph ten (10), below. Unless otherwise specified in the Scope of Work, invoices shall be due monthly, commencing from the start date of this Agreement. Invoices must be legible and must clearly reflect the Deliverables that were provided in accordance with the terms of the Agreement for the invoice period. Unless otherwise specified in the Scope of Work, a final invoice shall be submitted to the Commission no later than forty-five (45) days following the expiration date of this Agreement to assure the availability of funds for payment. Further, pursuant to Section 215.971(1)(d), F.S., the Commission may only reimburse the Grantee for

allowable costs resulting from obligations incurred during the agreement period specified in Paragraph three (3).

- C. Invoices.** Each invoice shall include the Commission Agreement Number and the Grantee’s Federal Employer Identification (FEID) Number. Invoices, with supporting documentation, may be submitted electronically to the attention of the Commission’s Grant Manager identified in Paragraph ten (10), below. If submitting hard copies, an original and two (2) copies of the invoice, plus all supporting documentation, shall be submitted. All bills for amounts due under this Agreement shall be submitted in detail sufficient for a proper pre-audit and post-audit thereof. Grantee acknowledges that the Commission’s Grant Manager shall reject invoices lacking documentation necessary to justify invoiced expenses.
- D. Match.** Pursuant to grant program guidelines, the Grantee is required to contribute non-federal match towards this Agreement. If applicable, details regarding specific match requirements are included in Attachment A, Scope of Work.
- E. Travel Expenses.** If authorized in Attachment A, Scope of Work, travel expenses shall be reimbursed in accordance with Section 112.061, F.S.
- F. State Obligation to Pay.** The State of Florida's performance and obligation to pay under this Agreement is contingent upon an annual appropriation and authorization to spend by the Legislature. The Parties hereto understand that this Agreement is not a commitment to future appropriations but is subject to appropriation and authority to spend provided by the Legislature. The Commission shall be the final authority as to the availability of funds for this Agreement, and as to what constitutes an “annual appropriation” of funds to complete this Agreement. If such funds are not appropriated or available for the Agreement purpose, such event will not constitute a default on behalf of the Commission or the State. The Commission’s Grant Manager shall notify the Grantee in writing at the earliest possible time if funds are not appropriated or available.
- G. Non-Competitive Procurement and Rate of Payment.** Section 216.3475, F.S., requires that under non-competitive procurements, a Grantee may not receive a rate of payment in excess of the competitive prevailing rate for those services unless expressly authorized in the General Appropriations Act. If applicable, Grantee warrants, by execution of this Agreement, that the amount of non-competitive compensation provided in this Agreement is in compliance with Section 216.3475, F.S.
- H. Time Limits for Payment of Invoices.** Payments shall be made in accordance with Sections 215.422 and 287.0585, F.S., which govern time limits for payment of invoices. Section 215.422, F.S. provides that agencies have five (5) working days to inspect and approve Deliverables, unless the Scope of Work specifies otherwise. If payment is not available within forty (40) days, measured from the latter of the date the invoice is received or the Deliverables are received, inspected and approved, a separate interest penalty set by the Department of Financial Services pursuant to Section 55.03(1), F.S., will be due and payable in addition to the invoice amount. Invoices returned to a Grantee due to preparation errors will result in a payment delay. Invoice payment requirements do not start until a properly completed invoice is provided to the agency.
- I. Electronic Funds Transfer.** Grantee agrees to enroll in Electronic Funds Transfer (EFT), offered by the State’s Chief Financial Officer, within thirty (30) days of the date the last Party has signed this Agreement. Copies of the Authorization form and a sample blank enrollment letter can be found on the vendor instruction page at:

[http://www.fldfs.com/aadir/direct\\_deposit\\_web/Vendors.htm](http://www.fldfs.com/aadir/direct_deposit_web/Vendors.htm)



Questions should be directed to the State of Florida’s EFT Section at (850) 413-5517. Once enrolled, invoice payments will be made by EFT.

- J. Vendor Ombudsman.** A Vendor Ombudsman, whose duties include acting as an advocate for vendors who may be experiencing problems in obtaining timely payment(s) from a State agency, may be contacted at (850) 413-5516 or by calling the Chief Financial Officer’s Hotline, (800) 342-2762.

**5. RETURN OR RECOUPMENT OF FUNDS.**

- A. Overpayment to Grantee.** Pursuant to Section 215.971(1)(e) &(f), F.S., the Grantee shall return to the Commission any overpayments due to unearned funds or funds disallowed pursuant to the terms of this Agreement that were disbursed to Grantee by the Commission. In the event the Grantee or its independent auditor discovers that overpayment has been made, the Grantee shall repay said overpayment within forty (40) calendar days without prior notification from the Commission. In the event the Commission first discovers an overpayment has been made, the Commission will notify the Grantee in writing. Should repayment not be made in a timely manner, the Commission shall be entitled to charge interest at the lawful rate of interest established pursuant to Section 55.03(1), F.S., on the outstanding balance beginning forty (40) calendar days after the date of notification or discovery. Refunds should be sent to the Commission’s Grant Manager and made payable to the “The Florida Fish and Wildlife Conservation Commission”.
- B. Additional Costs or Monetary Loss Resulting from Grantee Non-Compliance.** If the Grantee’s non-compliance with any provision of the Agreement results in additional cost or monetary loss to the Commission or the State of Florida to the extent allowed by Florida Law, the Commission can recoup that cost or loss from monies owed to the Grantee under this Agreement or any other agreement between Grantee and the Commission. In the event the discovery of this cost or loss arises when no monies are available under this Agreement or any other agreement between the Grantee and the Commission, the Grantee will repay such cost or loss in full to the Commission within thirty (30) days of the date of notice of the amount owed, unless the Commission agrees, in writing, to an alternative timeframe. If the Grantee is unable to repay any cost or loss to the Commission, the Commission shall notify the State of Florida, Department of Financial Services, for resolution pursuant to Section 17.0415, F.S.

**6. COMMISSION EXEMPT FROM TAXES, PROPERTY EXEMPT FROM LIEN.**

- A. Commission Exempt from Taxes.** The Grantee recognizes that the State of Florida, by virtue of its sovereignty, is not required to pay any taxes on the services or goods purchased under the terms of this Agreement. Grantee is placed on notice that this exemption generally does not apply to nongovernmental entity recipients, subrecipients, contractors, or subcontractors. Any questions regarding this tax exemption should be addressed to the Commission Grant Manager.
- B. Property Exempt from Lien.** If the Grant involves the improvement of real property titled to the State of Florida, then the following paragraph applies:

The Grantee acknowledges that Property being improved is titled to the State of Florida and is not subject to lien of any kind for any reason. The Grantee shall include notice of such exemptions in any subcontracts and purchase orders issued hereunder.

**7. MONITORING.**

The Commission’s Grant Manager shall actively monitor the Grantee’s performance and compliance with the terms of this Agreement. The Commission reserves the right for any Commission staff to make scheduled or unscheduled, announced or unannounced monitoring visits. Specific State and Federal monitoring terms and conditions are found in Attachment B, Audit Requirements. Additionally, monitoring terms, conditions, and schedules may be included in Attachment A, Scope of Work.

**8. TERMINATION.**

- A. Commission Termination.** The Commission may unilaterally terminate this Agreement for convenience by providing the Grantee with thirty (30) calendar days of written notice of its intent to terminate. The Grantee shall not be entitled to recover any cancellation charges or lost profits. The Grantee may request termination of the Agreement for convenience.
- B. Termination – Fraud or Willful Misconduct.** This Agreement shall terminate immediately in the event of fraud or willful misconduct. In the event of such termination, the Commission shall provide the Grantee with written notice of termination.
- C. Termination – Other.** The Commission may terminate this Agreement if the Grantee fails to: 1.) comply with all terms and conditions of this Agreement; 2.) produce each deliverable within the time specified by the Agreement or extension; 3.) maintain adequate progress, thus endangering the performance of the Agreement; or, 4.) abide by any statutory, regulatory, or licensing requirement. Rule 60A-1.006(3), F.A.C., governs the procedure and consequences for default. The rights and remedies of the Commission in this clause are in addition to any other rights and remedies provided by law or under the Agreement. The Grantee shall not be entitled to recover any cancellation charges or lost profits.
- D. Termination - Funds Unavailability.** In the event funds to finance this Agreement become unavailable or if federal or state funds upon which this Agreement is dependent are withdrawn or redirected, the Commission may terminate this Agreement upon no less than twenty-four (24) hours’ notice in writing to the Grantee. Said notice shall be delivered by certified mail, return receipt requested or in person with proof of delivery. The Commission shall be the final authority as to the availability of funds and will not reallocate funds appropriated for this Agreement to another program thus causing “lack of funds.” In the event of termination of this Agreement under this provision, the Grantee will be compensated for any work satisfactorily completed and any non-cancellable obligations properly incurred prior to notification of termination.
- E. Grantee Discontinuation of Activities upon Termination Notice.** Upon receipt of notice of termination, the Grantee shall, unless the notice directs otherwise, immediately discontinue all activities authorized hereunder. Upon termination of this Agreement, the Grantee shall promptly render to the Commission all property belonging to the Commission. For the purposes of this section, property belonging to the Commission shall include, but shall not be limited to, all books and records kept on behalf of the Commission.

**9. REMEDIES.**

- A. Financial Consequences.** In accordance with Sections 215.971(1)(a) &(b), F.S., Attachment A, Scope of Work, contains clearly established tasks in quantifiable units of deliverables that must be

received and accepted in writing by the agency before payment. Each deliverable specifies the required minimum level of service to be performed and the criteria for evaluating the successful completion of each deliverable. If the Grantee fails to produce each deliverable within the time frame specified by the Scope of Work, the budget amount allocated for that deliverable will be deducted from the Grantee’s payment. In addition, pursuant to Section 215.971(1)(c), the Commission shall apply any additional financial consequences, identified in the Scope of Work.

**B. Cumulative Remedies.** The rights and remedies of the Commission in this paragraph are in addition to any other rights and remedies provided by law or under the Agreement.

**10. NOTICES AND CORRESPONDENCE.**

Any and all notices shall be delivered to the individuals identified below. In the event that either Party designates a different Grant Manager after the execution of this Agreement, the Party will provide written notice of the name, address, zip code, telephone and fax numbers, and email address of the newest Grant Manager, or an individual authorized to receive notice on behalf of that Party, to all other Parties as soon as possible, but not later than five (5) business days after the new Grant Manager has been named. A designation of a new Grant Manager shall not require a formal amendment to the Agreement.

**FOR THE COMMISSION:**

Grant Manager  
Christine Kittle  
Fisheries Biologist IV  
Division of Marine Fisheries Management  
1875 Orange Ave. East  
Tallahassee, FL 32311  
(850)617-9628  
Fax: N/A  
Christine.kittle@myfwc.com

**FOR THE GRANTEE:**

Grant Manager  
Michael Moron  
Administrative Assistant  
Franklin County Board of County Commissioners  
33 Market Street, Suite 203  
Apalachicola, FL 32320  
Phone: (850) 653-9783 ext. 155  
Fax: N/A  
michael@franklincountyflorida.com

**11. AMENDMENT.**

**A. Waiver or Modification.** No waiver or modification of this Agreement or of any covenant, condition, or limitation herein contained shall be valid unless in writing and lawfully executed by the Parties.

**B. Change Orders.** The Commission may, at any time, by written order, make a change to this Agreement. Such changes are subject to the mutual agreement of both Parties as evidenced in writing. Any change which causes an increase or decrease in the Grantee’s cost or time shall require an Amendment. Minor changes, such as those updating a Party’s contact information, may be accomplished by a Modification.

**C. Renegotiation upon Change in Law or Regulation.** The Parties agree to renegotiate this Agreement if federal and/or state revisions of any applicable laws or regulations make changes in the Agreement necessary.

**12. PROPERTY RIGHTS.**

If this Agreement includes Federal funds, the provisions of Sections 200.310-200.316, OMB Uniform Guidance (2 CFR 200), and any language addressing Federal rights, apply.

**A. Intellectual and Other Intangible Property.**

- i. **Grantee’s Preexisting Intellectual Property (Proprietary) Rights.** Unless specifically addressed in the Attachment A, Scope of Work, intellectual and other intangible property rights to the Grantee’s preexisting property will remain with the Grantee.
- ii. **Proceeds Related to Intellectual Property Rights.** Proceeds derived from the sale, licensing, marketing or other authorization related to any intellectual and other intangible property right created or otherwise developed by the Grantee under this Agreement for the Commission shall be handled in the manner specified by the applicable Florida State Statute and/or Federal program requirements.
- iii. **Commission Intellectual Property Rights.** Where activities supported by this Agreement produce original writing, sound recordings, pictorial reproductions, drawings or other graphic representations and works of any similar nature, the Commission and the State of Florida have the unlimited, royalty-free, nonexclusive, irrevocable right to use, duplicate and disclose such materials in whole or in part, in any manner, for any purpose whatsoever and to have others acting on behalf of the Commission to do so. If this Agreement is supported by federal funds, the federal awarding agency reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use the work for federal purposes, and to authorize others to do so.

**B. Purchase or Improvement of Real Property**

This agreement is not for the purchase or improvement of real property, therefore, the following terms and conditions do not apply.

- i. **Federal Funds.** Any Federal funds provided for the purchase of or improvements to real property are subject to the Property Standards of Sections 200.310 - 200.316, and 200.329, OMB Uniform Guidance (2 CFR 200), as amended.
- ii. **Title.** If this agreement is supported by state funds, the Grantee shall comply with Section 287.05805, F.S. This section requires the Grantee to grant a security interest in the property to the State of Florida, the type and details of which are provided for in Attachment A, Scope of Work. Title to state-owned real property remains vested in the state. Title to federally-owned real property remains vested in the Federal government in accordance with the provisions of Section 200.312, OMB Uniform Guidance (2 CFR 200), as amended.
- iii. **Use.** Federally-owned real property will be used for the originally authorized purpose as long as needed for that purpose in accordance with Section 200.311, OMB Uniform Guidance (2 CFR 200). State-owned real property will be used as provided in Attachment A, Scope of Work.

**C. Non-Expendable Property.** The following provisions apply to the extent that the grant allows the acquisition of non-expendable property.

- i. **Non-Expendable Property Defined.** For the requirements of this section of the Agreement, “non-expendable property” is the same as “property” as defined in Section 273.02, F.S. (equipment, fixtures, and other tangible personal property of a non-consumable and non-expendable nature, with a value or cost of **\$1,000.00** or more, and a normal expected life of one (1) year or more; hardback-covered bound books that are circulated to students or the general public, with a value or cost of **\$25.00** or more; and uncirculated hardback-covered bound books, with a value or cost of **\$250.00** or more).



- ii. **Title to Non-Expendable Property.** Title (ownership) to all non-expendable property acquired with funds from this Agreement shall be vested in the Commission and said property shall be transferred to the Commission upon completion or termination of the Agreement unless otherwise authorized in writing by the Commission or unless otherwise specifically provided for in Attachment A, Scope of Work.

**D. Equipment and Supplies.** The following provisions apply to the extent that the grant allows the acquisition of equipment and supplies.

- i. **Title - Equipment.** Title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity in accordance with Sections 200.313 and 200.314, OMB Uniform Guidance (2 CFR 200).
- ii. **Title – Supplies.** Title to supplies will vest in the non-Federal entity upon acquisition. Unused supplies exceeding **\$5,000.00** in total aggregate value upon termination or completion of the project or program are subject to Section 200.314, OMB Uniform Guidance.
- iii. **Use – Equipment.** Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as needed

**13. RELATIONSHIP OF THE PARTIES.**

- A. Independent Grantee.** The Grantee shall perform as an independent grantee and not as an agent, representative, or employee of the Commission. The Grantee covenants that it presently has no interest and shall not acquire any interest that would conflict in any manner or degree with the performance of services required. Each Party hereto covenants that there is no conflict of interest or any other prohibited relationship between the Grantee and the Commission.
- B. Grantee Training and Qualifications.** Grantee agrees that all Grantee employees, subcontractors, or agents performing work under the Agreement shall be properly trained technicians who meet or exceed any specified training qualifications. Upon request, Grantee shall furnish a copy of technical certification or other proof of qualification.
- C. Commission Security.** All employees, subcontractors, or agents performing work under the Agreement must comply with all security and administrative requirements of the Commission. The Commission may conduct, and the Grantee shall cooperate in, a security background check or otherwise assess any employee, subcontractor, or agent furnished by the Grantee. The Commission may refuse access to, or require replacement of, any personnel for cause, including, but not limited to, technical or training qualifications, quality of work, change in security status, or non-compliance with the Commission’s other requirements. Such refusal shall not relieve Grantee of its obligation to perform all work in compliance with the Agreement. The Commission, in coordination with the Grantee, may reject and bar from any facility for cause any of Grantee’s employees, subcontractors, or agents.
- D. Commission Rights to Assign or Transfer.** The Grantee agrees that the State of Florida shall at all times be entitled to assign or transfer its rights, duties, or obligations under this Agreement to another governmental agency in the State of Florida, upon giving prior written notice to the Grantee.

- E. **Commission Rights to Undertake and Award Supplemental Agreements.** Grantee agrees that the Commission may undertake or award supplemental agreements for work related to the Agreement. The Grantee and its subcontractors shall cooperate with such other Grantees and the Commission in all such cases.

14. SUBCONTRACTS.

- A. **Authority.** Grantee is permitted to subcontract work under this Agreement, therefore, the following terms and conditions apply. The Grantee shall ensure, and provide assurances to the Commission upon request, that any subcontractor selected for work under this Agreement has the necessary qualifications and abilities to perform in accordance with the terms and conditions of this Agreement. The Grantee must provide the Commission with the names of any subcontractor considered for work under this Agreement; the Commission in coordination with the Grantee reserves the right to reject any subcontractor. The Grantee agrees to be responsible for all work performed and all expenses incurred with the project. Any subcontract arrangements must be evidenced by a written document available to the Commission upon request. The Grantee further agrees that the Commission shall not be liable to the extent allowed by law, to any subcontractor for any expenses or liabilities incurred under the subcontract and the Grantee shall be solely liable to the subcontractor for all expenses and liabilities incurred under the subcontract.
- B. **Grantee Payments to Subcontractor.** If subcontracting is permitted pursuant to Paragraph A, above, Grantee agrees to make payments to the subcontractor upon completion of work and submitted invoice in accordance with the contract between the Grantee and subcontractor. Failure to make payment pursuant to any subcontract will result in a penalty charged against Grantee and paid to the subcontractor in the amount of one-half of one percent (0.50%) of the amount due per day from the expiration of the period allowed herein for payment. Such penalty shall be in addition to actual payments owed and shall not exceed fifteen percent (15%) of the outstanding balance due.
- C. **Commission Right to Reject Subcontractor Employees.** The Commission in coordination with Grantee shall retain the right to reject any of the Grantee’s or subcontractor’s employees whose qualifications or performance, in the Commission’s judgment, are insufficient.
- D. **Subcontractor as Independent Contractor.** If subcontracting is permitted pursuant to Paragraph A above, the Grantee agrees to take such actions as may be necessary to ensure that each subcontractor will be deemed to be an independent contractor and will not be considered or permitted to be an agent, servant, joint venture, or partner of the State of Florida.

15. MANDATORY DISCLOSURE.

These disclosures are required by State law, as indicated, and apply when this Agreement includes State funding; and by Federal law, as indicated, and apply when the Agreement includes a Federal award.

- A. **Disclosure of Interested State Employees and Conflict of Interest.** This Agreement is subject to Chapter 112, F.S. Grantee shall provide the name of any officer, director, employee, or other agent who is affiliated with this project and an employee of the State of Florida. If the Agreement includes a Federal award, then the Agreement is also subject to Section 200.112, OMB Uniform Guidance (2 CFR 200). Grantee must disclose, in writing, any potential conflict of interest to the Commission in accordance with applicable Federal awarding agency policy.
- B. **Convicted Vendors.** Grantee hereby certifies that neither it, nor any person or affiliate of Grantee, has been convicted of a Public Entity Crime as defined in section 287.133, F.S., nor placed on the convicted vendor list. Grantee shall have a continuing obligation to disclose, to the Commission,

in writing, if it, its principals, recipient, subrecipient, contractor, or subcontractor, are on the convicted vendors list maintained by the Florida Department of Management Services pursuant to Section 287.133(3)(d), F.S.

- i. **Convicted Vendor List.** Pursuant to Subsection 287.133(2)(a), F.S., a person or affiliate who has been placed on the convicted vendor list following a conviction for a public entity crime may not be awarded or perform work as a Grantee, supplier, subcontractor or consultant under a contract with any public entity and may not transact business with any public entity in excess of the threshold amount provided in Section 287.017, F.S., for Category Two for a period of thirty-six (36) months from the date of being placed on the convicted vendor list. The State of Florida, Department of Management Services, Division of State Purchasing provides listings for convicted, suspended, discriminatory and federal excluded parties, as well as the vendor complaint list at:

[http://www.dms.myflorida.com/business\\_operations/state\\_purchasing/vendor\\_information/convicted\\_suspended\\_discriminatory\\_complaints\\_vendor\\_lists](http://www.dms.myflorida.com/business_operations/state_purchasing/vendor_information/convicted_suspended_discriminatory_complaints_vendor_lists)

- ii. **Notice of Conviction of Public Entity Crime.** Any person must notify the Department of Management Services and the Commission, in writing, within thirty (30) days after conviction of a public entity crime applicable to that person or an affiliate of that person as defined in Section 287.133, F.S.

**C. Vendors on Scrutinized Companies List.**

- i. **Scrutinized Companies.** Grantee certifies that it and any of its affiliates are not scrutinized companies as identified in Section 287.135, F.S. In addition, Grantee agrees to observe the requirements of Section 287.135, F.S., for applicable sub-agreements entered into for the performance of work under this Agreement. Pursuant to Section 287.135, F.S., the Commission may immediately terminate this Agreement for cause if the Grantee, its affiliates, or its subcontractors are found to have submitted a false certification; or if the Grantee, its affiliates, or its subcontractors are placed on any applicable scrutinized companies list or engaged in prohibited contracting activity during the term of the Agreement. As provided in Subsection 287.135(8), F.S., if federal law ceases to authorize these contracting prohibitions then they shall become inoperative.

- D. **Discriminatory Vendors.** Grantee shall disclose to the Commission, in writing, if they, their subrecipient, contractor, or subcontractor, are on the Discriminatory Vendor List maintained by the Florida Department of Management Services pursuant to Section 287.134(3)(d), F.S. “An entity or affiliate who has been placed on the discriminatory vendor list may not submit a bid, proposal, or reply on a contract to provide any goods or services to a public entity; may not submit a bid, proposal, or reply on a contract with a public entity for the construction or repair of a public building or public work; may not submit bids, proposals, or replies on leases of real property to a public entity; may not be awarded or perform work as a contractor, supplier, subcontractor, or consultant under a contract with any public entity; and may not transact business with any public entity.” Section 287.134(2)(a), F.S. Grantee has a continuing duty to disclose to the Commission whether they appear on the discriminatory vendor list.

- E. **Prompt Disclosure of Litigation, Investigations, Arbitration, or Administrative Proceedings.** Throughout the term of the Agreement, the Grantee has a continuing duty to promptly disclose to the Commission’s Grant Manager, in writing, upon occurrence, all civil or criminal litigation, investigations, arbitration, or administrative proceedings (Proceedings) relating to or affecting the Grantee’s ability to perform under this agreement. If the existence of such Proceeding causes the

Commission concern that the Grantee’s ability or willingness to perform the Agreement is jeopardized, the Grantee may be required to provide the Commission with reasonable assurances to demonstrate that: a.) the Grantee will be able to perform the Agreement in accordance with its terms and conditions; and, b.) Grantee and/or its employees or agents have not and will not engage in conduct in performing services for the Commission which is similar in nature to the conduct alleged in such Proceeding.

**F. Certain Violations of Federal Criminal Law.** If this agreement includes a Federal award, then in accordance with Section 200.113, OMB Uniform Guidance (2 CFR 200), Grantee must disclose, in a timely manner, in writing to the Commission all violations of Federal criminal law involving fraud, bribery, or gratuity violations potentially affecting the Federal award.

**16. INSURANCE.**

The Grantee warrants and represents that it is insured, or self-insured for liability insurance, in accordance with applicable state law and that such insurance or self-insurance offers protection applicable to the Grantee’s officers, employees, servants and agents while acting within the scope of their employment with the Grantee.

**17. SPONSORSHIP.**

As required by Section 286.25, F.S., if any recipient, subrecipient, contractor or subcontractor under this grant is a nongovernmental organization which sponsors a program financed wholly or in part by state funds, including any funds obtained through this Agreement, it shall, in publicizing, advertising, or describing the sponsorship of the program, state: “Sponsored by (Grantee’s name) and the State of Florida, Fish and Wildlife Conservation Commission.” If the sponsorship reference is in written material, the words “State of Florida, Fish and Wildlife Conservation Commission” shall appear in the same size letters or type as the name of the Grantee’s organization. Additional sponsorship requirements may be specified in Attachment A, Scope of Work.

**18. PUBLIC RECORDS.**

- A. All records in conjunction with this Grant shall be public records and shall be treated in the same manner as other public records that are under Chapter 119, F.S.
- B. This Agreement may be unilaterally canceled by the Commission for refusal by the Grantee to allow public access to all documents, papers, letters, or other material subject to the provisions of Chapter 119, F.S., and made or received by the Grantee in conjunction with this Agreement, unless exemption for such records is allowable under Florida law.
- C. If the Grantee meets the definition of “Contractor” in Section 119.0701(1)(a) F.S., the Grantee shall comply with the following:

- i. **IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF THE CHAPTER 119, FLORIDA STATUES, TO THE CONTRACTOR’S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT: 850-488-6553, RecordsCustodian@myfwc.com, and 620 South Meridian Street, Tallahassee FL 32399**



- ii. Keep and maintain public records required by the Commission to perform the service.
- iii. Upon request from the Commission’s custodian of public records, provide the Commission with a copy of the requested records or allow the records to be inspected or copied within a reasonable time at a cost that does not exceed the cost provided in Chapter 119, F.S. or as otherwise provided by law.
- iv. Ensure that public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed except as authorized by law for the duration of the contract term and following completion of the contract if the Contractor does not transfer the records to the Commission.
- v. Upon completion of the contract transfer, at no cost, to the Commission all public records in possession of the Contractor or keep and maintain public records required by the Commission to perform the service. If the Contractor transfers all public records to the Commission upon completion of the contract, the Contractor shall destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. If the Contractor keeps and maintains public records upon completion of the contract, the Contractor shall meet all applicable requirements for retaining public records. All records stored electronically must be provided to the Commission, upon request from the Commission’s custodian of public records, in a format that is compatible with the information technology systems of the Commission.

**19. COOPERATION WITH INSPECTOR GENERAL.**

Pursuant to subsection 20.055(5), F.S., Grantee, and any subcontractor to the Grantee, understand and will comply with their duty to cooperate with the Inspector General in any investigation, audit, inspection, review, or hearing. Upon request of the Inspector General or any other authorized State official, the Grantee shall provide any type of information the Inspector General deems relevant to the Grantee's integrity or responsibility. Such information may include, but shall not be limited to, the Grantee's business or financial records, documents, or files of any type or form that refer to or relate to the Agreement. The Grantee agrees to reimburse the State for the reasonable costs of investigation incurred by the Inspector General or other authorized State official for investigations of the Grantee's compliance with the terms of this or any other agreement between the Grantee and the State which results in the suspension or debarment of the Grantee. Such costs shall include but shall not be limited to: salaries of investigators, including overtime; travel and lodging expenses; and expert witness and documentary fees.

**20. SECURITY AND CONFIDENTIALITY.**

The Grantee shall not divulge to third parties any clearly marked confidential information obtained by the Grantee or its agents, distributors, resellers, subcontractors, officers or employees in the course of performing Grant work. To ensure confidentiality, the Grantee shall take appropriate steps regarding its personnel, agents, and subcontractors. The warranties of this paragraph shall survive the Grant.

**21. RECORD KEEPING REQUIREMENTS.**

- A. Grantee Responsibilities.** The Grantee shall maintain accurate books, records, documents and other evidence that sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of this Agreement, in accordance with generally accepted accounting principles.
- B. State Access to Grantee Books, Documents, Papers, and Records.** The Grantee shall allow the Commission, the Chief Financial Officer of the State of Florida, the Auditor General of the State of Florida, the Florida Office of Program Policy Analysis and Government Accountability or authorized representatives of the state or federal government to have access to any of the Grantee’s books, documents, papers, and records, including electronic storage media, as they may relate to this

Agreement, for the purposes of conducting audits or examinations or making excerpts or transcriptions.

- C. Grantee Records Retention.** Unless otherwise specified in the Scope of Work, these records shall be maintained for five (5) fiscal years following the close of this Agreement, or the period required for this particular type of project by the General Records Schedules maintained by the Florida Department of State (available at: <http://dos.myflorida.com/library-archives/records-management/general-records-schedules/>), whichever is longer. Grantee shall cooperate with the Commission to facilitate the duplication and transfer of such records upon the Commission’s request.
- D. Grantee Responsibility to Include Records Requirements – Subcontractors.** In the event any work is subcontracted under this Agreement, the Grantee shall include the aforementioned audit and record keeping requirements in all subsequent contracts.
- E. Compliance with Federal Funding Accountability and Transparency.** Any federal funds awarded under this Agreement must comply with the Federal Funding Accountability and Transparency Act (FFATA) of 2006. The intent of the FFATA is to empower every American with the ability to hold the government accountable for each spending decision. The result is to reduce wasteful spending in the government. The FFATA legislation requires that information on federal awards (federal financial assistance and expenditures) be made available to the public via a single, searchable website: <http://www.USASpending.gov>. Grant recipients awarded a new Federal grant greater than or equal to **\$25,000.00** awarded on or after October 1, 2010 are subject to the FFATA. The Grantee agrees to provide the information necessary, over the life of this Agreement, for the Commission to comply with this requirement.

**22. FEDERAL AND FLORIDA SINGLE AUDIT ACT REQUIREMENTS.**

Pursuant to the FSAA (or Federal) Vendor / Recipient Determination Checklist, the Grantee has been determined to be a recipient of state financial assistance and/or a subrecipient of a federal award. Therefore, pursuant to Section 215.97, F.S. and/or OMB Uniform Guidance (2 CFR 200), the Grantee may be subject to the audit requirements of the Florida and/or Federal Single Audit Acts. If applicable, the Grantee shall comply with the audit requirements outlined in Attachment B, “Requirements of the Federal and Florida Single Audit Acts,” attached hereto and made a part of the Agreement, as applicable.

**23. FEDERAL COMPLIANCE.**

As applicable, Grantee shall comply with all federal laws, rules, and regulations, including but not limited to:

- i. **Clean Air Act and Water Pollution Control Act.** All applicable standards, orders, or requirements issued under the Clean Air Act (42 U.S.C. 7401-7671q), and the Water Pollution Control Act (33 U.S.C. 1251-1387, as amended).
- ii. **Lacey Act, 16 U.S.C 3371-3378.** This Act prohibits trade in wildlife, fish and plants that have been illegally taken, possessed, transported or sold.
- iii. **Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801-1884.** This Act governs marine fisheries in Federal waters.
- iv. **Migratory Bird Treaty Act, 16 U.S.C. 703-712.** The Act prohibits anyone, unless permitted, to pursue, hunt, take, capture, kill, attempt to take, capture or kill, possess, offer for sale, sell, offer to purchase, deliver for shipment, ship, cause to be shipped, deliver for transportation, transport, cause to be transported, carry or cause to be carried by any means

whatsoever, receive for shipment, transport of carriage, or export, at any time, or in any manner, any migratory bird, or any part, nest, or egg of such bird.

- v. **Endangered Species Act, 16 U.S.C. 1531, et seq.** The Act provides a program for the conservation of threatened and endangered plants and animals and the habitat in which they are found. The Act also prohibits any action that cause a “taking” of any listed species of endangered fish or wildlife. Also, generally prohibited are the import, export, interstate, and foreign commerce of listed species.

**24. FEDERAL FUNDS. This Agreement relies on federal funds, therefore, the following terms and conditions apply:**

- A. Prior Approval to Expend Federal Funds to Federal Agency or Employee.** It is understood and agreed that the Grantee is not authorized to expend any federal funds under this Contract to a federal agency or employee without the prior written approval of the awarding federal agency.
- B. Equal Employment Opportunity.** Executive Order 11246 of September 24, 1965, entitled “Equal Employment Opportunity,” as amended by Executive Order 11375 of October 13, 1967, and as supplemented in Department of Labor regulations (41 CFR Chapter 60). Applicable, except as otherwise provide under 41 CFR Part 60, to any grant, contract, loan, insurance, or guarantee involving Federal assisted construction.
- C. Davis-Bacon Act.** The Davis-Bacon Act, 40 U.S.C. 3141-3148, as supplemented by Department of Labor regulations at 29 CFR Part 5. Applicable to contractors and subcontractors performing on federally funded or assisted contracts in excess of **\$2,000.00** for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Under this Act, contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area.
- D. Copeland “Anti-Kickback Act.”** The Copeland “Anti-Kickback” Act, 40 U.S.C. 3141-3148, and 3146-3148, as supplemented by Department of Labor regulations (29 CFR Part 5). Applicable to contracts awarded by a non-Federal entity in excess of **\$100,000.00** that involve employment of mechanics or labors. Under this Act, contractors and subrecipients are prohibited from inducing, by any mean, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled.
- E. Contract Work Hours and Safety Standards Act.** Sections 103 and 107 of the Agreement Work Hours and Safety Standards Act (40 U.S.C. 327–330) as supplemented by Department of Labor regulations (29 CFR part 5). Applicable to construction contracts awarded by Contractors and subcontractors in excess of **\$2,000.00**, and in excess of **\$2,500.00** for other contracts which involve the employment of mechanics or laborers. Under this Act, contractors and subcontractors must compute wages of mechanics and laborers (workers) on the basis of a standard forty (40) hour work week; provide workers no less than time and a half for hours worked in excess of the forty (40) hour work week; and not require workers to work in surroundings or work conditions that are unsanitary, hazardous, or dangerous.
- F. Rights to Inventions Made Under a Contract or Agreement.** 37 CFR Part 401. If the Federal award meets the definition of “funding agreement” under 37 CFR 401.2(a) and the recipient or Subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under the “funding agreement,” the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, “Rights to Inventions Made by Nonprofit Organizations and Small Business Firms

Under Government Grants, Contracts and Cooperative Agreements,” and any implementing regulations issued by the awarding agency.

**G. Energy Efficiency.** Mandatory standards and policies relating to energy efficiency which are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Pub. L. 94–163, 89 Stat. 871).

**H. Debarment and Suspension Contractor Federal Certification.** In accordance with Federal Executive Order 12549 and 2 CFR Part 1400 regarding Debarment and Suspension, the Grantee certifies that neither it, nor its principals, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any federal department or agency; and, that the Grantee shall not knowingly enter into any lower tier contract, or other covered transaction, with a person who is similarly debarred or suspended from participating in this covered transaction.

**I. Prohibition against Lobbying.**

i. **Grantee Certification – Payments to Influence.** The Grantee certifies that no Federal appropriated funds have been paid or will be paid, on or after December 22, 1989, by or on behalf of the Grantee, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding, renewal, amending or modifying of any Federal contract, grant, or cooperative agreement. The Grantee also certifies that they have not engaged any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the Grantee with respect to this Contract and its related federal contract, grant, loan, or cooperative agreement; or, if the Grantee has engaged any registrant with respect to this Contract and its related Federal contract, grant, loan, or cooperative agreement, the Grantee shall, prior to or upon execution of this Contract, provide the Commission Contract Manager a signed declaration listing the name of any said registrant. During the term of this Contract, and at the end of each Calendar quarter in which any event occurs that materially affects the accuracy of this certification or declaration, the Grantee shall file an updated declaration with the Commission’s Contract Manager. If any non-federal funds are used for lobbying activities as described above in connection with this Contract, the Grantee shall submit Standard Form-LLL, “Disclosure Form to Report Lobbying”, and shall file quarterly updates of any material changes. The Grantee shall require the language of this certification to be included in all subcontracts, and all subcontractors shall certify and disclose accordingly.

ii. **Grantee – Refrain from Subcontracting with Certain Organizations.** Pursuant to the Lobbying Disclosure Act of 1995, the Grantee agrees to refrain from entering into any subcontracts under this Contract with any organization described in Section 501(c)(4) of the Internal Revenue Code of 1986, unless such organization warrants that it does not, and will not, engage in lobbying activities prohibited by the Act as a special condition of the subcontract.

**J. Compliance with Office of Management and Budget Circulars.** As applicable, Grantee shall comply with the following Office of Management and Budget (OMB) Uniform Guidance (2 CFR 200).

**K. Drug Free Workplace.** Pursuant to the Drug-Free Workplace Act of 1988, the Grantee attests and certifies that the Grantee will provide a drug-free workplace compliant with 41 U.S.C. 81.



**25. CONTRACT-RELATED PROCUREMENT.**

- A. PRIDE.** In accordance with Section 946.515(6), F.S., if a product or service required for the performance of this Contract is certified by or is available from Prison Rehabilitative Industries and Diversified Enterprises, Inc. (PRIDE) and has been approved in accordance with Subsection 946.515(2), F.S., the following statement applies:

It is expressly understood and agreed that any articles which are the subject of, or required to carry out, this contract shall be purchased from [PRIDE] in the same manner and under the same procedures set forth in Subsections 946.515(2) and (4), F.S.; and for purposes of this contract the person, firm or other business entity carrying out the provisions of this contract shall be deemed to be substituted for this agency insofar as dealings with such corporation are concerned.

The above clause is not applicable to subcontractors unless otherwise required by law. Additional information about PRIDE and the products it offers is available at <http://www.pride-enterprises.org>.

- B. Respect of Florida.** In accordance with Subsection 413.036(3), F.S., if a product or service required for the performance of this Contract is on the procurement list established pursuant to Subsection 413.035(2), F.S., the following statement applies:

It is expressly understood and agreed that any articles that are the subject of, or required to carry out, this contract shall be purchased from a nonprofit agency for the blind or for the severely handicapped that is qualified pursuant to Chapter 413, F.S., in the same manner and under the same procedures set forth in Subsections 413.036(1) and (2), F.S.; and for purposes of this contract, the person, firm or other business entity carrying out the provisions of this contract shall be deemed to be substituted for the state agency insofar as dealings with such qualified nonprofit agency are concerned.

Additional information about the designated nonprofit agency and the products it offers is available at <http://www.respectofflorida.org>.

- C. Procurement of Recycled Products or Materials.** Grantee agrees to procure any recycled products or materials which are the subject of or are required to carry out this Contract in accordance with Section 403.7065, F.S.

**26. PROFESSIONAL SERVICES.**

- A. Architectural, Engineering, Landscape Architectural, or Survey and Mapping.** If this Agreement is for the acquisition of professional architectural, engineering, landscape architectural, or registered surveying and mapping services, and is therefore subject to Section 287.055, F.S., the following provision applies:

The architect (or registered surveyor and mapper or professional engineer, as applicable) warrants that he or she has not employed or retained any company or person, other than a bona fide employee working solely for the architect (or

registered surveyor and mapper, or professional engineer, as applicable) to solicit or secure this Agreement and that he or she has not paid or agreed to pay any person, company, corporation, individual, or firm, other than a bona fide employee working solely for the architect (or registered surveyor and mapper or professional engineer, as applicable) any fee, commission, percentage, gift, or other consideration contingent upon or resulting from the award or making of this contract.

**B. Termination for Breach.** For the breach or violation of this provision, the Commission shall have the right to terminate the Agreement without liability and, at its discretion, to deduct from the Agreement price, or otherwise recover, the full amount of such fee, commission, percentage, gift, or consideration.

**27. INDEMNIFICATION.**

If Grantee is a state agency or subdivision, as defined in Subsection 768.28(2), F.S., pursuant to Subsection 768.28(19), F.S., neither Party indemnifies nor insures the other Party for the other Party's negligence. If Grantee is not a state agency or subdivision as defined above, Grantee shall be fully liable for the actions of its agents, employees, partners, or subcontractors and shall fully indemnify, defend, and hold harmless the State and the Commission, and their officers, agents, and employees, from suits, actions, damages, and costs of every name and description, including attorneys' fees, arising from or relating to personal injury and damage to real or personal tangible property alleged to be caused in whole or in part by Grantee, its agents, employees, partners, or subcontractors, provided, however, that Grantee shall not indemnify for that portion of any loss or damages proximately caused by the negligent act or omission of the State or the Commission. If this is a Professional Services Agreement as defined in Subsection 725.08 F.S., then notwithstanding the provisions of Subsection 725.06 F.S., the design professional shall only be liable for, and fully indemnify, defend, and hold harmless the State, the Commission, and their officers, agents, and employees, for actions caused in whole or in part, by the negligence, recklessness, or intentionally wrongful conduct of the design professional and other persons employed or utilized by the design professional in the performance of the Agreement.

**28. NON-DISCRIMINATION.**

No person, on the grounds of race, creed, color, national origin, age, sex, or disability, shall be excluded from participation in, be denied the proceeds or benefits of, or be otherwise subjected to discrimination in performance of this Agreement.

**29. SEVERABILITY, CHOICE OF LAW, AND CHOICE OF VENUE.**

This Agreement has been delivered in the State of Florida and shall be construed in accordance with the laws of Florida. Wherever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity, without invalidating the remainder of such provision or the remaining provisions of this Agreement. Any action in connection herewith, in law or equity, shall be brought in Leon County, Florida, to the exclusion of all other lawful venues.

**30. NO THIRD-PARTY RIGHTS.**

The Parties hereto do not intend, nor shall this Agreement be construed to grant any rights, privileges or interest to any person not a party to this Agreement.

**31. JURY TRIAL WAIVER.**

As part of the consideration for this Agreement, the Parties hereby waive trial by jury in any action or proceeding brought by any party against any other party pertaining to any matter whatsoever arising out of or in any way connected with this Agreement, or with the products or services provided under this Agreement, including but not limited to any claim by the Grantee of *quantum meruit*.

**32. PROHIBITION OF UNAUTHORIZED ALIENS.**

In accordance with Federal Executive Order 96-236, the Commission shall consider the employment by the Grantee of unauthorized aliens a violation of Section 274A(e) of the Immigration and Nationalization Act. Such violation shall be cause for unilateral cancellation of this Agreement if the Grantee knowingly employs unauthorized aliens.

**33. EMPLOYMENT ELIGIBILITY VERIFICATION (E-VERIFY).**

- A. Requirement to Use E-Verify.** Executive Order 11-116, signed May 27, 2011, by the Governor of Florida, requires Commission contracts in excess of nominal value to expressly require the Grantee to: 1.) utilize the U.S. Department of Homeland Security’s E-Verify system to verify the employment eligibility of all new employees hired by Grantee during the Agreement term; and, 2.) include in all subcontracts under this Agreement, the requirement that subcontractors performing work or providing services pursuant to this Agreement utilize the E-Verify system to verify the employment eligibility of all new employees hired by the subcontractor during the term of the subcontract.
- B. E-Verify Online.** E-Verify is an Internet-based system that allows an employer, using information reported on an employee’s Form I-9, Employment Eligibility Verification, to determine the eligibility of all new employees hired to work in the United States after the effective date of the required Memorandum of Understanding (MOU); the responsibilities and elections of federal contractors, however, may vary, as stated in Article II.D.1.c. of the MOU. There is no charge to employers to use E-Verify. The Department of Homeland Security’s E-Verify system can be found online at [http://www.dhs.gov/files/programs/gc\\_1185221678150.shtm](http://www.dhs.gov/files/programs/gc_1185221678150.shtm)
- C. Enrollment in E-Verify.** If Grantee does not have an E-Verify MOU in effect, the Grantee must enroll in the E-Verify system prior to hiring any new employee after the effective date of this Agreement.
- D. E-Verify Recordkeeping.** The Grantee further agrees to maintain records of its participation and compliance with the provisions of the E-Verify program, including participation by its subcontractors as provided above, and to make such records available to the Commission or other authorized state entity consistent with the terms of the Grantee’s enrollment in the program. This includes maintaining a copy of proof of the Grantee’s and subcontractors’ enrollment in the E-Verify Program (which can be accessed from the “Edit Company Profile” link on the left navigation menu of the E-Verify employer’s homepage).
- E. Employment Eligibility Verification.** Compliance with the terms of the Employment Eligibility Verification provision is made an express condition of this Agreement and the Commission may treat a failure to comply as a material breach of the Agreement.

**34. FORCE MAJEURE AND NOTICE OF DELAY FROM FORCE MAJEURE.**

Neither Party shall be liable to the other for any delay or failure to perform under this Agreement if such delay or failure is neither the fault nor the negligence of the Party or its employees or agents and the delay is due directly to acts of God, wars, acts of public enemies, strikes, fires, floods, or other similar cause wholly beyond the Party’s control, or for any of the foregoing that affects subcontractors or suppliers if no alternate source of supply is available. However, in the event of delay from the foregoing causes, the Party shall take all reasonable measures to mitigate any and all resulting delay or disruption in the Party’s performance obligation under this Agreement. If the delay is excusable under this paragraph, the delay will not result in any additional charge or cost under the Agreement to either Party. In the case of any delay the Grantee believes is excusable under this paragraph, Grantee shall notify the Commission’s Grant Manager in writing of the delay or potential delay and describe the cause of the delay either: (1) within ten (10) calendar days after the cause that creates or will create the delay first arose, if Grantee could reasonably foresee that a delay could occur as a result; or (2) within five (5) calendar days after the date Grantee first had reason to believe that a delay could result, if the delay is not reasonably foreseeable. **THE FOREGOING SHALL CONSTITUTE GRANTEE’S SOLE REMEDY OR EXCUSE WITH RESPECT TO DELAY.** Providing notice in strict accordance with this paragraph is a condition precedent to such remedy. The Commission, in its sole discretion, will determine if the delay is excusable under this paragraph and will notify Grantee of its decision in writing. No claim for damages, other than for an extension of time, shall be asserted against the Commission. Grantee shall not be entitled to an increase in the Agreement price or payment of any kind from the Commission for direct, indirect, consequential, impact, or other costs, expenses or damages, including but not limited to costs of acceleration or inefficiency arising because of delay, disruption, interference, or hindrance from any cause whatsoever. If performance is suspended or delayed, in whole or in part, due to any of the causes described in this paragraph, after the causes have ceased to exist, Grantee shall perform at no increased cost, unless the Commission determines, in its sole discretion, that the delay will significantly impair the value of the Agreement to the Commission or the State, in which case, the Commission may do any or all of the following: (1) accept allocated performance or deliveries from Grantee, provided that Grantee grants preferential treatment to the Commission with respect to products or services subjected to allocation; (2) purchase from other sources (without recourse to and by Grantee for the related costs and expenses) to replace all or part of the products or services that are the subject of the delay, which purchases may be deducted from the Agreement quantity; or (3) terminate the Agreement in whole or in part.

**35. TIME IS OF THE ESSENCE.**

Time is of the essence regarding the performance obligations set forth in this Agreement. Any additional deadlines for performance for Grantee’s obligation to timely provide deliverables under this Agreement including but not limited to timely submittal of reports, are contained in the Scope of Work, Attachment A.

**36. ENTIRE AGREEMENT.**

This Agreement with all incorporated attachments and exhibits represents the entire Agreement of the Parties. Any alterations, variations, changes, modifications or waivers of provisions of this Agreement shall only be valid when they have been reduced to writing, and duly signed by each of the Parties hereto, unless otherwise provided herein. In the event of conflict, the following order of precedence shall prevail; this Agreement and its attachments, the terms of the solicitation and the Grantee’s response to the solicitation.



**IN WITNESS WHEREOF**, the Parties hereto have caused this Agreement to be executed through their duly authorized signatories on the day and year last written below.

Franklin County Board of Commissioners

Florida Fish and Wildlife Conservation Commission

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Executive Director (or designee)

Name: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_

Title: \_\_\_\_\_

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

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

Approved as to form and legality:

/s/ Quilla Miralia  
\_\_\_\_\_  
FWC Attorney Signature

Attachments in this Agreement include the following:

- Attachment A Scope of Work
- Attachment B Requirements of the Federal and Florida Single Audit Acts
- Attachment C Federal Aid Compliance Requirements
- Attachment D Cost Reimbursement Contract Payment Requirements
- Attachment E Certification Regarding Debarment/Suspension for Subcontracts
- Attachment F Certification of Completion

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**1. DESCRIPTION OF GOODS / SERVICES PROCURED, OR PROJECT WORKPLAN**

**A. DESCRIPTION OF GOODS / SERVICES**

The objective of this activity is to construct a marine artificial reef complex by deploying at least 25 pre-fabricated concrete modules at least four feet tall creating three patch reef within the Buddy Ward permitted area. Each module will be placed at designated locations within the boundaries of the permitted area at a depth of 42 feet.

The artificial reef construction activity to be funded consists of the following elements:

**MATERIALS**

1. Artificial reef materials must consist of a total of at least 25 pre-fabricated concrete artificial reef modules, or other concrete structures acceptable to the **COMMISSION**. All modules must be at least four (4) feet tall with a base diameter of at least six (6) feet and weigh at least two (2) tons.
2. Pre-fabricated modules must be composed of marine grade concrete with a minimum strength of 4,000 pounds per square inch (psi). Pre-fabricated modules shall consist of concrete with no exposed metal framework. Pre-fabricated modules will be designed with multiple openings of various sizes all the way through the outer surface to allow for water circulation and access by fish.
3. Open-bottom pre-fabricated reef modules may not be used unless the module has a top opening sufficiently large to allow for turtle escapement. Approved open-bottom modules include:
  - a. Three-sided modules where each side of the top opening is at least 36-in in length along its edge.
  - b. Four or more sided modules where each side of the top opening is at least 40-in in length along its edge.
  - c. Modules with a round opening with a diameter of at least 40-in (oval openings are not allowed unless a 40-in diameter circle space can fit within the oval).
  - d. Modules that are approved by the **COMMISSION** as being turtle friendly.
4. No open-bottom modules are allowed that include additional modules, discs, or other materials stacked, placed on or immediately adjacent to the top opening, as they may prevent turtles from easily escaping.
5. All artificial reef materials shall be clean and free from dirt, asphalt, creosote, petroleum, or other hydrocarbons and toxic residues, loose free floating material or other deleterious substances.
6. The **GRANTEE** shall evaluate the structural integrity of each pre-fabricated module proposed for use, and shall eliminate from artificial reef material consideration all badly damaged modules that would be prone to break apart during the transport and/or deployment process.

Attachment A - X. TYPE OF WORK

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7. For each barge load of artificial reef materials, the **GRANTEE** shall inventory all of the artificial reef materials, calculate the tonnage (either using before and after barge draft calculations, trucking receipts, or the known weights of individual pieces or reef modules), and take a representative photograph of the artificial reef material on the barge or other deployment vessel immediately prior to deployment.
8. The **GRANTEE** must develop for the purpose of tracking each module placement a system of unique module identifiers. For example, one such system could consist of unique alpha numeric lettering spray painted or otherwise obviously displayed on each unit. The purpose of this system is to allow for visual identification of these units underwater during initial post deployment module condition and orientation visual assessments.
9. Units must be capable of being deployed in an upright position on the seafloor. Any lifting lines or straps used during deployment must be temporary and removed by the **GRANTEE** prior to reimbursement.
10. Reimbursement for loading, transporting and deploying the materials will be based on cost per unit basis. Materials that are placed within the boundaries of the permitted area, completely intact and in an upright position will be reimbursed at the full unit cost. Materials that are damaged during loading, transport or deployment operations will be reimbursed based on the liquidated damage schedule (if applicable) listed in the bid specifications provided by the **GRANTEE** and approved by the **COMMISSION**.
11. The **GRANTEE** agrees to allow the **COMMISSION** to conduct on-site inspections of the artificial reef materials before, during, and after the deployment.

**LOADING AND TRANSPORTATION**

12. Artificial reef materials will be loaded using a suitable means of conveyance for transportation to a staging area site and loading onto a barge or other suitable vessel for offshore transportation to the designated artificial reef site. Offshore transportation shall be provided by a sufficiently powered transport or towing vessel, and shall include the necessary personnel and equipment to safely transport and deploy the reef material. Reef material loaded on to the transporting vessel must be properly secured in compliance with Coast Guard standards to allow for its safe transport to the reef construction site.
13. The **GRANTEE's** Project Manager shall complete the FWC Artificial Reef Cargo Manifest form to be maintained onboard the vessel at all times during transport of materials, pursuant to Chapter 379.249, F.S. The form is available on the **COMMISSION's** website: <http://www.myfwc.com/artificialreefs>.

**DEPLOYMENT AND MATERIALS PLACEMENT**

14. During the deployment of the artificial reef material, the transport vessel must be securely in place with minimal movement (<50 feet) to ensure accurate placement of

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each concrete module on the bottom. Material must be arranged to provide habitat complexity as well as provide sand bottom forage area opportunities.

15. Any machinery used to move and deploy the reef materials should be sufficiently powered/maneuverable and capably operated to ensure timely, effective and safe off-loading of materials. The tug or transport vessel shall meet all U.S. Coast Guard certification and safety requirements, be equipped with a working, accurate Global Positioning System (GPS) unit and other marine electronics including a working VHF radio. Effective and reliable communications shall exist at all times between the transport vessel, and the designated **GRANTEE** observer on site.
  
16. Deployment operations will only be initiated when sea height in the operations area is no greater than two to four feet as forecast by the nearest NOAA weather office. Either the **COMMISSION'S** observer, the **GRANTEE's** observer or the subcontractor's vessel captain reserves the right to suspend off-loading operations if positioning and other deployment objectives, including safety of personnel and equipment, are not being met.
  
17. At least 25 pre-fabricated reef modules under this Agreement will strategically placed to create three patch reefs within the Buddy Ward permitted area at the coordinates listed in Table 1. Pre-fabricated reef modules will be carefully spaced at least ten feet apart and no more than 50 feet apart to avoid potential damage while still providing one cohesive patch reef.

**Table 1**

Patch Reef #	Latitude	Longitude
1	29° 29.144'N	84° 56.031'W
2	29° 29.144'N	84° 55.763'W
3	29° 29.144'N	84° 55.494'W

18. The minimum vertical clearance of 25 feet shall be maintained above the highest point of the reef material in the Buddy Ward permitted site (in accordance with the special conditions of the US Army Corps of Engineers permit number SAJ-2018-02268.
  
19. The **GRANTEE** shall provide a bottom survey for **COMMISSION** review and approval at least 14 days prior to deployment. The bottom survey must be a visual site survey completed by certified SCUBA divers. The entire extent of the proposed patch reef area(s) must be surveyed during the dive(s). The **GRANTEE** will submit a narrative of the survey methods, results and photo documentation of the bottom.
  
20. The **GRANTEE's** Contract Manager or **GRANTEE's** designated official observer shall oversee the temporary marking of the reef deployment location in advance of reef materials deployment in order to assist the subcontractor in the proper placement of the artificial reef materials. The marker(s) shall be buoys of sufficient size and color to be clearly visible to the tug captain, and sufficiently anchored and with sufficient scope



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so that they will not drift off the designated deployment site prior to deployment. The **COMMISSION** will not pay for materials placed outside the permit area as described above. Precise GPS placement of marker buoys that do not shift position with time are important to ensure the reef is constructed within the permitted area.

21. The **GRANTEE's** Project Manager or **GRANTEE's** designated official observer shall remain on site during the entire deployment phase of the operation and confirm the GPS coordinates of the individual placements as well as the maximum vertical relief of the constructed reefs using a fathometer after the reef construction has been completed.
  
22. Both the **GRANTEE** and its subcontractor shall have on site current nautical charts of the deployment area, with the permitted site indicated on the chart. The proposed patch reef coordinates and the corner coordinates of the reef site will also be in possession of the **GRANTEE's** observer and the subcontractor when on site. The **GRANTEE's** observer shall also be in possession of a copy of the Army Corps permit for the area where the deployments are taking place. The **GRANTEE** shall be responsible for ensuring that all permit condition terms are complied with.
  
23. Both the **GRANTEE** and its subcontractor shall be prepared to remove any floating debris that might occur during deployment. Having boat hooks, dip nets, and other equipment on board to enable efficient collection of unanticipated floating debris is strongly encouraged. The **GRANTEE** shall be responsible for ensuring that any floating debris discovered during deployment operations (e.g., wood, floating line, aluminum cans, plastic bottles, or other floating materials) shall be collected and transported back to land for proper disposal.

**ALLOWABLE EXPENDITURES ASSOCIATED WITH THE REEF PROJECT**

24. Funds from this Agreement may be expended on the activities listed pursuant to Chapter 68E-9.004(1)(a), F.A.C. No more than \$5,000 or 10% (whichever is less) of project funds granted under the program may be expended for ‘engineering services’. Any funds required in excess of this amount must be provided by the applicant. See Chapter 68E-9.004(1)(a), F.A.C. for the definition of ‘engineering services’ and complete list of eligible materials and activities.
  
25. If the **GRANTEE** chooses to conduct a post-deployment SCUBA assessment at the deployment location(s) (post-deployment assessment is not required, but is an eligible activity for reimbursement under Chapter 68E-9.004(1)(a), F.A.C.), in order to be eligible for reimbursement, work must be completed within the current grant period and the following items, at a minimum, must be included:
  - a. *Methods*: name and type of vessel, anchored or live boated, type of GPS unit(s), divers, survey methods;
  - b. *Conditions*: cloud cover, wind speed and direction, sea conditions, visibility, water temperature, currents;
  - c. *Chronology*: dive plan, start and end of each dive, dive profile, maximum depth, dive time, distance and bearing searched;
  - d. *Coordinates*: Describe the GPS unit(s) used to navigate to the site (model number). Describe whether differential or WAAS coordinates were recorded. Compare the

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- dive locations to deployment location numbers. How well do they match the published numbers?
- e. *Physical observations:* Describe the number and size of material observed. What is the proximity of concrete pieces or modules to each other? What percent material was damaged or partially damaged? What is the maximum and minimum relief of the site? How do these observations compare to the Material Placement Report Form information submittal?
  - f. *Footprint area:* Measure the approximate total area covered by each patch reef through standard in situ survey practices.
  - g. *Biological observations:* Describe any fish observed, or other general biological observations.
  - h. *Video and photographs:* Provide representative still and/or video footage of each deployment location (digital format preferred when available).

**LIABILITY AND RESPONSIBILITY FOR REEF MATERIALS**

- 26. Upon initiation of the handling and movement of these artificial reef materials by the **GRANTEE's** subcontractor, all liability, risk of loss and responsibility for the safe handling, storage, transportation and deployment of the materials shall be borne by the subcontractor. This liability, assumption of risk and responsibility shall remain with the subcontractor until the materials are deployed at the permitted reef site in accordance with the specifications in this Agreement.

**B. BACKGROUND**

Chapter 379.249 F.S. creates the Florida Artificial Reef Program to enhance saltwater opportunities and to promote proper management of fisheries resources associated with artificial reefs for the public interest. Under the program, the **COMMISSION** may provide grants and financial and technical assistance to coastal local governments, state universities, and nonprofit corporations qualified under s. 501(c)(3) of the Internal Revenue Code for the siting and development of artificial reefs as well as for monitoring and evaluating such reefs and their recreational, economic, and biological effectiveness. Chapter 68E-9 F.A.C defines the procedures for submitting an application for financial assistance and criteria for allocating available funds. The purpose of this rule is to govern the development of state and federally funded artificial reefs, the review and ranking of project applications eligible for funding, and the administration of funds from the Florida Artificial Reef Program.

This artificial reef construction project was selected for funding by the **COMMISSION** based upon ranking of competitive applications submitted to the Artificial Reef Program pursuant to the criteria for allocating funds described in Chapter 68E-9, F.A.C.

**C. SUPPORT OF COMMISSION MISSION**

Construction of this artificial reef will augment marine hard bottom habitat with well-planned stable and durable artificial reefs for purposes of providing near shore reef fish habitat, offshore recreational fishing and diving opportunities, reduced pressure on natural reef and hard bottom sites, and reduced user conflicts by providing additional recreational fishing and diving site

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locations off of Florida’s coastal waters. The proposed artificial reefs will make fisheries resources available for the long term benefit of local Florida residents and visitors.

**D. DEFINITIONS**

The terms and abbreviations used herein shall have the meanings as defined below.

- i. “Artificial reef” means one or more manufactured or natural objects intentionally placed on the bottom in predominantly marine waters to provide conditions believed to be favorable in sustaining, or enhancing the spawning, breeding, feeding, or growth to maturity of Florida’s managed reef associated fish species as well as to increase the productivity of other reef community resources which support fisheries. Included in this definition are artificial reefs developed with one or more of the following additional objectives: enhancement of fishing and diving opportunities, fisheries research, and fisheries conservation/preservation purposes.
- ii. “Permitted area” means an area with discrete boundaries inside of which one or more artificial reefs may be located and for which all required permits and authorizations have been obtained. These permits and authorizations include: artificial reef permits issued by the Florida Department of Environmental Protection and/or the Army Corps of Engineers and other permits, licenses, or authorizations required by any governing body.
- iii. “Staging area” means a land-based holding area for artificial reef material where such material is stored and prepared for transportation to an approved artificial reef site.
- iv. “Prefabricated modules” means structures specifically designed and built for use as artificial reefs and which meet the environmental safety, durability, and stability requirements of this rule, as well as providing complexity and texture which are suitable as habitat for fishes and for colonization by encrusting marine organisms.
- v. “Base diameter” means the longest distance formed with a straight line between two edges or corners through the center of the module, when viewed from above.

**2. DELIVERABLES**

**A. Deliverable #1 (Artificial Reef Construction)**

Construction of a marine artificial reef by deploying at least 25 pre-fabricated concrete reef modules within the Buddy Ward permitted area. Pre-fabricated modules will be placed in close proximity to each other to create three patch reef within the boundaries of the permitted area.

**i. Minimum Level of Performance**

The artificial reef must be deployed within the boundaries of the permitted area and in compliance with all the applicable permits and authorizations associated with the permitted area. At a minimum, a total of at least 25 pre-fabricated concrete reef modules must be deployed in accordance with the specifications in this Agreement.

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**ii. Documentation / Criteria Used as Evidence of Performance**

1. A Materials Placement Report shall be submitted to the **COMMISSION's** Project Manager within 30 days of field operations completion. The Materials Placement Report form is available on the **COMMISSION's** website at <http://www.myfwc.com/artificialreefs>. The Materials Placement Report must have a certification signature and reflect an accurate material tonnage for the reef deployed as well as a detailed description of the type, number, dimensions and individual weights of the various sizes of reef materials deployed. This information may be submitted on the materials placement report in lieu of taking loaded and unloaded barge measurements. If accurate individual weights of concrete units cannot be obtained or are not known, barge displacement measurements are required. The **GRANTEE's** Project Manager or **GRANTEE's** designee shall then record the waterline length, width and draft (to the nearest inch) of the loaded barge at all four (4) corners to calculate the average displacement of water due to the weight of the artificial reef materials. The same barge measurements must be taken by either the **GRANTEE's** Project Manager or **GRANTEE's** designee when the barge returns to shore after the deployment has been completed. These measurements may not be taken while the barge is offshore at the deployment site. The barge measurements are to be included in the Materials Placement Report.
  
2. A table providing coordinates for each deployed module is required and is to be attached to the Material Placement Report. Coordinates can be reported by the contracted vendor during deployment or by the **GRANTEE** during post-deployment monitoring.
  
3. A final written field assessment providing the designated observer's narrative, for each day of the reef deployment operations, is required prior to reimbursement. The field report shall include a written chronology and narrative describing the deployment, and a performance evaluation of the marine subcontractors who performed the work. The final field assessment should include photos of the material and loaded barge prior to each deployment and, if available, underwater photographs and video footage (surface and/or underwater).

**iii. Timeline for Completion**

All artificial reef construction must be completed by August 1, 2021. A one-time short term time extension of up to thirty (30) days (through the Agreement end date of August 31, 2021) may be authorized in writing by the **COMMISSION's** Contract Manager under the following conditions: a) documented hazardous weather and sea conditions do not allow for the safe deployment of reef materials offshore or, b) unanticipated documented equipment malfunction on the transport vessel or accompanying tug or at the shore-side loading area results in an unexpected short term delay. The **COMMISSION** reserves the right to deny any time extension request if



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sufficient progress has not been accomplished. Advance planning that avoids dependence on a favorable weather window during the final days of the project is strongly encouraged. All request for bid packages from the **GRANTEE** to subcontractors must include language that specifies a completion date that ensures all materials will be in the water by August 1, 2021. Subcontracts with completion dates even earlier than August 1, 2021 to provide an additional buffer are strongly encouraged.

### 3. FINANCIAL CONSEQUENCES

- A. If the **GRANTEE** fails to complete construction in compliance with the permit conditions or in accordance with the time frame and minimum level of performance specified by the Scope of Work. The percentage deducted from the total reimbursement will be the proportion of incomplete units (number of units not completed divided by the total number of proposed units).
- B. The **GRANTEE** will not be eligible for reimbursement until all reports have been provided to the satisfaction of the **COMMISSION** documenting that all work has been completed in accordance with the Scope of Work, and in compliance with all permit conditions.

### 4. PERFORMANCE

- A. The **GRANTEE** shall submit to the **COMMISSION**, at no less than 60 day intervals beginning from the date of execution of this agreement, written or electronically transmitted progress reports outlining the progress of the project. The progress report shall identify any problems that may have arisen and actions taken to correct such problems, and include construction activities that have occurred since the last report and construction activities planned until the next report.
- B. The **GRANTEE** agrees to provide the **COMMISSION** with a minimum of five (5) days' notice and continuous notification as each deployment date approaches for any artificial reef construction that occurs as a result of this Agreement.
- C. The **GRANTEE** agrees to follow all provisions of Section 379.249, F.S. and Chapter 68E-9, F.A.C. during the term of this Agreement.
- D. The **GRANTEE** agrees to comply with all applicable federal, state, and local statutes, rules and regulations in providing goods or services to the **COMMISSION** under the terms of this Agreement; including the general and special conditions specified in any permits issued by the Department of the Army, Corps of Engineers and/or the Florida Department of Environmental Protection. The **GRANTEE** further agrees to include this as a separate provision in all subcontracts issued as a result of this Agreement.
- E. If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building material, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving

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subsurface disturbance in the immediate vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during the permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, F.S.

- F. Funds from this Agreement may not be expended on salaries, training, or parts replacement or repairs to rented or contractor owned equipment. Documentation of expenses and survey reports must be submitted with the closeout package in order for reimbursement to be made.
- G. The **GRANTEE** agrees to acknowledge the role of the Federal Aid in Sport Fish Restoration Program funding in any publicity related to this Agreement.

**5. COMPENSATION AND PAYMENT**

**A. COST REIMBURSEMENT**

The **GRANTEE** shall be compensated for a maximum of \$60,000.00 on a cost reimbursement basis in accordance with the Cost Reimbursement Contract Payment Requirements as shown in the Department of Financial Services, “Reference Guide for State Expenditures” publication. The cost reimbursement requirements section of the Reference Guide is attached hereto and made a part hereof as Attachment D. The **GRANTEE** shall provide a minimum matching contribution as specified in Attachment B, Exhibit 1 and item 14(c) Federal Funds.

**B. INVOICE SCHEDULE**

A single final invoice may be submitted after completion of the deliverable and must be received by the **COMMISSION** no later than October 15, 2021 to assure availability of funds for payment. A timely reimbursement request following completion of actual field operations is strongly encouraged.

**C. TRAVEL EXPENSES**

No travel expenses are authorized under the terms of this Agreement.

**D. FORMS AND DOCUMENTATION**

- 1. The **GRANTEE** shall submit a completed Materials Placement Report form along with the invoice and request for payment. The Materials Placement Report form is available on the **COMMISSION**'s website at: <http://www.myfwc.com/artificialreefs>.

**6. MONITORING SCHEDULE**

- A. The **GRANTEE** agrees to allow the **COMMISSION** to conduct on-site inspections of the artificial reef materials, staging area and construction site before, during, and after the deployment.

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- B. The **COMMISSION** will monitor the **GRANTEE**'s service delivery to determine if the **GRANTEE** has achieved the required level of performance. If the **COMMISSION** in its sole discretion determines that the **GRANTEE** failed to meet any of the terms or conditions of the Agreement, the **GRANTEE** will be sent a formal written notice. The **GRANTEE** shall correct all identified deficiencies within forty-five (45) days of notice. Failure to achieve 100% compliance with all of the terms and conditions of this Agreement or failure to correct the deficiencies identified in a notice identifying deficiencies within the time frame specified may result in delays in payment, financial consequences, or termination of this Agreement in accordance with the terms of the Agreement.
  
- C. No additional monitoring activities have been identified at this time; however, additional tasks may be identified during the pendency of this agreement.

**7. INTELLECTUAL PROPERTY RIGHTS**

See Agreement for applicable terms and conditions related to the intellectual property rights.

**8. SUBCONTRACTS**

See Agreement for applicable terms and conditions related to subcontracts.

**9. INSURANCE**

See Agreement for applicable terms and conditions related to insurance.

**10. SECURITY AND CONFIDENTIALITY**

See Agreement for applicable terms and conditions related to security and confidentiality.

**11. RECORD KEEPING REQUIREMENTS**

See Agreement for applicable terms and conditions related to record keeping requirements.

**12. NON-EXPENDABLE PROPERTY**

The **GRANTEE** is not authorized to use funds provided herein for the purchase of any non-expendable equipment or personal property valued at \$1,000 or more for performance under this Agreement.

**13. PURCHASE OR IMPROVEMENT OF REAL PROPERTY**

This Section is not applicable and intentionally left blank.

**14. SPECIAL PROVISIONS FOR CONSTRUCTION CONTRACTS**

**A. DRUG-FREE WORKPLACE**

Pursuant to Section 440.102(15), F.S., any construction contractor regulated under Parts I and II of Chapter 489, F.S., who contracts to perform construction work under a state contract shall implement a drug-free workplace.

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**B. CONTRACTOR ELIGIBILITY**

1. The use of a Marine Specialty licensed contractor (Section 489.105, F.S) is not a requirement for professional services pertaining to artificial reef deployment activities during this Agreement. A Marine Specialty Contractor license (Chapter 61G4-15.033 Florida Administrative Code) does not include artificial reefs, and therefore is not a licensing requirement for artificial reef deployment.
2. The Consultants Competitive Negotiation Act (Section 287.055, F.S.) is not applicable for professional services pertaining to artificial reef planning, procurement, deployment or survey activities during this Agreement. Signed and sealed drawings are not required.
3. In accordance with Executive Order 12549, Debarment and Suspension, the **GRANTEE** shall agree and certify that neither it, nor its principals, is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency; and, that the **GRANTEE** shall not knowingly enter into any lower tier agreement, or other covered transaction, with a person who is similarly debarred or suspended from participating in this covered transaction, unless authorized in writing to the **COMMISSION** by the federal agency issuing the grant award. Upon execution of subcontracts funded by this Agreement, the **GRANTEE** shall require subcontractors to complete, sign and return a copy of the form entitled "Certification Regarding Debarments, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Federally Funded Transactions", attached hereto and made a part hereof as Attachment E. As required by sentences 1 and 2 above, the **GRANTEE** shall include the language of this section, and Attachment E in all subcontracts or lower tier agreements executed to support the **GRANTEE's** work under this Agreement.

**C. FEDERAL FUNDS**

1. This Agreement is funded in whole or in part by a grant from the U.S. Fish and Wildlife Service, Federal Aid in Sport Fish Restoration Program, CFDA No. 15.605. Therefore, the **GRANTEE** shall be responsible for complying with all federal grant requirements as provided in the grant, a copy of which is attached hereto and made a part hereof as Attachment C. It is understood and agreed that the **GRANTEE** is not authorized to expend any federal funds under this Agreement to a federal agency or employee without the prior written approval of the U.S. Fish and Wildlife Service.
2. The Davis-Bacon Act is not applicable to subcontracts executed under this Agreement. This project is funded by the Dingell-Johnson Sport Fish Restoration Act which does not require implementation of the provision of the Davis-Bacon Act as the initial federal award to the **COMMISSION** was exempt from the Davis-Bacon Act conditions.
3. The **GRANTEE** agrees to follow all requirements of CFR 200, Code of Federal Regulations, for the procurement of commodities or contractual services under this Agreement.



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4. The **GRANTEE** shall be required to provide a minimum matching contribution of \$10,000.00 of the total project costs in support of the **COMMISSION's** grant from the U.S. Fish and Wildlife Service.
5. The **COMMISSION** shall make payment to the **GRANTEE** for an amount of the total project eligible cost less the \$10,000.00 match, not to exceed \$60,000.00 of approved invoiced costs. The \$10,000.00 of invoice costs not reimbursed by the **COMMISSION** shall represent the **GRANTEE's** matching contribution as required by the **COMMISSION's** grant from the U.S. Fish and Wildlife Service.

**D. PAYMENT BOND**

Pursuant to Chapter 287, F.S., no payment or surety bond is required for this project.

**E. PERFORMANCE BOND**

Pursuant to Chapter 287, F.S., no performance bond is required for this project.

**F. CERTIFICATE OF CONTRACT COMPLETION**

The Grantee will be required to complete a Certificate of Completion form (Attachment F) when all work has been completed and accepted. This form must be submitted to the **COMMISSION's** Contract Manager with the **GRANTEE's** invoice for payment to be authorized. The **COMMISSION's** Contract Manager shall submit the executed form with the invoice to Accounting Services.

**G. CERTIFICATE OF PARTIAL PAYMENT**

This Section is not applicable and intentionally left blank.

**H. GRANTEE PAYMENTS TO SUBCONTRACTOR**

Grant Agreement No. 20019, Section 15, B, "Grantee Payments to Subcontractor" is hereby amended to read as follows:

If subcontracting is permitted pursuant to Section 15, Paragraph A, the **GRANTEE** agrees to make payments to the subcontractor upon completion of work and submitted invoice in accordance with the contract between the **GRANTEE** and subcontractor. Failure to make payment pursuant to any subcontract within thirty (30) working days will result in a penalty charged against **GRANTEE** and paid to the subcontractor in the amount of one-half of one percent (0.50%) of the amount due per day from the expiration of the thirty (30) working day period allowed herein for payment. Such penalty shall be in addition to actual payments owed and shall not exceed fifteen percent (15%) of the outstanding balance due.

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**ATTACHMENT B**  
**AUDIT REQUIREMENTS FOR AWARDS OF**  
**STATE AND FEDERAL FINANCIAL ASSISTANCE**

*Note: Rule Chapter 69I-5, Florida Administrative Code (F.A.C.), State Financial Assistance, incorporates this form as well as the regulations cited therein by reference in Rule 69I-5.006, F.A.C. Rule 69I-5.001, F.A.C., incorporates 2 CFR Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, including Subpart F - Audit Requirements, 2018 Edition, and its related Appendix XI, Compliance Supplement, April 2017 and April 2018. The form and regulations can be accessed via the Department of Financial Services' website at <https://apps.fldfs.com/fsaa/>.*

The administration of resources awarded by the Florida Fish and Wildlife Conservation Commission to the grantee may be subject to audits and/or monitoring by the Florida Fish and Wildlife Conservation Commission, as described in this section.

**MONITORING**

In addition to reviews of audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and section 215.97, Florida Statutes (F.S.), as revised (see AUDITS below), monitoring procedures may include, but not be limited to, on-site visits by the Florida Fish and Wildlife Conservation Commission staff, limited scope audits as defined by 2 CFR §200.425, or other procedures. By entering into this agreement, the grantee agrees to comply and cooperate with any monitoring procedures or processes deemed appropriate by the Florida Fish and Wildlife Conservation Commission. In the event the Florida Fish and Wildlife Conservation Commission determines that a limited scope audit of the grantee is appropriate, the grantee agrees to comply with any additional instructions provided by the Florida Fish and Wildlife Conservation Commission staff to the grantee regarding such audit. The grantee further agrees to comply and cooperate with any inspections, reviews, investigations, or audits deemed necessary by the Chief Financial Officer (CFO) or Auditor General.

**AUDITS**

**Part I: Federally Funded**

This part is applicable if the grantee is a state or local government or a nonprofit organization as defined in 2 CFR §200.90, §200.64, and §200.70.

1. A grantee that expends \$750,000 or more in federal awards in its fiscal year must have a single or program-specific audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. EXHIBIT 1 to this form lists the federal resources awarded through the Florida Fish and Wildlife Conservation Commission by this agreement. In determining the federal awards expended in its fiscal year, the grantee shall consider all sources of federal awards, including federal resources received from the Florida Fish and Wildlife Conservation Commission. The determination of amounts of federal awards expended should be in accordance with the guidelines established in 2 CFR §§200.502-503. An audit of the grantee conducted by the Auditor General in accordance with the provisions of 2 CFR §200.514 will meet the requirements of this Part.
2. For the audit requirements addressed in Part I, paragraph 1, the grantee shall fulfill the requirements relative to auditee responsibilities as provided in 2 CFR §§200.508-512.
3. A grantee that expends less than \$750,000 in federal awards in its fiscal year is not required to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements. If the grantee expends less than \$750,000 in federal awards in its fiscal year and elects to have an audit conducted in accordance with the provisions of 2 CFR 200, Subpart F - Audit Requirements,

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the cost of the audit must be paid from non-federal resources (i.e., the cost of such an audit must be paid from grantee resources obtained from other than federal entities).

## Part II: State Funded

*Note: This part is applicable if the grantee is a nonstate entity as defined by section 215.97(2), F.S.*

1. In the event that the grantee expends a total amount of state financial assistance equal to or in excess of \$750,000 in any fiscal year of such grantee (for fiscal years ending June 30, 2017, and thereafter), the grantee must have a state single or project-specific audit for such fiscal year in accordance with section 215.97, F.S.; Rule Chapter 69I-5, F.A.C., State Financial Assistance; and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General. EXHIBIT 1 to this form lists the state financial assistance awarded through the Florida Fish and Wildlife Conservation Commission by this agreement. In determining the state financial assistance expended in its fiscal year, the grantee shall consider all sources of state financial assistance, including state financial assistance received from the Florida Fish and Wildlife Conservation Commission, other state agencies, and other nonstate entities. State financial assistance does not include federal direct or pass-through awards and resources received by a nonstate entity for federal program matching requirements.
2. For the audit requirements addressed in Part II, paragraph 1, the grantee shall ensure that the audit complies with the requirements of section 215.97(8), F.S. This includes submission of a financial reporting package as defined by section 215.97(2), F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General.
3. If the grantee expends less than \$750,000 in state financial assistance in its fiscal year (for fiscal years ending June 30, 2017, and thereafter), an audit conducted in accordance with the provisions of section 215.97, F.S., is not required. If the grantee expends less than \$750,000 in state financial assistance in its fiscal year and elects to have an audit conducted in accordance with the provisions of section 215.97, F.S., the cost of the audit must be paid from the nonstate entity's resources (i.e., the cost of such an audit must be paid from the grantee's resources obtained from other than state entities).

## Part III: Other Audit Requirements

*Note: This Part should be used to specify any additional audit requirements imposed by the state awarding entity that are solely a matter of that state awarding entity's policy (i.e., the audit is not required by federal or state laws and is not in conflict with other federal or state audit requirements). Pursuant to section 215.97(8), F.S., state agencies may conduct or arrange for audits of state financial assistance that are in addition to audits conducted in accordance with section 215.97, F.S. In such an event, the state awarding agency must arrange for funding the full cost of such additional audits.*

## Part IV: Report Submission

1. Copies of reporting packages for audits conducted in accordance with 2 CFR 200, Subpart F - Audit Requirements, and required by Part I of this form shall be submitted, when required by 2 CFR §200.512, by or on behalf of the grantee directly to the Federal Audit Clearinghouse (FAC) as provided in 2 CFR §200.36 and §200.512.

The FAC's website provides a data entry system and required forms for submitting the single audit reporting package. Updates to the location of the FAC and data entry system may be found at the OMB website.

2. Copies of financial reporting packages required by Part II of this form shall be submitted by or on behalf of the grantee directly to each of the following:

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- a. The Commission at each of the following addresses:

Office of Inspector General  
Florida Fish and Wildlife Conservation Commission  
Bryant Building  
620 S. Meridian St.  
Tallahassee, FL 32399-1600

- b. The Auditor General's Office at the following address:

Auditor General  
Local Government Audits/342  
Claude Pepper Building, Room 401  
111 West Madison Street  
Tallahassee, Florida 32399-1450

The Auditor General's website (<https://flauditor.gov/>) provides instructions for filing an electronic copy of a financial reporting package.

3. Copies of reports or the management letter required by Part III of this form shall be submitted by or on behalf of the grantee directly to:

The Commission at each of the following addresses:

Office of Inspector General  
Florida Fish and Wildlife Conservation Commission  
Bryant Building  
620 S. Meridian St.  
Tallahassee, FL 32399-1600

4. Any reports, management letters, or other information required to be submitted to the Florida Fish and Wildlife Conservation Commission pursuant to this agreement shall be submitted timely in accordance with 2 CFR §200.512, section 215.97, F.S., and Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, as applicable.
5. Grantees, when submitting financial reporting packages to the Florida Fish and Wildlife Conservation Commission for audits done in accordance with 2 CFR 200, Subpart F - Audit Requirements, or Chapters 10.550 (local governmental entities) and 10.650 (nonprofit and for-profit organizations), Rules of the Auditor General, should indicate the date that the reporting package was delivered to the grantee in correspondence accompanying the reporting package.

#### Part V: Record Retention

The grantee shall retain sufficient records demonstrating its compliance with the terms of the award(s) and this agreement for a period of at least five years from the date the audit report is issued, and shall allow the Florida Fish and Wildlife Conservation Commission, or its designee, the CFO, or Auditor General access to such records upon request. The grantee shall ensure that audit working papers are made available to the Florida Fish and Wildlife Conservation Commission, or its designee, the CFO, or Auditor General upon request for a period of at least three years from the date the audit report is issued, unless extended in writing by the Florida Fish and Wildlife Conservation Commission.



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*Note: Records need to be retained for at least five years to comply with record retention requirements related to original vouchers as prescribed by the Department of State, Division of Library and Information Services, Bureau of Archives and Records Management.*

AUDIT REQUIREMENTS FOR AWARDS OF  
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## EXHIBIT 1

**Federal Resources Awarded to the Grantee  
Pursuant to this Agreement Consist of the Following:**

*Note: If the resources awarded to the grantee represent more than one federal program, provide the same information shown below for each federal program and show total federal resources awarded.*

1. Federal Program A:  
Federal Aid in Sport Fish Restoration Program, 15.605, \$32,000.00
2. Federal Program B:  
not applicable

**Compliance Requirements Applicable to the Federal Resources  
Awarded Pursuant to this Agreement are as Follows:**

*Note: If the resources awarded to the grantee represent more than one federal program, list applicable compliance requirements for each federal program in the same manner as shown below.*

1. Federal Program A:
  - A. Only the goods and/or services described within the attached Agreement and Attachment A Scope of Work are eligible expenditures for the funds awarded.
  - B. All provisions of Section 379.249, Florida Statutes and Rule 68E-9, Florida Administrative Code must be complied with in order to receive funding under this Agreement.
  - C. The Grantee must comply with the requirements of all applicable laws, rules or regulations relating to this artificial reef project.
  - D. The Grantee shall be required to provide a matching contribution of the total project costs (a minimum of \$10,000) in support of the Commission's grant from the U.S. Fish and Wildlife Service.
2. Federal Program B:  
not applicable

*Note: Instead of listing the specific compliance requirements as shown above, the state awarding agency may elect to use language that requires the grantee to comply with the requirements of applicable provisions of specific laws, rules, regulations, etc. For example, for Federal Program A, the language may state that the grantee must comply with specific laws, rules, regulations, etc., that pertains to how the awarded resources must be used or how eligibility determinations are to be made. The state awarding agency, if practical, may want to attach a copy of the specific laws, rules, regulations, etc., referred to.*

AUDIT REQUIREMENTS FOR AWARDS OF  
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**State Resources Awarded to the Grantee  
Pursuant to this Agreement Consist of the Following:**

**Matching Resources for Federal Programs:**

*Note: If the resources awarded to the grantee for matching represent more than one federal program, provide the same information shown below for each federal program and show total state resources awarded for matching.*

1. Federal Program A:  
Federal Aid in Sport Fish Restoration Program, 15.605, \$28,000.00
2. Federal Program B:  
not applicable

**Subject to Section 215.97, F.S.:**

*Note: If the resources awarded to the grantee represent more than one state project, provide the same information shown below for each state project and show total state financial assistance awarded that is subject to section 215.97, F.S.*

1. State Project A:  
not applicable
2. State Project B:  
not applicable

**Compliance Requirements Applicable to State Resources Awarded  
Pursuant to this Agreement Are as Follows:**

*Note: List applicable compliance requirements in the same manner as illustrated above for federal resources. For matching resources provided by the Department of ABC for federal programs, the requirements might be similar to the requirements for the applicable federal programs. Also, to the extent that different requirements pertain to different amounts of the non-federal resources, there may be more than one grouping (i.e., 1, 2, 3, etc.) listed under this category.*

1. State Project A:  
not applicable
2. State Project B:  
not applicable

*Note: 2 CFR §200.513 and section 215.97(5), F.S., require that the information about federal programs and state projects included in EXHIBIT 1 be provided to the grantee.*

*For questions regarding Form DFS-A2-CL, contact your FSAA state agency liaison or the Department of Financial Services, Bureau of Auditing, at FSAA@MyFloridaCFO.com or (850) 413-3060.*

## Attachment C

## State Grant Programs Part 523 Federal Aid Compliance Requirements

## Chapter 1 Summary 523 FW 1.1

**1.1 Purpose.** The purpose of this chapter is to summarize guidance on those requirements generally applicable to grant programs.

**1.2 Applicability and Scope.** In accepting Federal funds, States and other grantees must comply with all applicable Federal laws, regulations, and policies. This chapter is not all-inclusive. Exclusion of any specific requirement does not relieve grantees of their responsibility for compliance. Copies of reference materials can be obtained from the Regional Offices. Guidance on the following requirements is contained in this chapter.

**A. Nondiscrimination Requirements.**

- Title VI of the Civil Rights Act of 1964
- Section 504 of the Rehabilitation Act of 1973
- Age Discrimination Act of 1975
- Title IX of the Education Amendments of 1972

**B. Environmental Requirements.**

- Coastal Zone Management Act of 1972
- Executive Order 11987, Exotic Organisms
- Endangered Species Act of 1973
- National Environmental Policy Act of 1969
- Floodplains and Wetlands Protection
- Animal Welfare Act of 1985
- Coastal Barriers Resources Act of 1982

**C. Historic and Cultural Preservation Requirements.**

- National Historic Preservation Act of 1966

**D. Administrative Requirements.**

- Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
- Debarment and Suspension
- Drug-Free Workplace Act of 1988
- Restrictions on Lobbying (P.L. 101-121)

**1.3 Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000(d)).**

**A. Summary.** Prohibits discrimination based on race, color, or national origin in any "program or activity receiving Federal financial assistance."

**B. References.**

- (1) Regulations of the Department of the Interior (43 CFR Part 17)
- (2) U.S. Fish and Wildlife Service Guidelines for Compliance with Federal Nondiscrimination Requirements
- (3) U.S. Fish and Wildlife Service Federally Assisted Program Implementation Plan

**C. Requirements.**

- (1) Grantees may not, on the basis of race, color, or national origin, select, locate, or operate project facilities which will serve to exclude or limit opportunity for use or benefits.





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(2) Grantees shall make reasonable efforts to inform the public of opportunities provided by Federal Aid projects and shall inform the public that the projects are subject to Title VI compliance.

(3) Though employment practices are not in themselves subject to Title VI, Title VI does apply to employment which may affect the delivery of services to beneficiaries of a federally assisted program. For the purpose of Title VI, volunteers or other unpaid persons who provide services to the public are included.

**1.4 Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 795)**

**A. Summary.** Ensures that no qualified handicapped person shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

**B. References.**

(1) Regulations of the Department of the Interior (43 CFR Part 17)

(2) U.S. Fish and Wildlife Service Guidelines for Compliance with Federal Nondiscrimination Requirements

(3) U.S. Fish and Wildlife Service Federally Assisted Program Implementation Plan

**C. Requirements.**

(1) Grantees may not deny a qualified handicapped person the opportunity to participate in or benefit from Federal Aid project facilities or services afforded to others.

(2) Grantees may not deny a qualified handicapped person the opportunity to participate as a member of a planning or advisory board.

(3) The location of facilities shall not have the effect of excluding handicapped persons from, deny them the benefits of, or otherwise subject them to discrimination under any Federal Aid project.

**1.5 Age Discrimination Act of 1975 (42 U.S.C. 6101)**

**A. Summary.** Prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance.

**B. References.**

(1) Regulations of the Department of the Interior (43 CFR Part 17)

(2) U.S. Fish and Wildlife Service Guidelines for Compliance with Federal Nondiscrimination Requirements

(3) U.S. Fish and Wildlife Service Federally Assisted Program Implementation Plan

**C. Requirements.** No person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. However, a grantee is permitted to take an action otherwise prohibited if the action reasonably takes into account age as a factor necessary to the normal operation or achievement of any statutory objective of a program or activity.

**1.6 Title IX of the Education Amendments of 1972 (20 U.S.C. 1681, et.seq.)**

**A. Summary.** Prohibits discrimination on the basis of sex in any education program receiving Federal financial assistance.



**Attachment C****B. References.**

- (1) Regulations of the Department of the Interior (43 CFR Part 17)
- (2) U.S. Fish and Wildlife Service Guidelines for Compliance with Federal Nondiscrimination Requirements

**C. Requirements.** No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program receiving Federal financial assistance. For the purpose of Title IX, hunter education and aquatic education project activities are considered education programs.

**1.7 Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et. seq.)**

**A. Summary.** The Act is intended to, "preserve, protect, develop, and where possible, to restore or enhance, the resources of the Nation's coastal zone..."

**B. References.** Regulations of the Department of Commerce (15 CFR 930).

**C. Requirements.** Federal Aid projects, which would "significantly affect the coastal zone" must be consistent with the approved State management programs developed under the Act. Prior to submitting a Grant Proposal for a project in the coastal zone of a State with an approved Coastal Zone Management Program, the proposed project must be reviewed for consistency with the management plan. Grantees may be required to submit a statement attesting to conformance with the Coastal Zone Management Plan.

**1.8 Exotic Organisms Executive Order 11987**

**A. Summary.** Federal agencies shall discourage the States from introducing exotic species into natural ecosystems of the United States. In addition, Federal agencies will restrict the use of Federal funds for the purpose of introducing exotic species into ecosystems outside of the United States.

**B. References.** Executive Order 11987, Exotic Organisms, 42 FR 26949 (May 25, 1977)

**C. Requirements.**

- (1) Any proposal for the introduction of an exotic species into a natural ecosystem by a State fish and wildlife agency must include a biological opinion from the U.S. Fish and Wildlife Service supporting the proposed introduction.
- (2) To obtain a biological opinion, the State agency shall provide the Regional Director with a written request for the opinion together with any available information including, but not limited to, NEPA documents, biological data, and project plans.
- (3) After receiving a biological opinion, it will be the responsibility of the State agency to adhere to the recommendations outlined in that opinion.

**1.9 Endangered Species Act of 1973 (16 U.S.C. 1531-1534).**

**A. Summary.** Actions funded under the Federal Aid programs must not jeopardize the continued existence of any endangered or threatened species, or result in the destruction or adverse modification of the habitat of the species.

**B. Reference.** Section 7 Consultation Requirements, 43 FR 870 (Jan. 4, 1978).

**C. Requirements.** The Regional Director must ensure that Federal Aid projects are not likely to jeopardize the continued existence of endangered or threatened species or result in the



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destruction or adverse modification of critical habitat. For projects which may affect an endangered or threatened species, either beneficially or adversely, a formal Section 7 consultation is necessary. The State is required to name the listed species and/or critical habitat included; list the name, description, and location of the area; list objectives of the actions; and provide an explanation of the impacts of the actions on a listed species or its critical habitat.

**1.10 National Environmental Policy Act of 1969 (42 U.S.C. 4321-4347).**

**A. Summary.** Requires that every proposed Federal action be examined to determine the effects (beneficial or adverse) it will have on the human environment and that the findings be considered in decisions regarding its implementation.

**B. References.**

- (1) Regulations of the Council on Environmental Quality implementing the procedural provisions of NEPA, (40 CFR 1500-1508).
- (2) Departmental Manual, Environmental Quality, Part 516.
- (3) Fish and Wildlife Service Manual, National Environmental Policy Act, Part 550.
- (4) National Environmental Policy Act Handbook for Federal Aid Projects. The Assistant Director-Fish and Wildlife Enhancement is authorized to promulgate the National Environmental Policy Act Handbook for Federal Aid Projects.

**C. Requirements.** Each action proposed for Federal funding must include an Environmental Assessment (EA), Environmental Impact Statement (EIS), or show that the proposed activity is covered by one or more categorical exclusions. For specific requirements and procedures, see National Environmental Policy Act (NEPA) Handbook for Federal Aid Projects.

**1.11 Floodplains and Wetlands Protection.**

**A. Summary.** Federal Aid funds may not be used for projects affecting floodplains or wetlands unless there is no practical alternative outside the floodplain or wetland and only if actions are taken to minimize the adverse effects.

**B. References.**

- (1) Executive Order 11988, Floodplain Management, 42 FR 26951 (May 25, 1977).
- (2) Executive Order 11990, Protection of Wetlands, 42 FR 26961 (May 25, 1977).
- (3) Department of Interior Procedures for Implementation, 520 DM 1.
- (4) Natural Resources Protection, 613 FW.

**C. Requirements.** The Executive orders on floodplains and wetlands require Federal agencies to review proposed actions to ensure that there are no practical alternatives outside the floodplain or wetland, and to ensure that potential harm is minimized. If there are no practical alternatives to proposed projects in floodplains or wetlands, actions to minimize the adverse effects should be incorporated into the project plans.

**1.12 Animal Welfare Act of 1985 7 U.S.C. 2131, et seq.**

**A. Summary.** Requires the humane treatment of animals (exclusive of fish) used in research, experimentation, testing, and teaching.

**B. References.** Regulations of the Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), 9 CFR Parts 1, 2 and 3 (54 FR 36112 (Aug. 31, 1989).



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**C. Requirements.** Grantees who use Federal Aid funds to conduct covered management or research or who engage in interstate shipment of animals should contact the local Animal and Plant Health Inspection Service (APHIS) office for instructions. A list of the APHIS offices may be obtained from the Regional Offices.

**1.13 Coastal Barriers Resources Act of 1982 (16 U.S.C. 3501), as amended by the Coastal Barrier Improvement Act of 1990 (P.L. 101-591)**

**A. Summary.** The purpose of the Acts are "...to minimize the loss of human life, wasteful expenditure of Federal revenues and damage to fish and wildlife, and other natural resources associated with coastal barriers..."

**B. References.** U.S. Fish and Wildlife Service Advisory Guidelines, 48 FR 45664 (Oct. 6, 1983).

**C. Requirements.** Activities conducted within a unit of the Coastal Barrier Resources System must meet the requirements of section 6 of the Act. Section 6 requires consultation with the Service, via the appropriate Regional Office.

**1.14 National Historic Preservation Act of 1966 16 U.S.C. 470.**

**A. Summary.** Federal agencies may not approve any grant unless the project is in accordance with national policies relating to the preservation of historical and cultural properties and resources.

**B. References.**

- (1) National Register of Historic Places (36 CFR 60).
- (2) The Archeological and Historic Preservation Act of 1974, 16 U.S.C. 469a.
- (3) Procedures for the Protection of Historic and Cultural Properties (36 CFR 800).
- (4) Determinations of Eligibility for Inclusion in the National Register of Historic Places (36 CFR 63).
- (5) Criteria for Comprehensive Statewide Historic Surveys and Plans (36 CFR 61).
- (6) Cultural Resources Protection, 614 FW.

**C. Requirements.**

(1) States must consult with the State Historic Preservation Officer (SHPO) for those activities or projects that are defined as undertakings under the National Historic Preservation Act. An undertaking is defined as a project, activity, or program that can result in changes in the character or use of properties that are listed on or potentially eligible for listing on the National Register of Historic Places (National Register) and located within the project's area of potential effect. Undertakings include new and continuing projects, activities, or programs and any of their elements not previously considered under Section 106 of the National Historic Preservation Act.

(2) In cases where a Federal Aid project has been determined to be an undertaking, the State must notify the appropriate Service Regional Director for guidance on how to proceed with Section 106 compliance. Based on the results of the consultation between the State and SHPO, the Service will determine the need and level of inventory to identify historic properties that may be affected by the undertaking and to gather sufficient information to evaluate whether these properties are listed or are eligible for listing in the National Register.

(3) Where completed inventories indicate that identified historic properties may be affected by the undertaking, the State shall be responsible for submitting the necessary documentation to the appropriate Regional Director for review. As necessary, the Service shall seek





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determinations of eligibility for those properties that are to be affected by the proposed activity.

(4) If a State is advised by the SHPO that an undertaking will adversely affect a property that is eligible for or listed on the National Register, the State shall ask the appropriate Regional Director to determine measures for mitigating or avoiding impacts. This may require the development of a memorandum of agreement among the Service, State, and State Historic Preservation Officer to address specific measures that will be employed to avoid or minimize adverse effects to historic properties located within the area of potential effect. Adverse effects that may diminish the character and integrity of historic properties include

- (a) Physical destruction, damage, or alteration of all or part of the property;
- (b) Isolation of the property from or alteration of the character of the property's setting when that character contributes to the property's qualification for the National Register of Historic Places;
- (c) Introduction of visual, audible, or atmospheric elements that are out of character with the property or alter its setting;
- (d) Neglect of a property resulting in its deterioration or destruction; and
- (e) Transfer, lease, or sale of the historic property.

(5) If a previously unknown property that is eligible for listing on the National Register is discovered at any time during the implementation period of a Federal Aid project, the Regional Director must be notified and all actions which may adversely effect it must be suspended. The Service shall provide the State with instructions on how to proceed.

### **1.15 Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601)**

**A. Summary.** Federal agencies may not approve any grant unless the grantee provides Assurances that it will comply with the Act. Prices to be paid for lands or interests in lands must be fair and reasonable (except when the price is fixed by law, or when the lands are to be acquired at public auction or by condemnation and the value determined by the court). Persons displaced from their homes, businesses, and farms must receive relocation services, compensation, and fair equitable treatment.

#### **B. References.**

- (1) Department of Interior Uniform Relocation Assistance and Real Property Acquisition Regulations (41 CFR 114-50).
- (2) Department of Transportation Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs (49 CFR Part 24).

#### **C. Appraisal Requirements.**

- (1) A real property owner or his designated representative must be contacted prior to making an appraisal and given an opportunity to accompany the appraiser during inspection of the property. The fact that it occurred must be documented in project files and in the appraisal report.
- (2) Real property must be appraised, the appraisal report reviewed, and the fair market value established prior to initiation of negotiations with the owner.
- (3) If the acquisition of only part of a property will leave the owner with an uneconomic remnant, the State or other grantee must offer to buy the whole property. The term "uneconomic remnant" applies only to Title III of the Act and the necessity of the acquiring agency to offer to purchase such a remainder or the entire property. It is not to be construed with the term "uneconomic unit" as it applies to the in-lieu payment of farm operations under Title II of the Act.



**Attachment C****D. Negotiation Requirements.**

- (1) An owner or his designated representative must be provided, in person or by certified mail, a written statement of just compensation as determined in the appraisal process. Offers of compensation cannot be less than the approved appraisal of fair market value of such property. If only a portion of the owner's property is being taken and the owner is left with an uneconomic remnant, the agency must offer to buy the whole property.
- (2) Reimbursement to a real property owner for costs to convey a title must include
- (a) Recording fees, transfer taxes, and similar costs;
  - (b) Penalty cost for prepayment of pre-existing recorded mortgage; and
  - (c) Pro-rata portion of real property taxes allocable to a period subsequent to the date of vesting title.
- (3) All displaced persons (owners and tenants) must be provided information on their relocation benefits.

**E. Relocation Assistance to Displaced People.**

- (1) A relocation plan must be prepared for displaced persons so that problems associated with displacement of individuals, families, businesses, farms and nonprofit organizations are known at an early stage in a project's development (see 49 CFR 24.205). Planning may involve the following
- (a) Who and what will be displaced.
  - (b) The estimated number of dwellings, businesses, farms, and nonprofit organizations displaced, including rentals. This estimate should contain
    - (i) Currently available replacement housing, businesses, farm, and organization sites;
    - (ii) Approximate number of employees affected;
    - (iii) Types of buildings, number, and size of rooms;
    - (iv) The needs of those displaced (i.e. lifestyle); and
    - (v) Type of neighborhood, distance to community facilities, church, etc.
  - (c) List of comparable replacement dwellings, including rentals, available on the market within a 50-mile radius (specialized units may require expanding radius). When an adequate supply of comparable housing is not expected to be available, consideration of Housing of the Last Resort actions should be instituted.
  - (d) Estimate of cost of replacement housing by purchase and/or rental per displaced person, and consideration of special needs like the elderly or handicapped.
  - (e) Estimate of cost for moving.
- (2) **Advisory Services for Displaced People.** Advisory services must be provided for all persons occupying property to be acquired and for all persons who use such real property for a business or farm operation. Eligibility requirements and corresponding benefits must be explained to all displaced persons. Assistance must be provided to persons completing claim forms, obtaining moving services, and obtaining proper housing.
- (3) **Payment for Relocation of Displaced Persons.** Relocation expenses must be paid to a displaced person who purchases and occupies a replacement dwelling. Moving and related expenses will be provided to displaced persons residing on real property including those persons owning a business or a farm. All payments must comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

**Attachment C****1.16 Debarment and Suspension**

**A. Summary.** Executive Order 12549, Debarment and Suspension, directs that persons debarred or suspended by one Federal agency from receiving grants may not receive grants from any Federal agency.

**B. References.**

- (1) Executive Order 12549, Debarment and Suspension, Feb. 18, 1986.
- (2) Department of Interior Rules, Governmentwide Debarment and Suspension (Nonprocurement), 43 CFR 12.100 - 12.510

**C. Requirements.**

- (1) States and other grantees must submit the certification for Primary Covered Transactions (DI-1953). States certify as to their "principals", not the State agency. State principals are commissioners, directors, project leaders, or other persons with primary management or supervisory responsibilities, or a person who has a critical influence on or substantial control over Federal Aid projects. States may provide the certification annually. Other grantees must provide the certification with each Application for Federal Assistance.
- (2) States and other grantees must obtain from their subgrantees and contractors a certification for Lower Tier Covered Transactions (DI-1954). A certification is not required for small purchase procurements, currently defined as less than \$25,000. These certifications are normally provided with an application or proposal from a subgrantee or contractor.
- (3) States and other grantees must not make any award, either by subgrant or contract, to any party which is debarred or suspended or is otherwise ineligible under provisions of Executive Order 12549. The U.S. General Services Administration maintains a list of parties debarred, suspended, ineligible or excluded from participation in Federal grants under the provision of the Executive order. A copy of this list is available, upon request, from the Regional Director.

**1.17 Drug-Free Workplace Act of 1988.**

**A. Summary.** The Drug-Free Workplace Act requires that all grantees certify that they will maintain a drug-free workplace.

**B. References.** Department of Interior Rules, Drug-Free Workplace Requirements, 43 CFR 12.600-635.

**C. Requirements.** Grantee organizations must

- (1) Establish (and publish) a policy that informs employees that the manufacture, distribution, possession, or use of a controlled substance in the workplace is prohibited;
- (2) Establish an awareness program to inform employees of the dangers of drug abuse in the workplace; and

Provide a drug-free workplace certification to the Department of Interior or U.S. Fish and Wildlife Service. The forms for providing the certification are available from the Regional Director. State agencies may certify annually. If the State agency is covered by a consolidated certification for all State agencies, a copy of the consolidated certification should be submitted to the Regional Director. (The original is retained by the State.) Grantees other than State agencies must submit the certification with each Grant Agreement.



**Attachment C**

**1.18 Restrictions on Lobbying (P.L. 101-121)**

**A. Summary.** Prohibits the use of Federal appropriated funds for lobbying either the executive or legislative branches of the Federal Government in connection with a specific contract, grant, loan, or cooperative agreement.

**B. References.** Department of the Interior Rules, 43 CFR Part 18, New Restrictions on Lobbying.

**C. Requirements.**

**(1)** Recipients of Federal grants are prohibited from using Federal appropriated funds, e.g. grants, to pay any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, or an employee of a member of Congress in connection with a specific contract, grant, loan, or cooperative agreement.

**(2)** Proposals for grants in excess of \$100,000 must contain a certification that no part of the funds requested will be used for lobbying. Copies of the certification form, Form DI-1963, can be obtained from the Regional Offices.

**(3)** Recipients of grants in excess of \$100,000 must file a disclosure form on lobbying activities conducted with other than Federal appropriated funds. Form SF-LLL and SF-LLL-A, Continuation Sheet, shall be used for this purpose. Copies of the forms can be obtained from the Regional Office.





**Attachment D**

**COST REIMBURSEMENT CONTRACT PAYMENT REQUIREMENTS**

Pursuant to the February, 2011 *Reference Guide for State Expenditures* published by the Department of Financial Services, invoices submitted for cost reimbursement must be itemized by expenditure category as outlined in the approved contract budget. Additionally, the invoice must evidence the completion of all tasks required to be performed for the deliverable and must show that the provider met the minimum performance standards established in the contract.

FWC is required to maintain the detailed supporting documentation in support of each request for cost reimbursement and to make it available for audit purposes. Documentation for each amount for which reimbursement is being claimed must indicate that the item has been paid. Check numbers may be provided in lieu of copies of actual checks. Each piece of documentation should clearly reflect the dates of service. Only expenditures for the categories in the approved contract budget may be reimbursed. These expenditures must be allowable (pursuant to law) and directly related to the services being provided. FWC may require more detailed documentation as deemed appropriate to satisfy that the terms of the contract have been met.

Listed below are types and examples of supporting documentation:

- (1) Salaries: A payroll register or similar documentation should be submitted. The payroll register should show gross salary charges, fringe benefits, other deductions and net pay. If an individual for whom reimbursement is being claimed is paid by the hour, a document reflecting the hours worked times the rate of pay will be acceptable.
  
- (2) Fringe Benefits: Fringe Benefits should be supported by invoices showing the amount paid on behalf of the employee (e.g., insurance premiums paid). If the contract specifically states that fringe benefits will be based on a specified percentage rather than the actual cost of fringe benefits, then the calculation for the fringe benefits amount must be shown.  

Exception: Governmental entities are not required to provide check numbers or copies of checks for fringe benefits.
  
- (3) Travel: Reimbursement for travel must be in accordance with Section 112.061, Florida Statutes, which includes submission of the claim on the approved State travel voucher.
  
- (4) Other direct costs: Reimbursement will be made based on paid invoices/receipts.
  
- (5) In-house charges: Charges which may be of an internal nature (e.g., postage, copies, etc.) may be reimbursed on a usage log which shows the units times the rate being charged. The rates must be reasonable.
  
- (6) Indirect costs: If the contract specifies that indirect costs will be paid based on a specified rate, then the calculation should be shown.

For cost reimbursement contracts with another State agency (including State universities):

In lieu of the detailed documentation described above, alternative documentation may be submitted to substantiate the costs requested to be reimbursed. This alternative documentation may be in the form of FLAIR reports or other reports containing sufficient detail.

**Attachment E  
CERTIFICATION REGARDING DEBARMENTS, SUSPENSION, INELIGIBILITY AND  
VOLUNTARY EXCLUSION-LOWER TIER FEDERALLY FUNDED TRANSACTIONS**

Required for all contractors and subcontractors on procurement (vendor) contracts of \$100,000 or more, and for all contracts and grants with sub-recipients regardless of amount, when funded by a federal grant.

- 1. The undersigned hereby certifies that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- 2. The undersigned also certifies that it and its principals:
  - (a) Have not within a three-year period preceding this response been convicted of or had a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State anti-trust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
  - (b) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph 2.(a) of this Certification; and
  - (c) Have not within a three-year period preceding this certification had one or more public transactions (Federal, State or local) terminated for cause or default.
- 3. Where the undersigned is unable to certify to any of the statements in this certification, an explanation shall be attached to this certification.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By: \_\_\_\_\_  
Authorized Signature/Contractor

Typed Name/Title

Grantee Name/Contractor Name

Street Address

Building, Suite Number

City/State/Zip Code

Area Code/Telephone Number

**INSTRUCTIONS FOR CERTIFICATION REGARDING DEBARMENT,  
SUSPENSION, INELIGIBILITY AND VOLUNTARY EXCLUSION-  
LOWER TIER FEDERALLY FUNDED TRANSACTIONS**

1. By signing and submitting this form, the certifying party is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the certifying party knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the Florida Fish and Wildlife Conservation Commission (FWC) or agencies with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The certifying party shall provide immediate written notice to the person to which this contract is submitted if at any time the certifying party learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this contract is submitted for assistance in obtaining a copy of those regulations.
5. The certifying party agrees by submitting this contract that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier contract, or other covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the FWC or agency with which this transaction originated.
6. The certifying party further agrees by executing this contract that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all contracts or lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Telephone No. (202) 501-4740 or (202) 501-4873.)
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the FWC or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.



**FL FISH AND WILDLIFE CONSERVATION COMMISSION  
DIVISION OF MARINE FISHERIES MANAGEMENT  
ARTIFICIAL REEF PROGRAM  
CERTIFICATION OF COMPLETION**

I, \_\_\_\_\_  
(Printed Name and Title)

representing \_\_\_\_\_  
(Name of Grantee)

do hereby certify that the artificial reef project funded by Grant Number FWC - \_\_\_\_\_ has been completed in compliance with all terms and conditions of said Grant Agreement.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Date)