

Town of Lauderdale-By-The-Sea

Regular Town Commission

Agenda

Tuesday, October 28, 2025

6:30 PM



Jarvis Hall 4505 N. Ocean Drive
www.Lauderdalebythesea-fl.gov

LAUDERDALE-BY-THE-SEA TOWN COMMISSION

Mayor Edmund Malkoon
Vice Mayor Randy Strauss
Commissioner Richard DeNapoli
Commissioner John A. Graziano
Commissioner Theo Pouloupoulos

Ken Rubach, Interim Town Manager
Susan Trevarthen, Town Attorney
Courtney Easley, Acting Town Clerk

Regular Town Commission

Tuesday, October 28, 2025, 6:30 PM
Jarvis Hall 4505 N. Ocean Drive

1. **CALL TO ORDER, MAYOR EDMUND MALKOON**
2. **PLEDGE OF ALLEGIANCE TO THE FLAG**
3. **INVOCATION**
4. **ADDITIONS, DELETIONS, DEFERRALS OF AGENDA ITEMS**
5. **PRESENTATIONS**
 - 5.a. Epilepsy Awareness Month Proclamation
 - 5.b. FY 26 Event Programming
6. **PUBLIC COMMENTS**
7. **PUBLIC SAFETY DISCUSSION**
8. **TOWN MANAGER REPORT**
 - 8.a. Town Manager Report
9. **TOWN ATTORNEY REPORT**
10. **APPROVAL OF MINUTES**
11. **CONSENT AGENDA**
12. **OLD BUSINESS**
13. **NEW BUSINESS**
14. **COMMISSIONER PRESENTATIONS**
15. **COMMISSIONER COMMENTS**
16. **ORDINANCES 1st Reading**
17. **ORDINANCES 2nd Reading**
18. **RESOLUTIONS – PUBLIC COMMENTS**
 - 18.a. RESOLUTION 2025-50: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN INTERIM AGREEMENT PURSUANT TO SECTION 255.065, FLORIDA STATUTES, WITH CORE CONSTRUCTION SERVICES OF FLORIDA, LLC RELATING TO AN UNSOLICITED PROPOSAL FOR THE DESIGN, CONSTRUCTION, FINANCING, AND ONGOING MAINTENANCE OF A COMBINED GOVERNMENT CENTER; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE
 - 18.b. RESOLUTION 2025-51: A RESOLUTION OF THE TOWN COMMISSION OF THE

TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

- 18.c.** RESOLUTION 2025-52: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING KEN RUBACH AS TOWN MANAGER; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN KEN RUBACH AND THE TOWN ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.
- 18.d.** RESOLUTION 2025-53: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING, AMONG OTHER THINGS, TO DECLARE THAT SENATE BILL 180's IMPOSITION OF A BLANKET STATEWIDE PROHIBITION ON THE EXERCISE OF HOME RULE AUTHORITY OVER LAND USE AND ZONING REGULATIONS, IS UNCONSTITUTIONAL AND SHOULD BE ENJOINED, AND RETAINING WEISS SEROTA HELFMAN COLE + BIERMAN, PL TO PROSECUTE THE LAWSUIT.

19. QUASI JUDICIAL PUBLIC HEARINGS

- 19.a.** Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 2 “Site Plan Procedures and Requirements,” Section 30-123 “Modification of Approved Site Plan,” of the Town’s Code of Ordinances (“Town Code”), the Applicant is requesting a site plan modification to increase the permitted number of hotel units from 14 unit to 19 units in order for the buildings’ renovations to meet the Town’s zoning and land use requirements for property located at 4217-4225 El Mar Drive.

20. ADJOURNMENT

THE TOWN OF LAUDERDALE-BY-THE-SEA WILL FURNISH APPROPRIATE AUXILIARY AIDS AND SERVICES NECESSARY TO AFFORD INDIVIDUALS AN EQUAL OPPORTUNITY TO PARTICIPATE IN MEETINGS OF THE TOWN COMMISSION. IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT AND FLORIDA STATUTE 286.26, PERSONS WITH DISABILITIES NEEDING SPECIAL ACCOMMODATION TO PARTICIPATE IN THIS PROCEEDING

SHOULD CONTACT THE TOWN CLERK NO LATER THAN TWO (2) DAYS PRIOR TO THE MEETING AT (954) 640-4200 FOR ASSISTANCE.

IF ANY PERSON DECIDES TO APPEAL ANY DECISION MADE BY THE TOWN COMMISSION WITH RESPECT TO ANY MATTER CONSIDERED AT SUCH MEETING OR HEARING, HE/SHE WILL NEED A RECORD OF THE PROCEEDINGS AND FOR SUCH PURPOSES MAY NEED TO ENSURE THAT A VERBATIM RECORDING OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

PROCEDURES FOR PUBLIC COMMENTS:

Public Comments may address issues that are not on this meeting’s agenda, but should relate to the business of the Town, and should not contain personal attacks. If your comment requires follow up, the Town Manager will have a staff person respond to your concerns, and will advise us of the outcome.

The Town Clerk will read off the names of those who have signed up to speak. When your name is called, please come to the podium, state your name for the record, and indicate whether you are a Town resident. Do not state your address. You have up to three minutes to make your comments, but there is no requirement to use the entire time. If you wish to address a particular Commissioner or member of Town Administration, please do so by use of their title.

If you wish to approach the Commission dais to hand out a document or for some other reason, please request permission and state your reason for doing so. All documents to be provided to the Commission should be handed to the Town Clerk for distribution.

These procedures have been developed to assure that the Town Commission meeting time is efficiently used, and that meetings are conducted in a polite and respectful manner. More information on the decorum rules for Town Commission meetings is available in Section 2-23 of the Town Code of Ordinances.

INVOCATION:

The Invocation before each Town Commission meeting is a voluntary service of a private citizen, offered to serve the spiritual needs of the members of the Town Commission and solemnize the meeting. It is not intended to be an opportunity to advance or disparage one faith or belief over another. The views expressed in the Invocation have not been previously reviewed by the Town and do not necessarily represent the beliefs of any Town employee or official. No person is required to be present at or participate in the Invocation, and the decision whether to be present or participate in the Invocation will not affect any person's right to actively participate in the official business of the Town or obtain any benefit from the Town. The Town's written Invocation policy is available on its website, and upon written request to the Town Clerk.all static



Agenda Item No: 5.a.

Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: Courtney Easley, Acting Town Clerk/Assistant to Town Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: Epilepsy Awareness Month Proclamation

Explanation: Mayor Malkoon will read a proclamation designating November 2025 as Epilepsy Awareness Month.

Recommendation:

Exhibits:

1. 2025 Epilepsy Proclamation

Proclamation

*Issued by the Governing Body of the
Town of Lauderdale-By-The-Sea, Florida*

WHEREAS, epilepsy is a brain disorder characterized by recurrent and unprovoked seizures that can affect anyone, at any age, any time; and

WHEREAS, epilepsy is a spectrum disease comprised of many diagnoses, experiences and includes a wide range of seizure types, comorbidities, control, severity, and outcomes varying from person to person; and

WHEREAS, epilepsy is the fourth most common neurological disorder; approximately 3.4 million people in the United States live with active epilepsy; and

WHEREAS, people with epilepsy need access to affordable, comprehensive, physician-directed and person-centered healthcare; and

WHEREAS, 426,000 Floridians live with epilepsy, including 88,000 children in Florida, and greater education and improved access to care is needed in schools, which can be accomplished by passing a Seizure Safe Schools legislation nationwide; and

WHEREAS, while protections exist in the Americans with Disabilities Act and related civil rights laws, people with epilepsy still encounter discrimination in areas including employment, education, and housing; and

WHEREAS, Epilepsy Awareness Month is a nationwide effort in November for Epilepsy Alliance Florida to raise awareness about and changes the conversation around epilepsy, seizures, and side effects, as well as to improve and save lives through care, advocacy, research and new therapies, and public health and education; and

WHEREAS, through action together on Epilepsy Awareness Month and during other awareness initiatives including International Epilepsy Day, Epilepsy Awareness Day, and Brain Awareness Week - and any day of the year - it is important to increase public knowledge about epilepsies and seizure first aid and change the way people think about epilepsy and seizures

NOW, THEREFORE, I, EDMUND MALKOON, MAYOR of the Town of Lauderdale-By-The-Sea, do hereby proclaim November 2025 as

EPILEPSY AWARENESS MONTH

And encourage Lauderdale By-The-Sea residents to take action together and use our brains to overcome the challenges of living with the epilepsies and accelerate therapies to stop seizures, find cures and save lives.

*In witness whereof we have hereunto set our
hands and caused this seal to be affixed*



Edmund Malkoon, Mayor

Courtney Easley, Acting Town Clerk



Agenda Item No: 5.b.

Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: Katie Anderson, Events & Marketing Manager

Submitting Department: Administration

Item Type: Presentation

Agenda Section: PRESENTATIONS

Subject Title: FY 26 Event Programming

Explanation: The included presentation (**Exhibit 1**) highlights the suggested dates for FY26 event programming.

Recommendation: Staff requests approval or comment on the suggested dates for FY 26 events.

Exhibits:

1. FY26 Event Presentation_10.28.25Meeting



FY 2026 Event Dates

***PRESENTED BY: Katie Anderson,
Events & Marketing Manager***

Upcoming Programming

- Veterans Day Ceremony: Tuesday, November 11, 2025
- Christmas By The Sea: Wednesday, December 3, 2025
- Friday Night Music: Friday, January 23, 2026
- Friday Night Music: Friday, February 27, 2026
- Friday Night Music: Friday, March 27, 2026
- Taste of the Beach: Wednesday, March 11, 2026
- Easter Egg Hunt: Saturday, March 28, 2026
- IPW Week Concert: Wednesday, May 20, 2026
- Dive into Summer: Friday, May 29 + Saturday, May 30, 2026
- July 4th Celebration: Saturday, July 4, 2026

*any new / additional programming will be brought before the Commission for consideration and updates





THANK YOU



Agenda Item No: 8.a.

Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: Ken Rubach, Interim Town Manager

Submitting Department: Administration

Item Type: Town Manager Report

Agenda Section: TOWN MANAGER REPORT

Subject Title: Town Manager Report

Explanation:

Boo! By-The-Sea

We want to extend a huge "thank you" to everyone who joined us for this year's Boo! By The Sea celebration. We had an amazing Saturday with all of our residents and neighbors who came out to enjoy the stroll with us. An additional "thank you" to our local BSO and Pompano Fire teams for not only participating in the fun, but also for maintaining a safe and secure environment for all those who attended. Be sure to keep an eye on social media and our DiscoverLBTS website for photos from the day!

Financial Advisors

Staff over the past two weeks has met with several financial advisors and are currently reviewing their proposals. Staff will bring the item back on November 18th with our recommendations and request Commission approval to move forward if desired.

Roundtable Schedule

The Commission has discussed holding a series of roundtables/workshops over this coming year. Staff is looking for direction on scheduling and what topics the Commission would like to discuss.

Special Event Parking Rates

Staff is requesting consensus regarding parking rates for two upcoming special events. As Veteran's Day and Christmas-By-The-Sea by are both well attended events staff is recommending that parking rates be set to the standard rate of \$4.00/hr for those days and then return to the \$2.00/hr Monday-Friday rate for the rest of the pilot program through December 9th.

Veterans Day Ceremony

Our next Town event takes place on Tuesday, November 11th as we honor the brave men and women who have served our country. This year's Veterans Day Ceremony is scheduled to

take place from 10:00am -11:00am in El Prado Park, with Jarvis Hall serving as a rain back up in the case of inclement weather. As a special part of the celebration, we personally recognize our local veterans. If you haven't already, you can find the veteran form under the events tab at www.discoverlbt.com. We hope you will all join us for this very special day.

Upcoming Meetings

- Planning and Zoning Board Meeting- Wednesday, November 5th at 6:00pm
- Beach Portal Entrance Public Input Meeting- Tuesday, November 18th at 5:00pm
- Commission Meeting- Tuesday, November 18th at 6:30pm
- Code Compliance Hearing- Thursday, November 20th at 5:00pm

Recommendation: N/A

Exhibits: None



Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: Ken Rubach, Interim Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-50: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING THE TOWN MANAGER TO NEGOTIATE AN INTERIM AGREEMENT PURSUANT TO SECTION 255.065, FLORIDA STATUTES, WITH CORE CONSTRUCTION SERVICES OF FLORIDA, LLC RELATING TO AN UNSOLICITED PROPOSAL FOR THE DESIGN, CONSTRUCTION, FINANCING, AND ONGOING MAINTENANCE OF A COMBINED GOVERNMENT CENTER; PROVIDING FOR IMPLEMENTATION AND AN EFFECTIVE DATE

Explanation:

On September 17, 2025, the Town received an unsolicited proposal (**EXHIBIT 1**) for the design, construction, maintenance, and financing of a combined government center ("Project") pursuant to Section 255.065, Florida Statutes ("P3 Statute). Specifically, the Project proposes two concepts for the design, construction, financing, and ongoing maintenance of municipal buildings and facilities for fire, EMS, Sheriff, Commission Chambers, Community Center, and Public Works involving the properties generally located at 4501, 4505, 4513 North Ocean Drive, Lauderdale-By-The-Sea, FL 33308. One proposes to replace two of the four existing buildings (4504 and 4513), to include fire, EMS, Sheriff, Commission Chambers and other specified Town functions; the other proposes to replace the entire complex and provide for all Town functions.

The proposal seeks to enter into an interim agreement with the Town related to the Project. The interim agreement may include terms authorizing the proposer to perform preliminary activities such as project planning, design development, environmental and financial feasibility analyses, and to establish the process and schedule for negotiating a comprehensive agreement. An interim agreement does not obligate the Town to enter into a comprehensive agreement or to proceed with the Project.

The proposal was submitted by CORE Construction Services of Florida, LLC ("CORE Construction") on behalf of a development consortium that intends to form a legal entity to serve as the contracting entity for the Project, and which includes CORE Construction as a participating member of the consortium.

In accordance with the P3 Statute requirements, the Town published notice in the *Florida Administrative Register* and on the County's publicly accessible website announcing receipt of the unsolicited proposal and inviting competing proposals for the same project. A copy of the notice was also mailed to each local government in the affected area of the Project. The public notice period closed on October 27, 2025.

If one or more competing proposals are received, the Town will be required to rank the proposals in order of preference before negotiations may proceed. In that case, staff will return to the Commission at a later date with a recommendation regarding ranking and next steps.

If no competing proposals are received by the close of the notice period, the Town Manager recommends that the Commission authorize negotiation of an interim agreement with CORE Construction for the Project, and further authorize CORE Construction, subject to the Town Manager's prior written consent, to assign its right to negotiate with the Town to such legal entity formed for purposes of serving as the contracting entity for the Project.

The purpose of the interim agreement is to provide a framework for additional due diligence and project evaluation to be completed before any formal determinations or contract approvals for the Project are brought forward to the Commission. At this stage, the Town Commission is not approving any contract or making findings under the P3 Statute. The purpose of this authorization is solely to allow the Town Manager to negotiate an interim agreement that will be brought to the Commission for approval.

Recommendation: Approve Resolution 2025-50.

Exhibits:

1. EX1-LBTS Combined Government Center - Unsolicited P3 Proposal
2. Resolution Authorizing Manager To Negotiate Interim Agreement

UNSOLICITED PUBLIC-PRIVATE PARTNERSHIP PROPOSAL

LBTS COMBINED GOVERNMENT CENTER



SUBMITTED BY:
LBTS PARTNERS, LLC
1 E BROWARD BLVD, #200W
FORT LAUDERDALE, FL 33301

SUBMISSION DATE:
SEPTEMBER 17, 2025



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SECTION 1

EXECUTIVE SUMMARY





01. EXECUTIVE SUMMARY

01A. COVER LETTER

Mr. Ken Rubach
Deputy Town Manager & Public Works Director
Town of Lauderdale By The Sea
4501 North Ocean Drive
Lauderdale-By-The-Sea, FL 33308

Dear Mr. Rubach,

On behalf of our entire team at LBTS Partners, LLC (the “Development Consortium”), we are pleased to submit this unsolicited proposal for a Public-Private Partnership (“P3”) to develop, deliver and maintain a new Lauderdale-by-the-Sea Combined Government Center (the “Project”). Our proposal is guided by three core principles:

- 1 Turnkey Delivery Ensuring Speed to Market** | By leveraging private-sector efficiency and true collaboration across every stage of development—from legal and financial structuring, to design and construction execution, to ongoing maintenance and lifecycle reinvestment—we will deliver your Project faster than traditional procurement and without compromising safety, quality or aesthetics.
- 2 Flexible Financing That Meets You Where You Are** | We believe financing should adapt to your fiscal reality rather than forcing you into a rigid structure. Instead of a one size fits all approach, we will collaborate to explore a range of financing options that reflect Lauderdale-by-the-Sea's priorities and affordability thresholds, ultimately providing a “best value” solution to taxpayers.
- 3 Lessening the Burden of Government** | Our Development Consortium vows to operate as an extension of your team—transparent, collaborative and guided by a shared purpose. We commit to working alongside the Town through every phase of the project, ensuring our decisions reflect its values, goals and community vision. By staying aligned and responsive, we will help advance the Project efficiently while easing the demands on public resources.

We hope the information enclosed demonstrates both our enthusiasm for this opportunity and our commitment to provide Lauderdale-by-the-Sea with a Combined Government Complex that strengthens local public safety efforts and enhances community services.

Should you have any questions or wish to discuss this opportunity further, please do not hesitate to contact us directly. LBTS Partners would be honored to support the Town in bringing this generational project to reality.

Cody Kiess
President
CORE Construction



01. EXECUTIVE SUMMARY

01B. STATUTORY AUTHORITY

This Unsolicited Proposal, for the development, delivery and ongoing maintenance of a new, ground-up, Public Safety and Municipal Complex in Lauderdale-by-the-Sea, Florida, is hereby submitted to the Town of Lauderdale by the Sea pursuant to Florida Statutes §255.065 (“the Florida P3 Law”).

This Proposal includes a comprehensive plan for the delivery of a turnkey municipal facility including proposed architectural renderings and site plans, development cost estimates and schedules, and an anticipated structured financing approach. The Florida P3 Law authorizes private entities to submit unsolicited proposals for qualifying public infrastructure projects. This P3 proposal is fully compliant with the state statute, serves a clear public purpose, and will result in a high-quality facility to be operated by the Town for public use.

Through this unique partnership, the Town will recognize a number of meaningful efficiencies, such as a simplified procurement process, unparalleled design and construction coordination, and long-term risk transfer associated with ongoing maintenance considerations. The net result will be a modern, occupancy-ready facility, delivered on a reduced timeline and utilizing a financial structure that is in alignment with available Town resources.

01C. APPLICATION FEE

We are hereby accompanying our proposal with a check in the amount of \$10,000.00 for the purpose of administrative review and processing.

01D. PRIME RESPONDANT CONTACT INFORMATION

Cody Kiess
codykiess@coreconstruction.com
(954) 206-1824

LBTS Partners, LLC ¹
1 E Broward Blvd, #205W-303W
Fort Lauderdale, FL 33301

01E. PROPOSAL SUBMISSION DATE

September 17, 2025

Footnotes:

(1) Legal entity to be formed as a single member LLC.

01. EXECUTIVE SUMMARY

01F. SUMMARIZED PROJECT DESCRIPTION

Our Development Consortium is proposing to deliver a number of new, state-of-the-art facilities to the Town of Lauderdale-by-the-Sea under a design, build finance and maintain (DBFM) delivery structure. This innovative approach will replace the Town's aging infrastructure with modern, operationally efficient and future-proofed facilities, all while leaving the Town with total decision making control and no expenses until the Town takes occupancy of the facilities.

We would initially like to present two different programmatic concepts for the Town to consider:

Concept 1 | Combined Government Center - 36,637 Square Feet

(Fire, EMS, Sheriff, Commission Chambers, Community Center and Public Works)

CONCEPT 1 - COMBINED GOVERNMENT CENTER (FIRE, EMS, SHERIFF, COMMISSION CHAMBERS, COMMUNITY CENTER AND PUBLIC WORKS)



Concept 2 | Combined Government Center - 18,138 Square Feet

(Fire, EMS, Sheriff, Commission Chambers and Community Center)

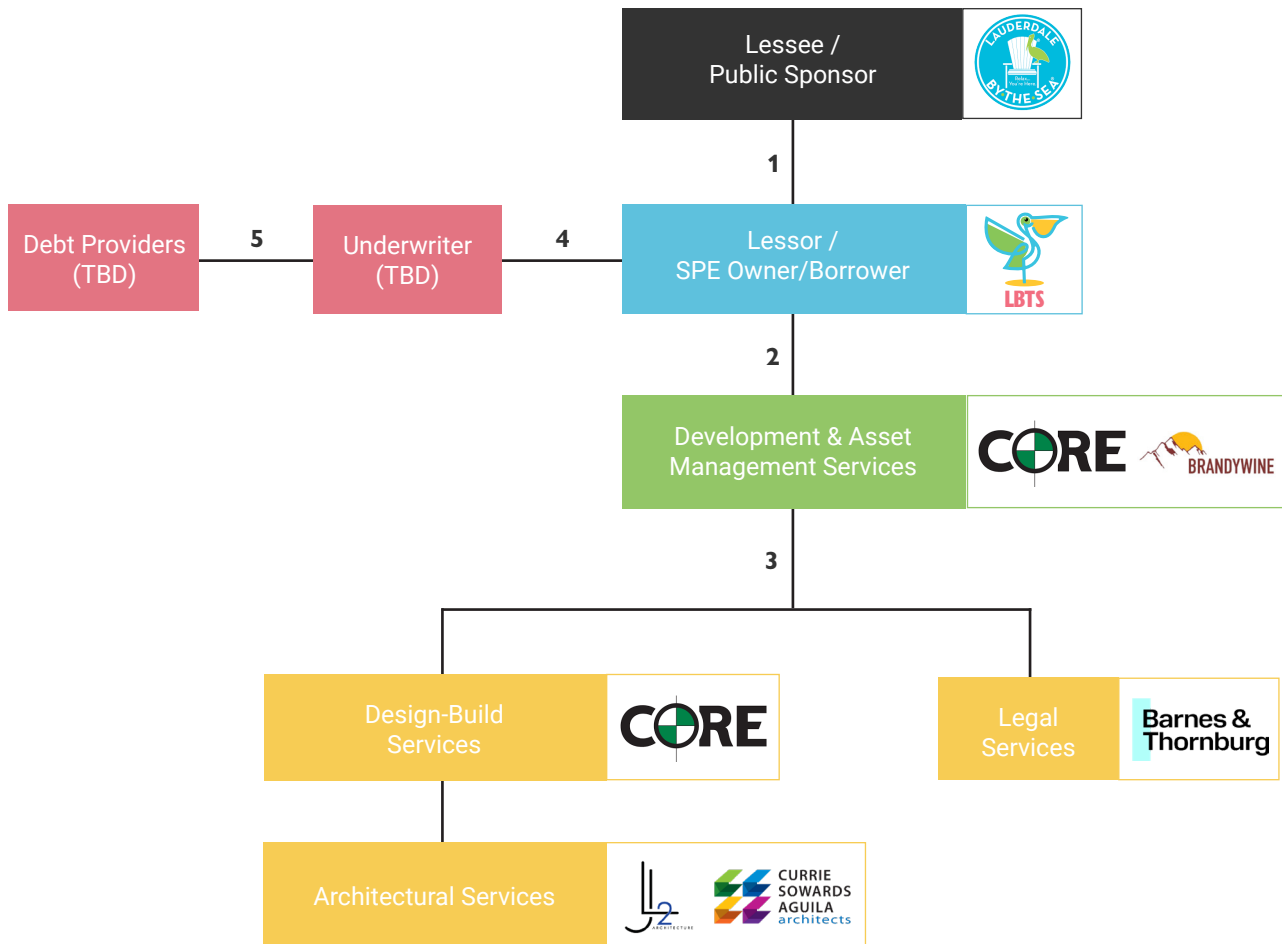
CONCEPT 2 - COMBINED GOVERNMENT CENTER (FIRE, EMS, SHERIFF, COMMISSION CHAMBERS AND COMMUNITY CENTER)



01. EXECUTIVE SUMMARY

01G. DEVELOPMENT STRUCTURE

Our Development Consortium is proposing to use a design-build-finance-maintain (DBFM) development structure under a lease-purchase agreement between the Town and a newly formed SPE serving as owner/borrower.



- 1 Town (as Lessee) and LBTS Partners SPE Owner/Borrower (as Lessor) enter into a Lease-Purchase Agreement for the financing, design and construction, and maintenance of the Project.
- 2 LBTS Partners SPE Owner/Borrower enters into a Development Agreement with CORE and Brandywine for development and asset management services.
- 3 CORE and Brandywine enter into contracts with professional service providers for legal, design-build and construction administration services.
- 4 Tax-exempt debt is underwritten and issued through a conduit issuer.
- 5 Senior debt is purchased by bond investors providing the Project with financing at an agreed upon interest rate. After all debt has been retired, ownership of the land and all improvements revert to the Town.

SECTION 2

PROJECT NEED & BENEFIT





02. PROJECT NEED & BENEFIT

02A. PURPOSE AND VISION

The Town of Lauderdale-by-the-Sea currently operates its public safety functions out of a former hotel, and based on today's standards for public safety facilities, the facility is extremely insufficient and effectively obsolete. For example, the mid-20th century structure is incapable of housing a modern fire rescue rig. Similarly, the Broward Sheriff's Office (BSO) has no devoted substation, which ultimately puts a cap on the levels of service that can be realistically delivered to community residents.

By partnering with our private Development Consortium under a P3 structure, the Town can obtain a modern and future proofed public safety facility, inclusive of flexible community space that can also double as a commission chamber, and possibly even include a complete rebuild of the existing public works space--all without shouldering any upfront capital expenditure.

02B. PROJECT GOALS

Our Development Consortium's primary goals for this potential partnership are as follow:

- **Modernize & Future Proof Public Safety Infrastructure** | Replace the deteriorating one-story fire station with a resilient, right-sized, and efficient public safety facility complex including fire rescue dormitories, apparatus bays, living quarters (kitchen/day room), and administrative space for fire, EMS, and sheriff personnel.
- **Incorporate Flexible Community Space** | Our approach to incorporating flexible community spaces in civic complexes is rooted in creating dynamic, multi-functional environments that serve the diverse needs of the community. We are proposing a flexible space that can serve as both a proper commission chamber, as well as meeting spaces for community events.
- **Maintain Aesthetic Character** | Ensure that all new improvement align with LBTS's small-town, coastal character--adhering to all height restrictions, preserving the Town's charm, and adding economic value.
- **Minimize Taxpayer Burden** | Provide a highly efficient development process that ensures speed to market and shields the Town from up-front costs. The Town will repay the private investment through lease payments over time, avoiding the need for large, balloon-style tax increase, and rather the cost can be spread over a long period of time. This structure also potentially keeps the debt off the Town's balance sheet (as a lease obligation rather than bonded debt), preserving debt capacity.
- **Leverage Underutilized Assets** | Beyond looking to the annual revenue generated off of the existing apartment complex owned by the Town (approximately \$600K/year), and applying that to the annual lease obligation, the Development Consortium would also like to investigate other mixed-use development opportunities that could potentially generate even more revenue and thus offset the annual lease obligation further.

02. PROJECT NEED & BENEFIT

02C. DELIVERY MODEL COMPARISON - P3 LEASE-PURCHASE VS. TRADITIONAL

To ensure a P3 approach is the right path, the Town should compare it against a traditional delivery of the Project. The following table provides a high-level comparison between the two approaches:

TABLE - DELIVERY MODEL COMPARISON

Criteria	P3 Lease-Purchase Model (Town + Development Consortium)	Traditional Model (Town Only)
Upfront Cost to Town	\$0M (Developer finances the entire project. Payments from the Town do not begin until the Town occupies the new facilities.)	\$17.9M-\$34.8M (Town must secure funds via bond or reserves in order to begin the development process).
Project Delivery	Turnkey Development Consortium allows the Project to begin immediately. No need for Town to wait on full funding.	Town procures all services separately and the timeline depends on budget cycles. Likely much slower.
Payment Term & Balance Sheet Implications	~35 years Off-balance-sheet lease obligation (not a debt issuance), thus preserving debt capacity.	~20-30 years Bond repayment (debt service) from general obligation pledge. Counts against debt capacity/ credit and requires voter approval.
Operations & Maintenance	Maintenance reserve fund option included. Developer maintains the building over the life of the debt term thus eliminating the Town's exposure to deferred maintenance over time.	Town responsible for all maintenance, repairs and lifecycle replacements. High risk of deferred maintenance.
Risk of Cost Overruns	Town's costs are fixed so all Project execution risk is borne by the developer under fixed-price contract.	Town's costs are likely variable and all Project execution risk is borne by Town. If construction overruns or delays occur, Town must cover them or issue change orders.
Asset Ownership	Development Consortium operates under a ground lease on the land, and owns the improvements during the debt term. Ownership of the improvements are transferred to the Town once all debt is retired.	Town owns the underlying land and all improvements from day one.

02. PROJECT NEED & BENEFIT

02D. BENEFITS OF PUBLIC-PRIVATE PARTNERSHIP (P3)



1. Accelerated Delivery

P3's streamlines project procurement delays by uniting all phases of development—land use, permitting, design, construction, and financing—under one coordinated effort. This integrated approach supports faster project development and efficient execution, allowing new facilities to open years sooner than conventional procurement might allow.



2. Flexible Financing & Manageable Funding

P3's offer a flexible balance between the use of traditional and non-traditional financing options, and typically utilize a repayment structure that focuses on manageable payments over time built around an established affordability threshold. Mechanisms like annual appropriation allow an agency to avoid making a general obligation pledge.



3. Innovative, Future-Ready Design

Private partners often incorporate the latest thinking in design—emphasizing natural light, flexible multi-use spaces, technology integration, and sustainability. The result—modern, energy-efficient facilities that enhance patron experience and reflect the values of the communities they serve.



4. Long-Term Risk Transfer & Facility Stewardship

In many P3 models, the private partner assumes responsibility for ongoing maintenance and life-cycle reinvestment over the life of the debt term. This ensures consistent facility performance, extends building life, and reduces long-term costs and exposure to deferred maintenance.



5. Balanced Risk Allocation

P3's are specifically designed to allocate (or reallocate) risks. Activities such as financing, design and construction, and long-term maintenance all represent risk, but a properly structured P3 allocates those risks to the party best equipped to manage them.



6. Performance-Based Accountability

Because the private partner's compensation is tied to performance milestones, P3's inherently drive quality, timeliness, and transparency. With clearly defined deliverables and measurable outcomes, public agencies retain oversight while holding their partners accountable to the highest standards.

SECTION 3

QUALIFYING PROJECT DETAILS





03. QUALIFYING PROJECT DETAILS

03A. DETAILED PROJECT DESCRIPTION

LBTS Partners proposes to deliver new, state-of-the-art facilities to the Town of Lauderdale-by-the-Sea under a design, build, finance and maintain (DBFM) delivery structure. This innovative approach will replace the Town's aging infrastructure with modern, aesthetically pleasing, operationally efficient and future-proofed facilities, all while leaving the Town with total decision making control and no capital expense until the Town takes occupancy.

LBTS Partners would initially like to present two different programmatic concepts for the Town to consider, understanding that both approaches are highly flexible, and will ultimately be right sized to meet the Town's confirmed needs as well as the Town's annual affordability limits:

Concept 1

Combined Government Center - 36,637 Square Feet

(Fire, EMS, Sheriff, Commission Chambers, Community Center and Public Works)

This option focuses on constructing a comprehensive public safety, community and public works facility, all together in one major project and thus creating maximum efficiency.

Concept 2

Combined Government Center - 18,138 Square Feet

(Fire, EMS, Sheriff, Commission Chambers and Community Center)

This option offers a similar combined facility approach, but is limited to public safety and community functions, and is based upon a smaller footprint and reduced square footage.

TABLE - PROGRAMMATIC CONCEPT COMPARISON

Feature	Concept 1: Full Build-Out	Concept 2: Partial Build-Out
Square Footage	36,637 SF	18,138 SF
Included Components	Public safety functions, flexible community/commission space, and public works department.	Public safety functions on a smaller footprint, and flexible community/commission space.
Future-Proofing	Special programming and construction quality will yield 50+ years of beneficial use.	Special programming and construction quality will yield 50+ years of beneficial use.
Budget Impact	Higher initial cost. One-time construction.	Lower initial cost. Will require additions at a later date, likely at a higher cost per square foot.

03. QUALIFYING PROJECT DETAILS

03B. CONCEPT 1 - KEY COMPONENTS

Law Enforcement: Includes dedicated offices (captain, lieutenant, sergeant, detective, admin) and secure facilities like holding cells, evidence storage, interview rooms, and ATV/motorcycle storage. **Unit gross area: 5,724 SF.**

Fire Services: Multiple apparatus bays, ATV and Jet Ski bays, gear rooms, bunk rooms, and a decontamination zone. Emphasis on firefighter readiness and living spaces (kitchen, dining, day room). **Unit gross area: 10,883 SF.**

Community Center: Offices for town staff (manager, clerk, finance, HR, events), reception, conference rooms, storage rooms, kitchen, mail/copy space, **Unit gross area: 4,745 SF.**

Public Works: Storage bays, garage, director's office, break/training rooms, and a workshop. Focused on operational functionality rather than large materials storage. **Unit gross area: 10,020 SF.**

Public Access + Shared Facilities: Lobby, seating, community room/commission chambers, restrooms, building support rooms (IT, electrical, janitorial), fitness areas, locker rooms, and storage. **Unit gross area: 2,444 SF + 2,821 SF.**

Total Combined Area: 36,637 SF (Net)

03C. CONCEPT 1 - SITE PLAN



03. QUALIFYING PROJECT DETAILS

03D. CONCEPT 1 - CONCEPTUAL RENDERINGS

CONCEPT 1 - SOUTHWEST ELEVATION



CONCEPT 1 - SOUTHWEST ELEVATION 2



03. QUALIFYING PROJECT DETAILS

03D. CONCEPT 1 - CONCEPTUAL RENDERINGS (CONTINUED)

CONCEPT 1 - NORTHWEST ELEVATION 1



CONCEPT 1 - SOUTHWEST ELEVATION 3





03. QUALIFYING PROJECT DETAILS

03E. CONCEPT 1 - DESIGN BUILD ESTIMATE

CONCEPT 1 - DESIGN-BUILD ESTIMATE	
Item	Amount
Public Safety & Community Components	\$14,682,300
Public Works Components	\$10,316,410
Design-Build Contingencies	\$1,999,897
SUB TOTAL	\$26,998,607
GC's/GR's, Bonds, Insurance & Fees	\$11,545,592
TOTAL	\$38,544,199

03. QUALIFYING PROJECT DETAILS

03F. CONCEPT 2 - KEY COMPONENTS

Law Enforcement: Includes dedicated offices (captain, lieutenant, sergeant), a kitchenette and restrooms, and secure facilities like evidence, records, and firearm storage and interview rooms. **Unit gross area: 2,224 SF.**

Fire Services: Multiple apparatus bays, ATV and Jet Ski bays, gear rooms, bunk rooms, and a decontamination zone. Emphasis on firefighter readiness and living spaces (kitchen, dining, day room). **Unit gross area: 10,883 SF.**

Public Access + Shared Facilities: Lobby, seating, community room/commission chambers, restrooms, building support rooms (IT, electrical, janitorial), fitness areas, locker rooms, and storage. **Unit gross area: 2,444 SF + 2,587 SF.**

Total Combined Area: 18,138 SF (Net)

03G. CONCEPT 2 - SITE PLAN



03. QUALIFYING PROJECT DETAILS

03H. CONCEPT 2 - CONCEPTUAL RENDERINGS

CONCEPT 2 - NORTHWEST ELEVATION 1



CONCEPT 2 - NORTHWEST ELEVATION 2



03. QUALIFYING PROJECT DETAILS

03H. CONCEPT 2 - CONCEPTUAL RENDERINGS (CONTINUED)

CONCEPT 2 - WEST ELEVATION 1



CONCEPT 2 - SOUTHWEST ELEVATION 1





03. QUALIFYING PROJECT DETAILS

03I. CONCEPT 2 - DESIGN BUILD ESTIMATE

CONCEPT 2 - DESIGN-BUILD ESTIMATE	
Item	Amount
Public Safety & Community Components	\$12,284,525
Design-Build Contingency	\$982,762
SUB TOTAL	\$13,267,287
GC's/GR's, Bonds, Insurance & Fees	\$6,509,405
TOTAL	\$19,776,692

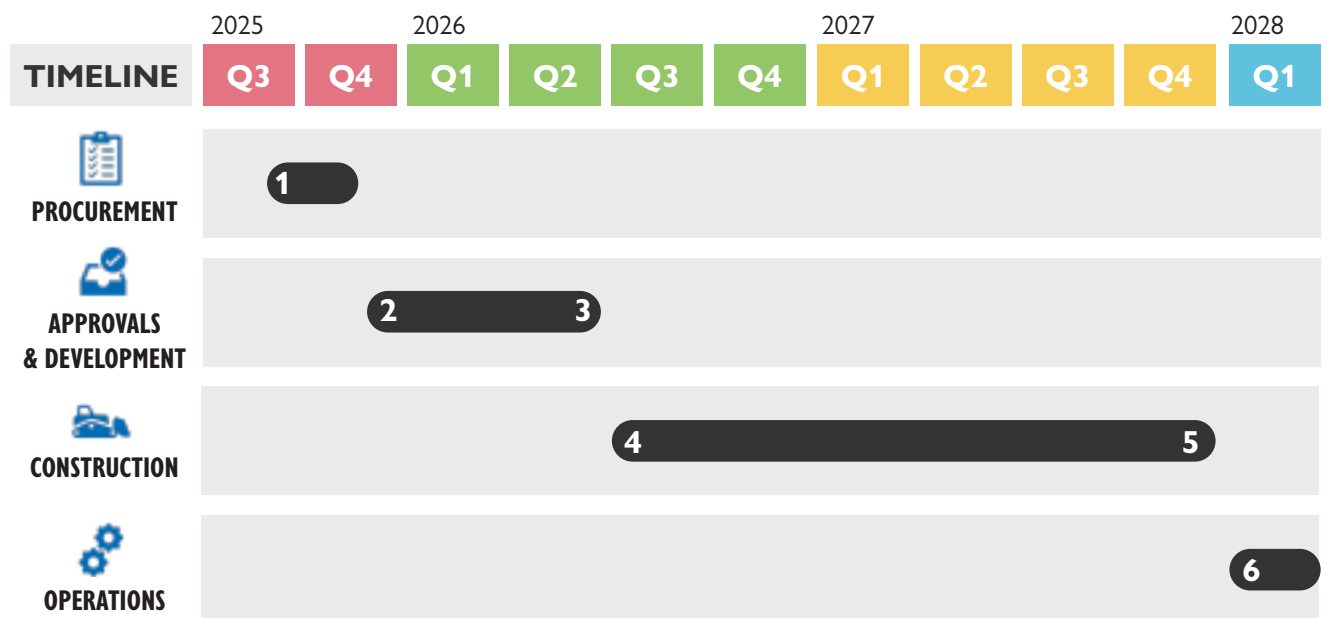


03. QUALIFYING PROJECT DETAILS

03J. DEVELOPMENT TIMELINE

Our team's proposed timeline enables a ribbon-cutting to take place on or before January 1, 2028—provided that the Town and SPE execute an Interim Agreement/Project Development Agreement (PDA) by November 31, 2025. This accelerated schedule is achievable because a fully integrated team is already assembled, including our design-build contractor and design team. Our team has also completed key preliminary design steps, as demonstrated in this proposal.

In contrast, a competing team that still needs to identify, procure, and onboard these critical partners would likely face significant delays, making it difficult to meet the 2028 completion target. We estimate that our readiness positions us to advance the project timeline by approximately (eight months) compared to teams still forming their delivery partnerships. Furthermore, if the Town were to pursue the project using a traditional procurement model, we project the timeline would be extended by at least an additional 18 months beyond our proposed schedule.



KEY MILESTONES

1. LBTS Partners submission of Unsolicited Proposal to Town. >>> On September 15, 2025.
2. Town approval of Project, and execution of Interim Agreement/PDA. >>> On or before November 31, 2025.
3. Execution of Comprehensive Agreement/Final Lease-Purchase Agreement. >>> On or before June 31, 2026.
4. Commencement of Project construction. >>> On or before July 1, 2026.
5. Substantial completion of Project. >>> On or before December 31, 2027.
6. Town occupies the new facilities. >>> On or before January 1, 2028.

03. QUALIFYING PROJECT DETAILS

03K. REVENUE GENERATION POTENTIAL

The Town's existing apartment complex on A1A represents an economic engine. There are several options that the Town could consider towards deploying existing revenues or possibly expanding the asset's revenue generating potential:

- **Option 1: Vend in Existing Revenues to Offset Annual Lease Obligation** | The Town currently generates approximately \$600K/year in profit off the operation of the existing apartment complex. The Town could simply continue to operate this facility and utilize all or a portion of the revenue to offset the new, annual lease obligation imposed by the new improvements.
- **Option 2: Redevelop the Property to Create Enhanced Revenue Generation** | The Town could enter into a parallel development agreement with the Development Consortium to redevelop the existing apartments into a number of different mixed use opportunities, and in turn potentially create an enhanced revenue stream that could further offset the annual lease obligation, or potentially eliminate it all together. Examples of potential redevelopment are as follow:
 - **Boutique Beach-side Inn (Hospitality)** | Renovate or construct a new two-story boutique hotel or inn with roughly 25–40 guest rooms, catering to tourists and visitors. This low-rise hospitality use would fit the Town's character and leverage the A1A frontage for visibility. The developer would generate income from room rentals, and in turn could pay the Town either a fixed ground rent or a percentage of revenues. This use would likely perform well given the strong tourist market in LBTS, although the revenue would inherently be variable given occupancy fluctuations associated with hotels.
 - **Low-Rise Residential Rentals (Apartments)** | Renovate or a construct a new two-story multifamily development (e.g. 10–15 apartments or town home-style units) for long-term rental. This could address local housing needs or serve as workforce housing for area employees. The developer's income would come from monthly rentals, and could in turn pay the Town either a fixed ground rent or a percentage of revenues. Unlike hospitality, the revenue generation would be stable thanks to year-round occupancy.
 - **Retail/Office with Rentals** | Renovate or construct a new retail strip center on the ground floor (facing A1A), and office space or a small number of vacation-rental apartments on the second floor. This could activate the street front and provide daytime activity. Given the size of the parcel, the project could be configured as a small cluster of buildings with parking. The developer's income would come from monthly leases, and could in turn pay the Town either a fixed ground rent or a percentage of revenues.

EXISTING TOWN OWNED APARTMENT COMPLEX



SECTION 4

FINANCING PLAN & PAYMENTS





04. FINANCING PLAN & PAYMENTS

04A. FINANCING OPTION OVERVIEW

While the Town always has the option to finance the project using traditional debt instruments, another option is to leverage the private sector to access similar, low cost, tax-exempt debt. Under this proposed structure, the Town will enter into a lease-purchase agreement with our newly formed SPE, and the SPE will then access tax-exempt bond financing, issued through a conduit, to finance the construction of the Project. The tax exempt debt will be secured by an annual appropriation pledge from the Town and will not trigger traditional bonding requirements (e.g., referendums). Our team will work with the Town to select an Underwriter and Placement Agent, and dual-track all available distribution options including a rated public market offering and a non-rated private placement in order to determine which approach is most advantageous given market volatility.

Under the lease-purchase agreement, the Town will provide a long-term ground lease to the SPE, for a period of time sufficient to ensure that all debt has been retired. The Town will also make annual lease payments to the SPE equal to principal and interest repayment of the bonds used to fund the project design and construction as well as fund major maintenance and asset management costs for the length of the debt period. In exchange for this lease payment, the Town will be granted beneficial use of all improvements, and upon retirement of the debt, the SPE will transfer complete ownership of all improvements to the Town.

04B. RATING & CREDIT CONSIDERATIONS

When rating agencies evaluate a credit, they primarily focus on the strongest pledged revenue stream available to pay debt service (often referred to as the “backstop” security). When evaluating a lease-backed obligation, the degree of involvement of the governmental entity is of the utmost importance when determining the credit rating and anticipated pricing of the transaction. In this case, the project financing will benefit from the fact that the project counter-party is the Town, and therefore, a credit worthy governmental tenant.

A “notching guide” graphic is included below detailing how many “notches” Moody’s, for example, would likely downgrade a credit from a general obligation credit rating:

Security Type	Non-Contingent Lease Backed Obligations	Contingent Lease Backed and Annual Appropriation Obligations			Moral Obligations			
Essentiality	NA	MORE		LESS	MORE			LESS
Legal Structure	Strong	Moderate	Weak		Strong	Mod- erate	Weak	
Notches from CO rating	X							
Zero								
One		X						
Two			X		X	X		
Three						X	X	X



04. FINANCING PLAN & PAYMENTS

04D. PROJECTED LEASE PAYMENTS

Concept 1 - Approximate Annual Lease Payment by Town: \$3.19M

Cost Totals by Category	Amount
Design-Build Total	\$38,544,199.00
Development Total	\$5,402,792.97
Financing Total	\$6,400,235.39
Total Project Cost	\$50,347,227.36

Summary of Annual Lease Payment	Amount
Total Project Cost ^{1,2}	\$50,347,227.36
Interest Rate ³	5.30%
Debt Term	35
Total Building SF	36,637
Annual Lease Payment	\$3,192,104.98
Annual Cost / SF	\$87.13

Lifecycle Reserve Fund	Amount
Reserve Amount / SF	\$1.50
1st-Year Reserve	\$54,955.50
Escalation Rate	3.00%
Total Reserve Contribution w/ Escalation	\$3,322,723.94
Averaged Annual Reserve ⁴	\$94,934.97

Footnotes:

- (1) Total project cost is a snapshot based on a conceptual design and associated construction estimate and is subject to change based on affordability and direction by the Town.
- (2) Total project cost is all inclusive and turnkey.
- (3) Interest rate is subject to change. Rate as of September, 2025. Assumes conduit issuance and non-ad-valorem annual appropriation pledge.
- (4) If selected, costs associated with the lifecycle reserve fund will be added to the total annual lease payment.



04. FINANCING PLAN & PAYMENTS

04D. PROJECTED LEASE PAYMENTS

Concept 2 - Approximate Annual Lease Payment by Town: \$1.64M

Cost Totals by Category	Amount
Design-Build Total	\$19,776,692.00
Development Total	\$2,768,427.10
Financing Total	\$3,283,366.23
Total Project Cost	\$25,828,485.32

Summary of Annual Lease Payment	Amount
Total Project Cost ^{1,2}	\$25,828,485.32
Interest Rate ³	5.30%
Debt Term	35
Total Building SF	18,138
Annual Lease Payment	\$1,637,572.53
Annual Cost / SF	\$90.28

Lifecycle Reserve	Amount
Reserve Amount / SF	\$1.50
1st-Year Reserve	\$27,207.00
Escalation Rate	3.00%
Total Reserve Contribution w/ Escalation	\$1,644,991.86
Averaged Annual Reserve ⁴	\$46,999.77

Footnotes:

- (1) Total project cost is a snapshot based on a conceptual design and associated construction estimate and is subject to change based on affordability and direction by the Town.
- (2) Total project cost is all inclusive and turnkey.
- (3) Interest rate is subject to change. Rate as of September, 2025. Assumes conduit issuance and non-ad-valorem annual appropriation pledge.
- (4) If selected, costs associated with the lifecycle reserve fund will be added to the total annual lease payment.

SECTION 5

TEAM QUALIFICATIONS



05. TEAM QUALIFICATIONS

05A. CONSORTIUM PARTNERS

CO-DEVELOPER/ DESIGN-BUILDER



CORE is the nation's largest public safety facility builder in the nation. Having completed more than 500 public safety facilities in the last 25 years alone, CORE brings an abundance of experience, knowledge, and best practices in public safety development and construction. Additionally, CORE is one of the nation's leaders in P3 for social infrastructure projects. Operating for over 42 years in the state of Florida, their headquarters is located in downtown Fort Lauderdale, with a staff of more than 100 qualified, local employees, ready to serve Lauderdale By The Sea.

CO-DEVELOPER



Brandywine is a full-service real estate operating company, financial services corporation, real estate management, and acquisition and development firm with over 35 years of experience delivering P3 projects for Public Safety clients throughout the United States. With more than \$1 billion in acquisitions and developments, Brandywine provides strong, institutional financing acumen as well as proven ability to shepherd P3 projects for Public Safety entities from concept to completion.

LEGAL COUNSEL



Barnes & Thornburg is one of the nation's leading law firms in the practice of real estate development and Public-private Partnership law. Their input, guidance, and expertise ensures that the LBTS Partners team is fully compliant with all local, state, and national legislation and requirements. Their experience partnering with CORE and jL2 in the state of Florida has resulted in successful, smooth projects for the client we serve via P3.

DESIGN ARCHITECT



jL2 Architecture is an architectural firm that brings 25 years of strong relationships and experience throughout the entire state of Florida. Founded with strong ethics and a desire for taking care of our clients with a personal dedicated approach, our focus is on public safety, government and civic oriented projects that enhance the environments of our local communities. Johnnie Lohrum Jr., President, has actively managed more than 5 million sf of municipal, community, and public safety projects including dozens of facilities which closely mirror your project requirements.

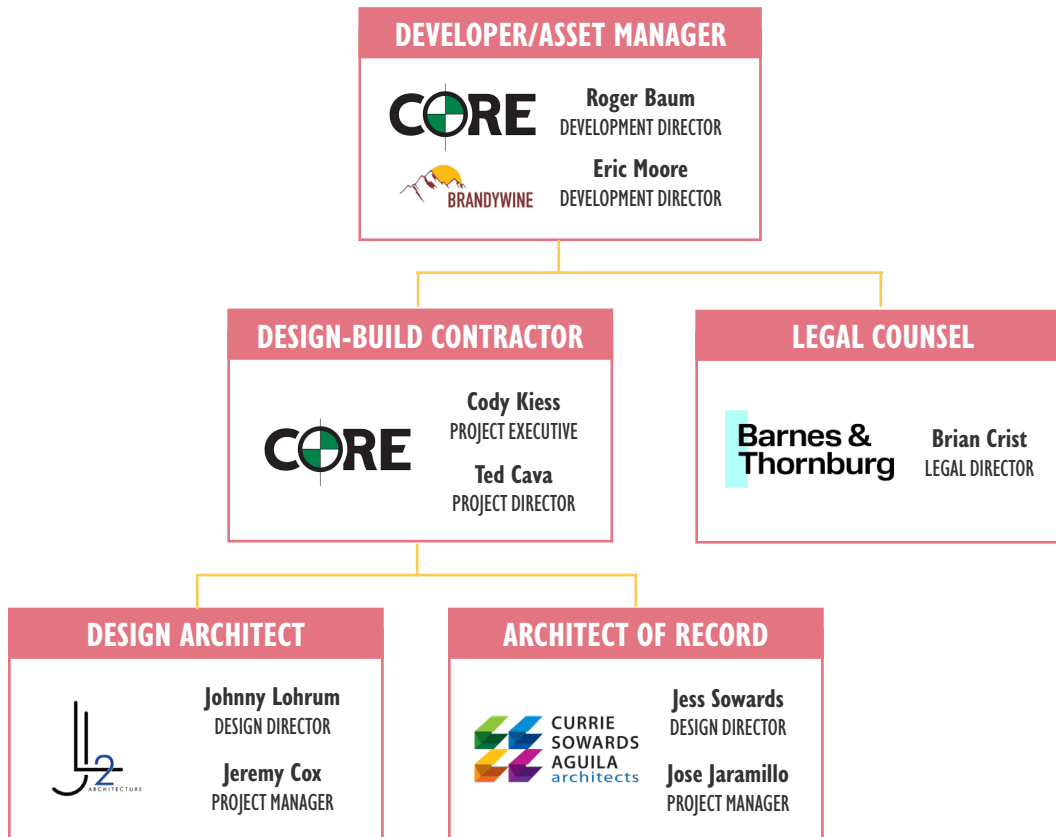
ARCHITECT-OF-RECORD



CSA Architects has been a architectural leader in Florida since 1969. CSAA has been recognized for more than fifty years as a reputable team of professionals, whose vision for communities continues to serve as the inspiration for their practice. CSAA has found professional success as a highly respected architectural firm in the State of Florida, but what has defined its legacy is the contribution they make within the local community, "giving back, by design."

05. TEAM QUALIFICATIONS

05B. PROJECT ROLES ORGANIZATION CHART



05C. KEY PERSONNEL



Roger Baum, National P3 Director

CORE

EXPERIENCE

22 Years

EDUCATION

BS, Business
Administration

CERTIFICATIONS

CleanPSB
OSHA 30 Hour
LEED AP

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Fire Station No. 2 & 3, Police Substation & City Hall | West Memphis, Arkansas | \$30M

Fire Station 92 | Palm Beach County, Florida | \$17M

Supervisor of Elections Office | Broward County, Florida | \$103M

Mill Run Fire Station | Kissimmee, Florida | \$10.6M

Elko Conference Center | Elko, Nevada | \$25M

Jefferson County Coroner's Office | Pine Bluff, Arkansas | \$12M



Eric Moore, President

BRANDYWINE FINANCIAL

EXPERIENCE

25 Years

EDUCATION

BS, Finance and
Management

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Public Safety Building | Jersey City, New Jersey

Police Crime & Ballistics Facility | Newark, New Jersey

Police Evidence & Storage Facility | Newark, New Jersey

Police Traffic Division Building | Newark, New Jersey

Police & Fire Training Academy | Newark, New Jersey

Municipal Police Station & Court | Middleton, New Jersey



05C. KEY PERSONNEL (CONTINUED)



Cody Kiess, President

CORE

EXPERIENCE

15 Years

EDUCATION

BS Emergency
Management &
Homeland Security

CERTIFICATIONS

CleanPSB
OSHA 30 Hour
NASCLA AGC

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Police Headquarters | Riviera Beach, Florida | \$60M

Fire Station 49 | Palm Beach County, Florida | \$14M

Fire Station 92 | Palm Beach County, Florida | \$17M

Supervisor of Elections Office | Broward County, Florida | \$103M

Mill Run Fire Station | Kissimmee, Florida | \$10.6M

3 Fire Stations | Seminole County, FL | \$36M



Ted Cava, Vice President

CORE

EXPERIENCE

27 Years

EDUCATION

BS Construction
Management

CERTIFICATIONS

CleanPSB
OSHA 30 Hour

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Police Headquarters | Riviera Beach, Florida | \$60M

Fire Station 49 | Palm Beach County, Florida | \$14M

Fire Station 92 | Palm Beach County, Florida | \$17M

Supervisor of Elections Office | Broward County, Florida | \$103M

Mill Run Fire Station | Kissimmee, Florida | \$10.6M

3 Fire Stations | Seminole County, FL | \$36M



05. TEAM QUALIFICATIONS

05C. KEY PERSONNEL (CONTINUED)



Johnnie Lohrum, President

j|2 Architecture

EXPERIENCE
22 Years

EDUCATION
MS, Architecture
BS, Design

CERTIFICATIONS
Florida Registered
Architect - AR96099
LEED AP

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Public Safety Headquarters | Gainesville, Florida | \$28.1M

Sheriff's Evidence Storage | Daytona, Florida | \$11.3M

Fire Administration Headquarters | Daytona Beach, FL | \$##M

Fire Station #22 | Clay County, Florida | \$11M

Fire Station #87 | Orange City, Florida | \$12M

Police Headquarters | Riviera Beach, Florida | \$60M



Jeremy Cox, Vice President

j|2 Architecture

EXPERIENCE
24 Years

EDUCATION
MS, Construction
Management
BS, Design

CERTIFICATIONS
Florida CGC1500647

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Public Safety Headquarters | Gainesville, Florida | \$28.1M

Sheriff's Evidence Storage | Daytona, Florida | \$11.3M

Fire Administration Headquarters | Daytona Beach, FL | \$##M

Fire Station #22 | Clay County, Florida | \$11M

Fire Station #87 | Orange City, Florida | \$12M

Police Headquarters | Riviera Beach, Florida | \$60M



05. TEAM QUALIFICATIONS

05C. KEY PERSONNEL (CONTINUED)



Jess Sowards, Principal

CSA Architects

EXPERIENCE
39 Years

EDUCATION
MS, Architecture
BS, Design

CERTIFICATIONS
Florida Registered
Architect
LEED AP

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Fire Station #88 | Riviera Beach, Florida | \$16.8M

Fire Station #22 & EOC | Lighthouse Point, Florida | \$7.8M

Fire Station 49 | Palm Beach County, Florida | \$14M

Fire Station 92 | Palm Beach County, Florida | \$17M

Fire Rescue General Obligation Bond | Boca Raton, Florida | 7 New Stations

Courthouse & Government Center | Monroe County, Florida | \$32M



José Jaramillo, Principal

CSA Architects

EXPERIENCE
36 Years

EDUCATION
MS, Architecture
BS, Design

CERTIFICATIONS
Florida Registered
Architect
LEED AP

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Fire Station #88 | Riviera Beach, Florida | \$16.8M

Fire Station #22 & EOC | Lighthouse Point, Florida | \$7.8M

Fire Station 49 | Palm Beach County, Florida | \$14M

Fire Station 92 | Palm Beach County, Florida | \$17M

Fire Rescue General Obligation Bond | Boca Raton, Florida | 7 New Stations

Courthouse & Government Center | Monroe County, Florida | \$32M



05. TEAM QUALIFICATIONS

05C. KEY PERSONNEL (CONTINUED)



Brian Crist, Partner/P3 Practice Leader

Barnes & Thornburg

EXPERIENCE

28 Years

EDUCATION

Juris Doctor
BA, Economics

CERTIFICATIONS

Bar Association
Member: FL, IN

RELEVANT PROJECT EXPERIENCE (PARTIAL LIST)

Fire Station No. 2 & 3, Police Substation & City Hall | West Memphis, Arkansas | \$30M

Supervisor of Elections Office | Broward County, Florida | \$103M

Indiana Toll Road Concession | State of Indiana | \$3.8B

Jefferson County Coroner's Office | Pine Bluff, Arkansas | \$12M





LBTS
PARTNERS

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WHEREAS, Section 255.065(6), Florida Statutes, provides that, before or in connection with the negotiation of a comprehensive agreement, a public entity may enter into an interim agreement with the private entity proposing the development or operation

of a qualifying project; and

WHEREAS, an interim agreement may include provisions that authorize the private entity to commence activities related to the proposed qualifying project, including project planning and development, design, environmental analysis, survey, and other due diligence activities, and that establish the process and timing of negotiations toward a comprehensive agreement; and

WHEREAS, in order to facilitate the evaluation and potential development of the Project, the Town Commission desires to authorize the Town Manager to negotiate an interim agreement with CORE Construction for the Project; and

WHEREAS, CORE Construction may, with the Town Manager's prior written consent, assign its right to negotiate with the Town to such legal entity formed for purposes of serving as the contracting entity for the Project; and

WHEREAS, the negotiated interim agreement shall be presented to the Town Commission for review and approval prior to execution by the Town; and

WHEREAS, the Town Commission deems it to be in the best interest of the Town and its residents to authorize the Town Manager to negotiate an interim agreement for the Project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:

SECTION 1. Recitals. The foregoing "Whereas" clauses are hereby ratified and confirmed by the Town Commission and incorporated herein.

SECTION 2. Authorization to Negotiate Interim Agreement. The Town Commission does hereby authorize the Town Manager to negotiate an interim agreement with CORE Construction for the Project. Core Construction may, with the Town Manager's prior written consent, assign its right to negotiate with the Town to such legal entity formed for purposes of serving as the contracting entity for the Project.

SECTION 3. Implementation. The appropriate Town officials are authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this Resolution.

SECTION 4. Effective Date. This Resolution shall become effective upon passage and adoption.

PASSED AND ADOPTED this ___ day of _____ 2025.

Mayor Edmund Malkoon

ATTEST:

Courtney Easley, Acting Town Clerk

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney



Agenda Item No: 18.b.

Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: Ken Rubach, Interim Town Manager

Submitting Department: Administration

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-51: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

Explanation: At the September 10, 2025 meeting, Commissioner Graziano proposed a change to the Commission's meeting and agenda procedures, to provide for the reading aloud of certain written public comments at Commission meetings. The Commission discussed the proposal and instructed Staff to bring back a Resolution to refine and implement these changes. The changes allow public comments to be read aloud only if they meet the following proposed criteria:

- Comments must be submitted by 5 p.m. the day before the meeting, to a separate Town email address to be created for this purpose.
- Comments must address agenda items, and be 150 words or less. (In the September Commission discussion, an alternate length of 25 words was also considered; the Resolution includes the proposed 150 words, but it may be amended if desired.)
- Written public comments are already added as an attachment to the meeting minutes, but the Resolution was silent on that practice. So a requirement is specifically added to the Resolution.

The first 10 comments received that conform to the criteria will be read aloud. However, given the demands of other Town business at a particular meeting, the Mayor may propose and the Commission may agree to further limit or dispense with the reading aloud of written comments at that meeting.

Section 2.E.iii. "Written Public Comments" has been created with the proposed changes for the Commission's consideration.

Recommendation: Approve Resolution 2025-51, amending the meeting procedures to provide for the reading aloud of written comments that meet the criteria, and for the inclusion of written comments into the meeting minutes.

Exhibits:

1. Resolution 2025-51 Commission Procedures 10.28.25

RESOLUTION 2025-51

A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, REVISING THE TOWN COMMISSION MEETING AND AGENDA PROCEDURES; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 2-19 “Minutes and Procedures of Meetings,” of the Code of Ordinances of the Town of Lauderdale-By-The-Sea, Florida, provides that the Town Commission shall establish procedures relative to Town Commission meetings and agendas; and

WHEREAS, the Town Commission adopted Resolution 2011-05 on March 22, 2011, amending and replacing Resolution 2010-21 which set forth such procedures, and adopted Resolution 2011-17 on June 28, 2011 further updating the procedures; and

WHEREAS, the Town Commission further updated and amended the procedures by adopting Resolution 2014-15, Resolution 2014-42, Resolution 2015-17, Resolution 2016-13, Resolution 2016-42, Resolution 2022-17, Resolution 2024-25, and Resolution 2025-19, all repealing all prior resolutions and adopting new Commission Meeting and Agenda Procedures; and

WHEREAS, the Town Commission seeks to further revise the Commission Meeting and Agenda Procedures as set forth herein; and

WHEREAS, these Town Commission Meeting and Agenda Procedures shall be administered and implemented with flexibility, to assure that the will of the majority is accomplished while the rights of the minority are protected, to the end of accomplishing Town business in an efficient, effective and respectful manner; and

WHEREAS, the adoption of these procedures is in the best interest of the Town of Lauderdale-By-The-Sea.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA THAT:**

SECTION 1. Recitals. The foregoing “WHEREAS” clauses are true and correct and hereby ratified and confirmed by the Town Commission and incorporated herein.

SECTION 2. Procedures Adopted. The Town Commission Meeting and Agenda Procedures set forth in Resolution 2024-25 are hereby amended in part to read as follows:¹

A. TOWN COMMISSION MEETINGS

- i. **Regular Meetings.** Pursuant to Town Code Section 2-16, the Town Commission shall hold regular meetings each month at Jarvis Hall, and may decide not to have a regular meeting in a given month. Regular Commission meetings are held at 6:30 p.m. The Commission may cancel or reschedule regular Commission meetings as it determines to be necessary. A regular meeting may be recessed to a later date certain which is announced at the regular meeting. All meetings shall be open to the public, except as may be expressly exempted by state law, and shall include a section devoted to public comment prior to taking any official action pursuant to Section 286.0114, Florida Statutes. The Town Manager or his or her designee (hereinafter referred to as “the Town Manager”) shall attend regular meetings, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney or his or her designee (hereinafter referred to as “the Town Attorney”) shall attend regular meetings. The purpose of such meetings is to conduct the business of the Town. If an item results (or may result) in extensive discussion at a regular meeting, any Commissioner² may move that the item be continued to a roundtable for discussion or to a special meeting if action is contemplated.
- ii. **Roundtable Workshop Meetings.** The Town Commission shall meet as needed in a roundtable to be conducted as a public meeting and provide for a public comment period as described below in Sub-section F.ii. The Commission may schedule, cancel or reschedule roundtable meetings of the Commission as it determines to be necessary. A roundtable may be recessed to a later date certain which is announced at the roundtable. The Town Commission may discuss each item, defer the item to a later roundtable, or indicate that the item is ready to be placed on the agenda of a regular or special commission meeting for action. The Town Commission shall discuss the agenda items and provide feedback, but shall not take action at roundtables. The Town Manager shall attend the roundtable,

¹ Changes from Resolution 2025-19 are shown in ~~strike~~ and underline font, to indicate deletions and additions respectively.

² All references to Commissioner herein shall be construed to also refer to the Mayor-Commissioner.

prepare an agenda with appropriate backup, and assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend roundtables.

iii. **Special Meetings.**

- (a) Special meetings shall be handled as provided in Town Code Section 2-18.
- (b) With the written notice and following the procedures required in Section 2-18, the Commission may hold special meetings at any time on the call of the Mayor, the Manager, or any Commissioner, upon no less than 48 hours' notice to each Commissioner and the public. Alternatively, special meetings may be called on such shorter notice as any two (2) Commissioners shall deem necessary in case of an emergency affecting life, health, property or the public peace. Immediately upon convening such special meeting, the Town Commission shall consider any such determination of emergency, and may continue the meeting if an emergency is found to exist by at least three (3) Commissioners. Emergency special meetings shall always be scheduled with as much notice as is possible under the circumstances.
- (c) A majority of the Commissioners (three (3)) shall constitute a quorum to transact business, but a lesser number may meet and adjourn from time to time and, if necessary, may compel the attendance of absent Commissioners. Special Commission meetings are generally held at 6:30 p.m., but shall be scheduled to accommodate the schedule of all Town Commissioners as much as is feasible. The Town Manager shall attend the special meeting, shall prepare an agenda with appropriate backup, and shall assure that relevant staff persons are present for the items on the agenda. The Town Attorney shall attend special meetings. Only those matters listed on the agenda of the special meeting shall be discussed, and no additional items may be added at the special meeting.
- (d) Notice to the public shall be accomplished by posting at the Town Hall. Notices shall state the place, date and hour of the special meeting and the purpose for which such meeting is called and no further business shall be transacted at the meeting, except as stated in the notice. Discussions at a special meeting shall be limited to the items listed on the agenda for such meetings. All special meetings shall be open to the public, except as may be expressly exempted by state law.
- (e) A special meeting may be recessed to a later date certain which is announced at the special meeting.

iv. **Robert's Rules of Order.** For matters not addressed by this Resolution, all meetings of the Town Commission shall be governed by the rules of procedure

provided by Robert's Rules of Order. Unless objection thereto is made by a Commissioner, the Mayor may refrain from a too rigid enforcement of such rules, in order to expedite the transaction of business. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner.

B. DUTIES AND RESPONSIBILITIES OF THE MAYOR

- i. **Mayor to Serve as Presiding Officer.** The Mayor shall be the presiding officer at all Town Commission meetings. The Vice Mayor shall act as the presiding officer during the absence of the Mayor. In the absence of both the Mayor and Vice Mayor, the remaining Commissioners shall, by majority vote, select a presiding officer (Mayor Pro Tem) to carry out the functions of Mayor for that meeting, as defined in this Resolution, in accordance with Town Charter Section 6.2.
- ii. **Mayor to Determine Questions of Order.** The Mayor may determine questions of order raised by the Commission or ask the Town Attorney to advise on such questions. The Town Attorney shall be the parliamentarian and shall decide appeals by the other Commissioners of the Mayor's ruling on a point of order. Such decisions shall be guided by the law that parliamentary procedure shall not be used to thwart the will of the majority of the Commission. A majority vote of the Town Commission, following a proper motion and a second appealing the Mayor's or Town Attorney's decision, will ultimately govern appeals of questions of order. The Mayor may consult with the Town Attorney for advice on any question of order at any time.
- iii. **Mayor's Conduct of the Meeting.** In accordance with Town Charter Section 5.2(1), the Mayor shall have a voice and a vote on all questions and items, and be called last in any roll call vote, but does not have veto power. The Mayor may make and second motions upon passing the gavel to the Vice-Mayor or, in the absence of the Vice-Mayor, to any Commissioner. The Mayor shall introduce agenda items by the agenda item and number. The Town Attorney shall read the titles of legislation as may be requested by the Mayor. Thereafter, the Mayor may call upon the Town Manager to give any needed explanation of the item up for consideration. Following this, the item shall be opened for Town Commission discussion or public hearing as required by the item, under the guidelines established herein. All comments or questions by the attending public shall be directed to the Mayor. All motions shall be read aloud before a vote is taken.
- iv. **Mayor to Maintain Decorum at Town Commission Meetings.** Should a member of the audience become unruly or behave in any improper manner prejudicial to the proper conduct of the meeting, the Mayor shall maintain order and decorum in accordance with Section 2-23 of the Code. All comments shall relate to Town business. The broadest possible accommodation shall be provided for statements of personal opinion, but no one shall engage in personal attacks. Proper titles shall be used at all times, to contribute to a respectful and business-like atmosphere. The

Mayor may interrupt to maintain order and decorum, but such interruption shall not reduce the speaker's time. The Mayor is given the right and the authority to require such person to leave Jarvis Hall, to be accompanied, if necessary, by a Police Officer, in accordance with Section 2-23. In the event the audience, or a part thereof, becomes unruly, the Mayor may either recess or adjourn the meeting. Persons violating Florida Statute Section 871.01 may be arrested by police officers present and noting the willful interruption or disturbance.

C. ORDER OF BUSINESS

The order of business of the Town Commission at the regular Commission meetings shall be as follows:

- (1) Call to Order/Invocation (See Resolution No. 2016-04)/Pledge of Allegiance
- (2) Additions, Deletions, Deferrals of Agenda Items
- (3) Special Presentations
- (4) Public Comments
- (5) Public Safety Discussion
- (6) Town Manager Report
- (7) Town Attorney Report
- (8) Approval of Minutes
- (9) Consent Agenda
- (10) Old Business
- (11) New Business
- (12) Commissioner Presentations
- (13) Commissioner Comments
- (14) Ordinances
- (15) Resolutions
- (16) Quasi-Judicial Public Hearings
- (17) Adjournment

Where any applicable law may require a different order or procedure for the Commission meeting, such as for meetings involving the budget, those laws shall be followed and the meeting procedures altered as may be appropriate.

Upon request by the Mayor or a Commissioner or the Town Manager, items on the agenda may be moved out of sequence to expedite the matters before the Town Commission, or ensure that items that related to each other are considered in context or for such other reasons as may be deemed appropriate by the Town Commission.

D. COMMISSION DISCUSSION

- i. **Discussion by Commissioner.** Discussion by Commissioners shall be limited to three minutes except as may otherwise be determined by a majority of the Town Commission. Each Commissioner shall be afforded the opportunity to offer

rebuttal on each item discussed, which shall also be limited to three minutes. These time limits will not be strictly enforced unless the Town Commission votes to do so. A Commissioner, once recognized by the Mayor, shall direct all comments or questions on the subject matter being discussed to the Mayor only. Commissioners shall not engage in cross conversation with other Commissioners or the public, and shall not engage in personal attacks. Commissioners shall not interrupt another Commissioner who has the floor, and shall be polite and respectful. Those who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23. The Town Manager may play a role in keeping the Town Commission discussion on topic and keeping the meeting moving forward. The Mayor shall not unreasonably withhold or delay recognition of any Commissioner desiring to speak. The Mayor shall recognize other Commissioners in rotation and not call on any Commissioner a second time or subsequent time until such time as all Commissioners shall have had an opportunity to speak.

- ii. **Questions by Commissioners.** In the event a Commissioner wishes to direct questions to another Commissioner or to the public, the questions shall be directed to the Mayor who, in turn, will recognize the Commissioner or member of the public who wishes to answer the specific questions. In the event a Commissioner wishes to direct a question to the Town Manager, the question shall be directed to the Town Manager through the Mayor, who will, in turn, recognize the Commissioner. All questions of Town staff shall be made through the Town Manager.

E. PUBLIC PARTICIPATION AND DISCUSSION

- i. **Public Hearings.** Individuals wishing to speak on matters that appear on the agenda as “Public Hearings” need only to be recognized by the Mayor. The public shall be permitted to speak after the Mayor opens an item for Public Hearing, for a maximum of three minutes each. After the Public Hearing is closed by the Mayor, only Commissioners or Town administration shall discuss the item.
- ii. **Addressing Commission: Manner and Time.** Public discussion at public hearings or at items which are opened to public discussion (other than the general Public Comment portion of the meeting) shall be limited to three minutes maximum per person. A person’s allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. However, a group of people may ask the Mayor to allow them to combine and donate their time to a single speaker, who shall not speak for longer than the donated time, up to ten (10) minutes total or such other maximum time that the Mayor may establish. However, the Mayor may authorize the extension of this time frame, after due consideration for the substance, content, and relative importance of the subject. Each person who addresses the Commission shall approach the speaker’s podium, shall give his or her name and state whether he or she is a resident of the Town. No person other than the member of the public recognized by the Mayor as having the floor shall be permitted to enter into discussion without the permission

of the Mayor. No person shall approach the dais without first receiving permission from the Mayor. All questions from the public to the Commission shall be addressed through the Mayor, and shall be handled in the manner that the Mayor sees fit. The normal practice shall be for the Town Manager to designate a staff person to follow up on questions or requests, and to avoid conversation between the public speaker and the members of the Commission or the Town administration. Any answers that may be given shall not reduce the speaker's time. Speakers shall conduct themselves in a polite and respectful manner, and shall use proper titles when addressing Commissioners, the Mayor or other Town officials or staff by name. Persons who are disruptive shall receive at least one warning before being ejected in accordance with Code Section 2-23.

iii. **Written Public Comments.** Persons may submit written comments to the Town Commission for a particular Town Commission meeting, and such comments will be included in the minutes of that meeting. The first ten written comments on agenda items received for a particular meeting will generally be read aloud if they are submitted by 5 p.m. the day before the meeting to an email address designated for this purpose, and are limited to a maximum of 150 words. Given the demands of other Town business at a particular meeting, the Mayor may propose and the Town Commission may agree to further limit or dispense with the reading aloud of written comments at that meeting.

F. COMMISSION MEETING ITEMS

- i. **Special Presentations.** This section of the agenda is reserved for presentations, proclamations or items of special recognition. No vote or official action may be taken on a presentation unless an opportunity for public comment is first provided, in accordance with Section 286.0114 Florida Statutes.
- ii. **Public Comments.** Individuals wishing to speak on matters not on the agenda for a public hearing, but still pertinent to the Town, may do so by signing in with the Town Clerk prior to the meeting. Immediately prior to calling a meeting to order, the Mayor shall make an announcement regarding the signup procedure and provide a "last call" for speaker sign up. A statement shall be included in the agenda of each Commission meeting at which public comment is an item on the agenda, summarizing these procedures. The Mayor will recognize those persons who signed in under the agenda item "Public Comments," and may also recognize other persons who desire to speak. The time limit for each person to speak shall be three (3) minutes. The speaker is allowed uninterrupted time to present his or her point of view. A person's allotted speaking time may not be shared by multiple people. Speaking time allotted to one person may not be donated to another person. Persons may reserve their comments for one agenda item at the time that the item is being discussed, in lieu of using their public comment time, or they may address the agenda item during public comment, but no person shall have the opportunity to comment on an item both at public comment and at the time of the agenda item.

The Town Manager shall follow up on public comments as appropriate, and shall inform the Town Commission of any such follow up.

- iii. **Public Safety Discussion.** The chiefs of the Town's police and fire-rescue service providers or their designees will attend each regular Commission meeting, and be available to answer questions from the Commission on their activities during this section of the agenda.
- iv. **Town Manager Report.** Pursuant to Charter Section 5.5(5), the Town Manager shall attend all meetings of the Commission and has the right to take part in the discussion, but not to vote. The Town Manager shall recommend for adoption such measures as the Manager deems appropriate, necessary or expedient for the interests of the Town. This section of the agenda shall be utilized by the Town Manager for reports and additional items for Commission direction or action. The Town Manager may produce a written progress report for all major pending events in the Town, and an updated version may be provided as backup for the Town Manager Report at the second regular Commission meeting of each month. The Manager may show an item as complete when he or she deems it so, in a separate section at the bottom of the progress report. Upon approval of the report by the Town Commission, the completed item may be removed from the next progress report.
- v. **Town Attorney Report.** The Town Attorney shall make any report to the Commission at this point in the agenda. However, if the Town Attorney has substantial matters for the Commission to discuss or decide, they shall be presented as agenda items.
- vi. **Consent Agenda.** There shall be a consent agenda during each regular Town Commission meeting. The consent agenda shall contain motions, resolutions, and other matters which, in the opinion of the Town Manager, may be handled and implemented without necessity for discussion. Unless a Commissioner specifically requests that an item be removed from the consent agenda, such items shall be approved and adopted by a single motion and vote of the Commission.
- vii. **Old and New Business**
 - (a) **Administration Items.** The Town Manager will place items under these sections when Commission discussion and direction is sought. The item will be placed under New Business when the item has not been discussed previously, and under Old Business if it was previously discussed.
 - (b) **Commissioner Agenda Items.** Commissioners may submit a request for the preparation of policy, legislation or action by the Town Attorney or Town Manager. The item will be placed under New Business (or Old Business if it has been previously discussed). Except for informational reports, a signed written memorandum or form provided for such purposes should state the purpose of the

item/action, the major points to be covered, the reasons for necessary action, whether visual aids such as maps, plans, photos or PowerPoint-style presentations may be appropriate, and the specific action or motion desired by the Commissioner. If the item can be resolved by the Town Manager without action of the Commission, the Manager shall be given the opportunity to do so. Once heard, the request shall not be acted upon until such request is approved by motion of the majority of the Town Commission. As much as possible, the topic of the report or item shall be provided to the Town Manager prior to the close of the agenda, so that the item may be noticed to the public.

- viii. **Commissioner Presentations.** This section of the agenda shall be utilized by the Mayor and Commissioners to provide informational reports. Each Commissioner and the Mayor shall have a maximum of three minutes for such reports. The Mayor may allow additional time for any Commissioner Presentations. A Commissioner is entitled to additional time, as necessary to report on specific Commissioner assignments, Town liaison activities or responsibilities (such as reporting on the activities of a County committee on which a Commissioner sits as a Town representative).
- ix. **Commissioner Comments.** This section of the agenda shall be utilized by the Mayor and Commissioner to provide general information or guidance. Each Commissioner and the Mayor shall have a maximum of three minutes for such reports. The order of speaking shall be determined at random.
- x. **Ordinances and Public Hearings.** Ordinances or other items requiring a public hearing shall be placed on this portion of the agenda.
- xi. **Resolutions.** Resolutions not included on the consent agenda may be placed under New or Old Business or on this portion of the agenda. The Mayor may allow public comments on Resolutions.
- xii. **Adjournment.** All meetings of the Town Commission, whether they be special or regular meetings, or roundtable workshops, shall be adjourned no later than 11:00 p.m. However, the Town Commission, by affirmative vote of four (4) Commissioners present at the meeting, may extend the meeting beyond the time limit. In any event, the motion to continue the meeting must provide for a specific time frame which the Town Commission will honor for the purposes of continuing the meeting. Such time frame may be further extended by another affirmative vote of four (4) Commissioners present at the meeting.

G. COMMISSION AGENDA PREPARATION

- i. **Agenda Closing Dates.** The Town Manager will endeavor to close the agenda for any regular, special or workshop meetings of the Town Commission no later than one week prior to the date of the meeting. No additional items shall be added to the agenda of the regular, special or workshop meeting after the agenda closing date

unless it is necessary for a compelling reason. An additional item requiring Commission action may only be added to the agenda by majority vote of the Town Commission at a regular meeting. Alternatively, the item may be deferred to a date certain.

- ii. **Placement of Commissioner Items on Agenda.** All appropriate background material shall accompany the item on the form given for this purpose, and the action proposed to be taken shall be clearly stated. All information relating to items to be placed on the agenda shall be submitted by a Town Commissioner to the Town Clerk.
- iii. **Agenda Publication.** A complete package of all agenda material shall be provided to the Town Commission by the Town Clerk on the Thursday prior to the meeting, by posting the agenda material on the Town website. In the event that pertinent information relating to the agenda item is missing or unaccounted for prior to the meeting, the Town Commission may remove the item from the agenda at the meeting. Voluminous agenda items, such as the responses to requests for proposals or qualifications, shall be provided to the Town Commission by the Town Clerk no later than 5 p.m. on the Wednesday prior to the date of the regular meeting, to the extent feasible. Any PowerPoint-style presentations to be presented at a regular Commission meeting, shall be provided to the Commission by the Town Clerk at least 48 hours prior to the meeting time, to the extent feasible.
- iv. **Preparation of Ordinances and Resolutions.** All Ordinances shall show the name of each Commissioner and whether such Commissioner voted for, against or failed to vote. All Ordinances and Resolutions, once approved by the Town Commission, shall be executed by the Mayor and attested by the Town Clerk. The Town Attorney shall review and sign off as to the form of each ordinance and resolution.
- v. **Sequence of Agenda Items.** Upon request by the Mayor or a Commissioner, items on the agenda may be moved out of sequence in order to expedite the matters before the Town Commission, or assure that items that are related to each other are considered in context, or for such other reasons as may be deemed appropriate by the Town Commission.
- vi. **Backup for Agenda Items.** The Town Manager shall provide suitable relevant backup and information on all items, including any information on past experience with bidders or responders on a purchasing item.
- vii. **Minutes.** The Town Clerk shall have minutes ready for approval on the next available Commission meeting agenda if feasible, given the number and length of pending minutes and other workload considerations. Minutes shall record all actions taken by the Commission, and shall contain sufficient detail regarding decisions made, comments received, and discussion of the Commission.

H. OTHER PROCEDURES

- i. **Town Charter.** Nothing herein shall conflict with procedures mandated by the Town Charter or Town Code.
- ii. **Motion to Reconsider.** A motion to reconsider any question which has been determined by the Town Commission may be made only by a Commissioner who voted on the prevailing side and who, not later than the next regular or special meeting following that on which such question was so determined, requested that a motion to reconsider be placed on the next regular or special meeting agenda.
- iii. **Roll Call Vote.** If the Town's automatic voting system is not working, any Commissioner may demand the yeas and nays on any question submitted, or to be submitted, to voice vote and, when so demanded, the Town Clerk shall call the roll of Commissioners present and record the vote of each Commissioner, and the Mayor shall vote last.
- iv. **Tie Vote.** Tie votes automatically fail.
- v. **Action Agenda.** An action agenda shall be circulated by the Town Clerk within forty-eight hours of each Commission meeting if feasible, containing a brief description of action taken or discussion among the Commission on each agenda item.
- vi. **Order of Seating.** On the Commission dais (facing the audience), the Town Clerk shall be seated at the left end and the Town Manager shall be seated at the right end. The Mayor shall be seated in the center of the dais, with the Town Attorney seated to his or her left side.
- vii. **Waiver of the Procedures.** The intent of these procedures is to assure the smooth and efficient functioning of the Commission meeting, and to prioritize the completion of Town business. The procedures shall always be applied and interpreted to carry out the will of the majority of the Commission while giving due consideration to the rights of the minority. However, any Commissioner may propose to waive the strict application of the procedures in a particular circumstance. The procedure shall be waived upon a proper motion, second and approval of the waiver by a simple majority. A permanent change to the procedures shall be accomplished by adopting an amending Resolution.

I. QUASI-JUDICIAL PROCEEDINGS

Quasi-judicial proceedings shall be excepted from this Resolution and shall be governed by Town Code.

SECTION 3. Conflicts. All resolutions or parts of resolutions in conflict herewith, including Resolution 2010-21, Resolution 2011-05, Resolution 2011-17, Resolution 2014-15, Resolution 2014-42, Resolution 2015-17, Resolution 2016-13, Resolution 2016-42, Resolution

2022-17, Resolution 2024-25, and Resolution 2025-19 are hereby repealed to the extent of such conflict.

SECTION 4. Severability. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Resolution, but they shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 5. Effective Date. This Resolution shall become effective immediately upon its passage and adoption.

PASSED AND ADOPTED by the Town Commission of the Town of Lauderdale-By-The-Sea, Florida, this 28th day of October, 2025.

MAYOR EDMUND MALKOON

ATTEST:

Courtney Easley, Acting Town Clerk

APPROVED AS TO FORM

Susan L. Trevarthen, Town Attorney



Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: Theo Pouloupoulos, Commissioner

Submitting Department: Town Commission

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-52: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING KEN RUBACH AS TOWN MANAGER; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN KEN RUBACH AND THE TOWN ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

Explanation: Section 5.3 of the Town Charter establishes the process for formally selecting the Town Manager by the adoption of a resolution approving an employment contract establishing compensation:

The Town Manager shall receive such compensation as determined by the Town Commission through the adoption of an appropriate resolution. The Town Manager shall be appointed by resolution approving an employment contract between the Town and the Town Manager.

On August 6, 2025, the Town Commission selected Interim Town Manager Ken Rubach for the position of Acting Town Manager. The Commission also voted to assign me the task of acting as the Commission liaison to work with the Town Attorney to develop an employment contract with Mr. Rubach.

The pertinent economic terms, as compared to the prior manager's contract, are:

Contract Section	Term	Former TM Contract / Personnel Policy
Sec. 2.1 Term	3-year term	3-year term
Sec. 3.1 and 3.2 Early Termination	Graduated severance (20 weeks in year 3) and graduated post-employment health insurance (20 weeks in year 3)	20 weeks' severance 20 weeks' post-employment health insurance
Sec. 5.1 Salary	\$237,500	\$221,293.78 initially

Sec. 5.2 Automobile	Use of Town vehicle for business and personal use	\$600 monthly vehicle allowance
Sec. 5.4.A Vacation Leave	20 days a year in 2025; 25 days a year commencing 2027	20 days a year in 2025; 25 days a year commencing 2026
Sec. 5.4.B Sick Leave payment at termination	100% payout	100% payout
Sec. 5.5.A Insurance Benefits	Same insurance benefits offered to management employees	Same
Sec. 5.5.B(2) Deferred Comp.	\$23,500 annually 2025; \$24,500 annually 2026 (i.e., IRC maximum)	\$20,000 annually 2025; \$24,500 annually 2026 (i.e., IRC maximum)
Sec. 5.9 Residence	Maintain residence within 30 miles of Town	Maintain residence within 15 miles of Town
Sec. 6.3 Pay for Performance	Based on annual performance review – bonus or increase to salary, leave or benefits; COLA based on CPI	Based on annual performance review – bonus or increase to salary, leave or benefits; COLA established by Town

Recommendation: Approve Resolution 2025-52 (Exhibit 1), which authorizes the Mayor to execute the attached Employment Agreement for Ken Rubach.

Exhibits:

1. 4C65704-Ex1 Reso 2025-52 appointing Rubach - Approval of Employment Agreement SLT
2. 4C6569102-Rubach 2025 CM Agreement - Final

RESOLUTION NO. 2025-52

A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, APPOINTING KEN RUBACH AS TOWN MANAGER; APPROVING THE EMPLOYMENT AGREEMENT BETWEEN KEN RUBACH AND THE TOWN ATTACHED HERETO AS EXHIBIT “A”; PROVIDING FOR REPEAL OF ANY CONFLICTING RESOLUTION, SEVERABILITY, AND FOR AN EFFECTIVE DATE.

WHEREAS, the Charter of the Town of Lauderdale-By-The-Sea (the “Town”) provides for a Town Manager to act as the chief executive officer and the head of the administrative branch of the Town government; and

WHEREAS, Ken Rubach has been serving as Acting Town Manager since August 6, 2025, at a salary determined pursuant to Resolution 2025-33 on August 6, 2025; and

WHEREAS, at a meeting of the Town Commission held on October 28, 2025, Ken Rubach was selected to be the Town Manager; and

WHEREAS, pursuant to Town Charter Section 5.3, the Town Manager shall “be appointed by Resolution approving an employment contract between the Town and the Town Manager;” and

WHEREAS, the Town Commission and Mr. Rubach desire to enter the Employment Agreement attached hereto as Exhibit “A,” and during his term as Town Manager, the terms and conditions of his employment will be in accordance with Exhibit “A.”

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA THAT:

SECTION 1. Recitals. The foregoing "WHEREAS" clauses are true and correct, and are hereby ratified and confirmed by the Town Commission and incorporated herein.

SECTION 2. Town Manager Appointment. The Town Commission hereby appoints Ken Rubach as Town Manager.

1 **SECTION 3. Approval of Employment Agreement.** The Employment Agreement
2 between Ken Rubach and the Town, attached hereto as Exhibit “A,” is hereby approved.

3 **SECTION 4. Conflicts.** All other Resolutions or parts of Resolutions in conflict herewith,
4 be and the same are repealed to the extent of such conflict.

5 **SECTION 5. Severability.** If any clause, section or other part of this resolution shall be
6 held by any court of competent jurisdiction to be unconstitutional or invalid, such unconstitutional
7 or invalid part shall be considered as eliminated and in no way affecting the validity of the other
8 provisions of this Resolution.

9 **SECTION 6. Effective Date.** This Resolution is effective immediately upon passage and
10 adoption.

11 **PASSED AND ADOPTED** by the Town Commission of the Town of Lauderdale-By-The-
12 Sea, Florida, this 28th day of October, 2025.

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16
17 Attest:

Mayor Edmund Malkoon

18
19
20
21 _____
22 Acting Town Clerk Courtney Easley

23
24
25 APPROVED AS TO FORM:

26
27
28
29 _____
30 Susan L. Trevarthen, Town Attorney
31

EMPLOYMENT AGREEMENT

THIS **EMPLOYMENT AGREEMENT** (the "Agreement") is made and entered into as of the _____ day of October, 2025, between the Town of Lauderdale-By-The-Sea (the "Town") and Ken Rubach (the "Employee") (collectively, the "Parties").

BACKGROUND

The Town wishes to employ Employee in the position of Town Manager, and Employee wishes to be employed as Town Manager under the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of the mutual promises and covenants contained herein, the Town and Employee agree to the following:

SECTION 1. DUTIES AND QUALIFICATIONS

- 1.1 **Qualifications:** The Town Commission hereby finds that the Town Manager satisfies the qualifications required by Section 5.3 of the Town Charter. Employee is not required to be a member of the International City Management Association and is not required to be a resident of the Town.
- 1.2 **Duties:** Town agrees to employ Employee as Town Manager to perform the duties and exercise the powers as prescribed by state law (including, but not limited to Chapter 112, Florida Statutes, Code of Ethics), the Town Charter (including, but not limited to Section 5.5) and the Town Code, and to perform such other legally permissible and proper duties and functions as assigned by the Town Commission from time to time. The Town Manager is an exempt employee under the Fair Labor Standards Act and, as such, Employee is not entitled to payment of overtime or accrual of any kind of compensatory time leave or payment. Without limitation, the Town Manager shall also oversee the operation of the Town's public safety contractors and shall provide regular status reports on pending projects if requested by the Town Commission.

SECTION 2. TERM

- 2.1 **Term:** This Agreement shall have a term commencing on, October 28, 2025 ("**Commencement Date**") and ending on October 28, 2028 ("**Expiration Date**"), unless earlier terminated or amended as provided elsewhere in this Agreement.
- 2.2 **Notice to Enter into a New Agreement, Extend or Allow Expiration:** No later than, March 31, 2028, the Town Commission shall notify Employee of its intention to: (a) enter into a new agreement, (b) extend this Agreement for such term as the parties may agree, or (c) allow this Agreement to expire on the Expiration Date.
- 2.3 **Failure to Act is a One-Year Extension:** Failure of the Town Commission to act pursuant to Subsection 2.2 shall be deemed a decision to allow this Agreement to be renewed for one (1) additional year on the Expiration Date, under the same terms and conditions that are in effect on the Expiration Date, unless otherwise amended or terminated pursuant to its terms during that additional year. At the end of the additional year, this Agreement will be terminated.
- 2.4 **Service at Pleasure of Commission:** Nothing in this Agreement shall prevent, limit or otherwise interfere with the right of the Town Commission to terminate the services of Employee at any time, subject only to the provisions set forth in

Section 3 of this Agreement.

- 2.5 **Payments to Employee Upon Separation from Town for Any Reason:** Notwithstanding any other provision of this Agreement, and regardless of the reason for Employee's separation from the Town's employ, the Town shall pay Employee upon his separation from the Town any and all earned but unpaid salary and benefits according to terms identified in Section 3 of this Agreement.

The Town Commission shall review and approve the accuracy of the amount of all payments required to be made to Employee upon his separation from the Town's employ, prior to payment. Payment shall be within 30 days of the effective date of the separation.

- 2.6 **Effect of Expiration:** If this Agreement expires, then no Severance Payment, as defined in Subsection 3.1, shall be due to Employee, and only the payments identified in Subsection 2.5 shall be due to Employee.

SECTION 3. TERMINATION BY TOWN

- 3.1 **Early Termination of Employment Agreement with Severance:** In the event Employee is terminated by the Town Commission prior to the normal expiration of this Agreement, other than for misconduct (as is defined in Section 3.2 of this Agreement) and during such time that Employee is willing and able to perform his duties under this Agreement, the Town agrees to pay Employee a payment ("Severance Payment") equal to:

- (a) Prior to October 28, 2026: fifteen (15) weeks of Salary,
- (b) Prior to October 28, 2027: eighteen (18) weeks of Salary, and
- (c) Prior to October 28, 2028: twenty (20) weeks of Salary.

- 3.2 The Town shall also continue to pay the premium for the Town Manager's health insurance up to 20 weeks after the effective date of his termination equal to:

- (a) Prior to October 28, 2026: fifteen (15) weeks of premium,
- (b) Prior to October 28, 2027: eighteen (18) weeks of premium, and
- (c) Prior to October 28, 2028: twenty (20) weeks of premium.

- 3.3 The Town shall not provide the Town Manager with any other benefit or reimbursement (except that specifically set forth in this paragraph) beyond the date of his termination. All severance payments (excluding the continuation of his health insurance benefits) shall be paid to the Town Manager in a lump sum upon his termination or within thirty (30) days thereafter at the Town's option.

The Severance Payment will only be provided if Employee signs a general release and waiver of claims against the Town regarding termination, on a form provided by the Town. Prior to payment, the Severance Payment shall be approved pursuant to Section 2.5.

Regardless of when Severance is paid, Employee shall also receive a payout for all earned and unused vacation. The payout shall be made with thirty (30) days of separation.

- 3.4 **Termination-for Misconduct**

- A. **Misconduct Defined:** "Misconduct" for the purpose of this Agreement is as defined in Section 443.036(29), Florida Statutes and includes, but is not limited to the following: (i) fraud, misappropriation or embezzlement; (ii)

Employee's intentional breach of the provisions of this Agreement; (iii) Employee's repeated willful failure to perform services hereunder; (iv) Employee's violation of Chapter 112, Florida Statutes, Code of Ethics; (v) Employee's willful and continued failure to substantially perform his duties for the Town (other than as a result of incapacity due to physical or mental illness); or (vi) willful conduct by Employee that is demonstrably and materially injurious to the Town, monetarily or otherwise. For purposes of this paragraph, an act, or a failure to act, shall not be deemed "willful" or "intentional," as those terms are used herein, unless it is done, or omitted to be done, by Employee in bad faith or without a reasonable belief that his action or omission was in the best interest of the Town. Failure to meet performance standards or objectives, by itself, may constitute "Cause."

- B. **Termination for Misconduct:** If Employee's employment is terminated for Misconduct as defined in Subsection 3.4.A., the Town shall only pay to Employee the amounts due under Subsection 2.5.

SECTION 4. TERMINATION BY EMPLOYEE (RESIGNATION)

In the event that Employee voluntarily resigns his position during the term of this Agreement, Employee shall give the Town at least sixty (60) days written notice of the effective date of such resignation ("Resignation Date"), unless the Town Commission and Employee mutually agree to a shorter notice period. If Employee does not provide timely notice (provided a shorter notice period has not been agreed to), he shall be considered to have resigned not in good standing, and consequently will forfeit payment of accumulated leave. Employee shall not be entitled to receive Severance Payment pursuant to Subsection 3.1. Employee shall only be entitled to the payments described in Subsection 2.5. The Town Commission and Employee may negotiate other provisions upon resignation, in the event that the Town Commission determines such provisions to be in the best interests of the Town.

SECTION 5. COMPENSATION AND RESIDENCE

- 5.1 **Salary:** Effective, October 28, 2025, the salary of Employee shall be \$237,500 (Two hundred thirty-seven thousand five hundred dollars) ("Current Salary"), which shall be payable in installments at the same time and manner as other Town employees are paid. Employee's Current Salary as adjusted pursuant to Section 6.3 of this Agreement shall be referred to as the "Adjusted Salary." References to "Salary" herein shall be construed to refer to the Current Salary until the Salary may be adjusted pursuant to Section 6.3, after which it shall be construed to refer to the Adjusted Salary.
- 5.2 **Automobile Provision:** In lieu of a vehicle allowance or a mileage reimbursement for use of Employee's personal vehicle, the Town shall assign to the Employee's use a motor vehicle maintained at the Town's expense, and which is owned or leased by the Town, so as to assist Employee in performing services for the Town as Town Manager. Employee may utilize the vehicle in connection with providing services to the Town pursuant to this Agreement, including official travel for the Town; and personal use, including passengers, within the State of Florida. Except for authorized Town personnel, Employee is the Town's only authorized and permissive driver of said vehicle. The Town shall include the vehicle on the schedule of vehicles for which the Town maintains a Risk Management Program for automobile comprehensive, collision, and liability insurance in accordance with Florida Statutes § 768.28. The Town shall provide maintenance and fuel for the

vehicle upon the same basis that it provides maintenance and fuel for other vehicles within the municipal fleet. The Town will provide a Sunpass with the vehicle and the Sunpass account will be maintained at the Town's expense. Employee shall provide fuel for the vehicle for any personal travel of Employee which is outside of Broward, Miami-Dade or Palm Beach Counties. Employee shall be responsible for any employee payroll taxes upon this vehicle benefit in accordance with applicable law.

- 5.3 **Holidays:** Employee shall receive the holidays established by the Town for all employees. In the event Employee deems it necessary or advisable to work on a holiday, that paid day off may be taken on some other regular workday.

5.4 **Leave**

- A. **Vacation Leave:** The vacation leave benefit provided the Employee shall be as described in the Town's Personnel Policies Manual, except that Employee shall accrue vacation at the rate of 6.187 hours in each two-week pay period (equivalent to twenty (20) days a year) until October 27, 2027. Effective October 28, 2027 and thereafter, Employee shall accrue vacation at the rate of 7.6923 hours in each two-week pay period (equivalent to twenty (25) days a year). Employee shall also be permitted to carry over a maximum of 120 hours annually without forfeiture.
- B. **Sick Leave:** The sick leave benefit provided the Employee shall be as described in the Town's Personnel Policies Manual, except that Employee shall paid out all earned and unused sick time upon separation.
- C. **Other Leave:** The Employee shall have other leave to the same extent as is provided other employees as set forth in the Town's Personnel Policies Manual.

5.5 **Benefits**

- A. **Insurance Benefits:** Employee shall receive the same insurance coverage offered to all management employees. Town shall pay 100% of the cost of family coverage for health, vision, and dental insurance; and a \$200,000 life insurance policy for employee.

Upon Employee's separation from the Town, Employee's eligibility to continue to participate in any of the Town's insurance benefits at his own expense shall be determined by the then-applicable state and federal laws and Town ordinances and resolutions. In accordance with Fla. Stat. Section 112.0801, in the same manner and cost as offered other retiring employees, Employee will be offered the option of continuing on the Town's Insurance Benefits as a retiree if he is a recipient of Town Insurance Benefits on the date of his retirement.

If Employee elects not to participate in Town offered insurance, then 80% of the dollar amount of the employee premiums shall be paid into Employee Deferred Compensation Account or as additional amount of Salary, at the Employee's option.

- B. **Retirement Benefits:**

- (1) Employee shall continue to be a member in the Florida Retirement System's Senior Management Service Class and the Town shall make the state-required employer contributions to the Florida Retirement

System.

- (2) Town shall execute all necessary documents for Employee's participation in the Town's Section 457 supplemental retirement plan. The Town further agrees to deposit on a bi-weekly basis on the Employee's behalf the established federal elective deferral limit under Internal Revenue Code 402(g) on a yearly basis.
- 5.6 **Reduction of Salary, Holidays, Leave or Benefits:** In the event the Town Commission at any time during the term of this Agreement reduces the Salary, Holidays, Leave or Benefits of Employee in a greater percentage than an applicable across-the-board reduction for all employees of Town, then the Employee may, at his option, be deemed to be terminated without cause at the date of such reduction. Such termination without cause shall be handled as provided in Section 3.1 of this Agreement.
- 5.7 **Notice/Approval for Temporary Absence from Town:** For a temporary absence from Town, which does not invoke Section 5.4 of the Town Charter, Employee shall ensure that Town matters are properly handled in his absence. Employee shall provide prior notice to the Town Commission if he anticipates being away from the Town for more than two (2) business days in a row. Employee shall not take more than ten (10) business days of Vacation Leave in a row without the prior approval of the Town Commission.
- 5.8 **Pay for Performance:** Any adjustment in Employee's Salary, Holidays, Leave, or Benefits based on the Town Commission's evaluation of Employee's performance shall be made pursuant to Section 6 of this Agreement.
- 5.9 **Residency Requirement:** Employee agrees to maintain a residence within 30 miles of the corporate boundaries of the Town during employment.

SECTION 6. PERFORMANCE EVALUATION

- 6.1 **Performance Goals:** Annually, the Town Commission and Employee will mutually agree on performance goals and objectives for the fiscal year and may mutually agree to revise those goals and objectives during the year. The goals and objectives shall be reasonably attainable within the time constraints set, and adequate operating budgets or capital appropriations shall be funded to enable its accomplishment.
- 6.2 **Performance Review:** The Town Commission shall conduct annual performance reviews of Employee, and endeavor to complete the process on or before the anniversary date of each year, based on: (i) the Town Manager's performance of the duties specified in Section 1.2; (ii) the Town Manager's achievements of the Town Council's policy directives; and (iii) the Town Manager's completion of appropriate professional development programs. Each Commissioner shall endeavor to meet with Employee one-on-one regarding the Performance Review. The process, at a minimum, shall include the opportunity for both parties to: (a) prepare a written evaluation, (b) meet and discuss the evaluation, and (c) present a written summary of the evaluation results. The Town Commission shall endeavor to complete and deliver to Employee the final written evaluation within thirty (30) days of the date of the evaluation meeting.
 - 6.1 **Pay for Performance, Cost of Living Adjustments and Other Compensation:** Based on the performance review, the Town Commission may increase the Salary, Holidays, Leave or Benefits granted under this Agreement, or

may grant a high- performance reward to be paid in a lump sum amount if Employee meets certain agreed upon performance goals and objectives. Any lump sum award for performance shall not be added to Employee's Salary but shall be considered wages for purposes of retirement. The amount of the pay for performance shall take into account the Town's fiscal condition and ability to pay at that point in time. Employee shall also annually receive a cost of living adjustment ("COLA") equal to the Consumer Price Index for Miami-Fort Lauderdale-West Palm Beach (CPI-U). Other adjustments to salary, up to five percent (5%), may also occur in the form of a bonus if Employee meets certain agreed upon performance goals and objectives.

SECTION 7. HOURS OF WORK; OTHER EMPLOYMENT

- 7.1 **Full Time Employee:** Employee agrees to remain in the full-time employ of the Town and shall not accept any other full-time employment during the term of this Agreement. Employee further agrees to devote that amount of time and energy that is reasonably necessary for Employee to faithfully perform his duties under this Agreement.
- 7.2 **Outside Opportunities:** Recognizing that certain outside teaching and consulting opportunities ("**Outside Opportunities**") may provide indirect benefits to the Town and to the community, the Employee may elect to accept limited Outside Opportunities with the understanding that such Outside Opportunities must not interfere with nor create a conflict of interest with his responsibilities under this Agreement. Employee shall provide a minimum of seven (7) days prior notice to the Town Commission before accepting such Outside Opportunities. If, however, the Town Commission determines, in its sole discretion, that Employee's performance may be compromised by his engagement in any proposed Outside Opportunity, or his continued engagement in an existing Outside Opportunity, the Town Commission may require that Employee decline to accept or withdraw from that Outside Opportunity. Employee shall not hold an ownership interest in any business located in the Town unless it is a publicly traded company.

SECTION 8. INDEMNIFICATION

- 8.1 **Indemnification:** Unless otherwise required by Federal, State or local law, Town shall defend, hold harmless and indemnify Employee against any tort, professional liability claim or demand or other legal action, whether groundless or otherwise, arising out of an alleged act or omission occurring in the course and scope of Employee's performance of his duties as Town Manager or resulting from the reasonable exercise of judgment or discretion in connection with the performance of his Town duties or responsibilities, unless the act or omission involved willful or wanton conduct. Town's indemnification of Employee under this paragraph shall extend to any and all losses, damages, judgments, interest, settlements, fines, court costs and other reasonable costs and expenses of legal proceedings, including attorneys fees and any other liabilities incurred by, imposed upon, or suffered by Employee in connection with or resulting from any claim, action, suit, or proceeding, actual or threatened, arising out of or in connection with the course and scope of performance of his duties.
- 8.2 **Representation:** Employee may request, and the Town shall not unreasonably refuse to provide independent legal representation at Town's expense if there is a conflict of interest between Employee's interests and the Town's interests in a

matter in which Employee is not a party. Legal representation provided by Town for Employee shall extend until a final determination of the legal action, including any appeals brought by either party. This paragraph shall not apply to litigation over this Agreement, which shall be handled pursuant to Subsection 11.5 of this Agreement.

- 8.3 **Settlement:** Any settlement of any claim must be made with prior approval of the Town Commission in order for indemnification, as provided in this Section, to be available. Employee recognizes that Town shall have the right to compromise such claims against it or against Employee in his official capacity, in its sole discretion.
- 8.4 **Litigation Support from Employee During and Following Employment with Town:** Town agrees to pay all reasonable litigation expenses of Employee throughout the pendency of any litigation in which the Employee is requested to be a witness on behalf of or advisor to the Town, is compelled to be a witness by an adverse or other party, or in which the Employee is a party in his capacity as an employee of the Town. The requirement to cover such expenses shall survive the expiration or termination of this Agreement as long as Employee's services continue to be requested or required in relation to such litigation, or as long as he is a named party to such litigation. Further, Town agrees to pay Employee reasonable consulting fees and travel expenses when Employee serves as a witness, advisor or consultant to the Town regarding litigation after his employment with the Town is concluded. Notwithstanding the foregoing, in any litigation in which the Employee takes a position adverse to the position of the Town, the Town shall not pay his costs or attorneys' fees, except where required to comply with Subsection 11.5 of this Agreement.

SECTION 9. PROFESSIONAL DEVELOPMENT

- 9.1 **Memberships:** Subject to budget constraints and state law, the Town agrees to pay the reasonable professional dues and subscriptions of Employee necessary for his continuation and participation as a member in national, regional, state and local professional associations and organizations that are commensurate to his role as Town Manager, necessary and desirable for his continued professional participation, growth and advancement, and for the good of the Town.

Employee shall not hold office in any local, state, regional or national professional association or organization without prior approval of the Town Commission, which approval shall not be unreasonably withheld.

- 9.2 **Courses and Conferences:** Employee shall pursue training in the accepted competencies and practices of local public management. Subject to then-applicable Town policies regarding travel, budget constraints and state law, the Town Commission shall budget for and pay the registration, travel, lodging, meal and other related expenses of Employee for travel to at least one national professional conference to be held in each year. Employee shall also pursue remote training opportunities, for which the Town Commission shall budget and pay for each year. The Town Commission may choose to budget and pay for Employee to attend additional conferences, seminars or courses.

SECTION 10. NOTICE

Notices pursuant to this Agreement shall be given by certified mail through United States Postal Service delivery, addressed as follows:

Town: Mayor and Members of the Town Commission
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308

Employee: Ken Rubach
On file with the Town Clerk

Town Attorney: Lauderdale-By-The-Sea Town Attorney
Town of Lauderdale-By-The-Sea
4501 Ocean Drive
Lauderdale-By-The-Sea, Florida 33308

SECTION 11. OTHER TERMS AND CONDITIONS

- 11.1 **Severability:** If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, illegal, invalid, or unenforceable, the remainder of this Agreement, or portion thereof, shall not be affected and shall remain in full force and effect.
- 11.2 **Waiver:** The waiver by either party of a breach of any provision of this Agreement by the other shall not operate or be construed as a waiver of any subsequent breach by that party.
- 11.3 **No Assignment or Transfer:** The rights and obligations herein granted are personal in nature and cannot be transferred by the Employee.
- 11.4 **Entire Agreement; Amendment:** This Agreement contains the entire agreement of the parties and is being adopted by Resolution as required by Town Charter. It may not be changed orally, but only by an amendment in writing signed by the parties hereto and executed with equal dignity.
- 11.5 **Governing Law; Attorneys Fees:** This Agreement shall be governed by Florida law, and any litigation which may arise from this Agreement shall be filed and litigated in Broward County, Florida. The non-prevailing party shall bear the fees and costs for such litigation over this Agreement.
- 11.6 **Bonding:** The Town shall bear the cost of any fidelity bond or other guarantee that may be required of Employee.
- 11.7 **Expenses:** The Town recognizes that certain expenses of a non-personal and job-related nature, such as the purchase of professional journals and reference materials, will necessarily be incurred by Employee as Town Manager, and agrees to reimburse or to pay said general expenses. In recognition of the Town Manager's purchasing authority, the Finance Director is authorized to disburse such monies, upon receipt of duly executed expense or petty cash vouchers, receipts, statements or personal affidavits.
- 11.8 The Town shall provide Employee with a cell phone, laptop, tablet or comparable electronic device for business use.

SECTION 12. ETHICAL COMMITMENTS

12.1 **ICMA Code of Ethics:** Employee will at all times uphold the tenets of the ICMA Code of Ethics, a copy of which is attached hereto and incorporated herein. Specifically, Employee shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office, nor seek or accept any

personal enrichment or profit derived from confidential information or misuse of public time.

12.2 **Role of Commission:** The Town Commission and each Commissioner shall support Employee in keeping these commitments by refraining from any order, direction or request that would require Employee to violate the ICMA Code of Ethics, the Broward County Code of Ethics or State ethics laws or to handle any matter of personnel on a basis other than fairness, impartiality and merit.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be signed and executed, in duplicate, on the day and year first written above.

TOWN OF LAUDERDALE-BY-THE-SEA

By: _____
Mayor Edmund Malkoon

Pursuant to Town Commission Approval of
Resolution 2025-XX on October 28, 2025.

EMPLOYEE

Attest:

By: _____
Ken Rubach

Acting Town Clerk Courtney Easley

Approved as to Form and Legal Sufficiency:

Town Attorney Susan L. Trevarthen

Exhibit: 1. ICMA Code of Ethics

ICMA CODE OF ETHICS

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.
3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.
4. Serve the best interests of the people.
5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.
6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.
7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.
8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.
9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.
10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.
11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.
12. Public office is a public trust. A member shall not leverage his or her position for personal gain or benefit.

Adopted by the ICMA Executive Board in 1924, and most recently revised by the membership in June 2018.

ICMA



Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: Susan Trevarthen, Town Attorney

Submitting Department: Legal

Item Type: Resolution

Agenda Section: RESOLUTIONS – PUBLIC COMMENTS

Subject Title: RESOLUTION 2025-53: A RESOLUTION OF THE TOWN COMMISSION OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AUTHORIZING PARTICIPATION IN A LAWSUIT SEEKING, AMONG OTHER THINGS, TO DECLARE THAT SENATE BILL 180's IMPOSITION OF A BLANKET STATEWIDE PROHIBITION ON THE EXERCISE OF HOME RULE AUTHORITY OVER LAND USE AND ZONING REGULATIONS, IS UNCONSTITUTIONAL AND SHOULD BE ENJOINED, AND RETAINING WEISS SEROTA HELFMAN COLE + BIERMAN, PL TO PROSECUTE THE LAWSUIT.

Explanation: On June 26, 2025, Senate Bill 180 ("SB 180"), titled "Emergencies," was signed into law by Governor Ron DeSantis and became effective immediately as Chapter 2025-190, Laws of Florida. Although Section 28 was seemingly limited and only applicable to counties identified in Federal Disaster Declarations for Hurricanes Debby (DR-4806), Helene (DR-4828), and Milton (DR-4834), those declarations collectively cover every county and municipality in Florida.

The Town is subject to the restrictions imposed by SB 180. The preemption is tied to plans, codes and procedures related to development that are "more restrictive or burdensome," an undefined concept, from August 1, 2024 through October 1, 2027, and again in one-year increments triggered by future storms. The preemption is not limited to properties that are actually storm-damaged, or even cities that experience storm damage. The practical implications are a total freeze and usurpation of the Town's home rule planning and zoning power for three years, followed by future losses of power related to future storms affecting Broward County. This creates a situation where, even after the initial 3-year preemption of more restrictive or burdensome regulation, a local government could repeatedly face sudden loss of its powers in one-year increments, making effective long-range planning and regulation nearly impossible. Moreover, the Town could find itself in situations where statutes like the Community Planning Act require it to act while SB 180 prohibits it from acting.

At the urging of several clients, we identified that there are valid theories for attacking SB 180, and proposed to file a lawsuit seeking declaratory, injunctive, and other appropriate relief ("Lawsuit"). Every city and county in the state was informed of the potential action, and the Lawsuit was filed on September 29, 2025 with 25 city and county plaintiffs. Additional cities

and counties around the state are continuing to consider the proposal and are deciding to join the challenge.

If the Town chooses to join the Lawsuit, then the Firm will charge a flat fee, inclusive of attorneys' fees and costs, of \$10,000 to represent the Town in the trial court, payable within ten days of the effective date of this Resolution. The Town may also need to pay \$5,000 to the Firm to represent it in any appeal related to the Lawsuit that may be filed at the District Court of Appeal within 30 days of the filing of such appeal, and \$5,000 to the Firm to represent it in any appeal that may be filed at the Florida Supreme Court within 30 days of the filing of such appeal.

Cities and counties are lobbying for changes to restore their powers, just as they lobbied against these concepts last session and unsuccessfully sought a veto of the bill. Bills are beginning to be filed for the next session to modify the scope of SB 180, but there is no guarantee that any change will be enacted and signed into law in 2026, or assurance as to what the changes will be and how they will affect the Town.

Recommendation: Consider whether to approve the Resolution authorizing the Town becoming a plaintiff in the SB 180 challenge.

Exhibits:

1. Resolution - SB 180 Suit - LBTS 10.28.25
2. Complaint For Declaratory Relief
3. Chapter 2025-190, Laws of Florida (SB 180)

RESOLUTION NO. 2025- 53

**A RESOLUTION OF THE TOWN OF LAUDERDALE-BY-
THE-SEA, FLORIDA, AUTHORIZING PARTICIPATION IN
A LAWSUIT SEEKING, AMONG OTHER THINGS, TO
DECLARE THAT SENATE BILL 180's IMPOSITION OF A
BLANKET STATEWIDE PROHIBITION ON THE
EXERCISE OF HOME RULE AUTHORITY OVER LAND
USE AND ZONING REGULATIONS, IS
UNCONSTITUTIONAL AND SHOULD BE ENJOINED, AND
RETAINING WEISS SEROTA HELFMAN COLE +
BIERMAN, PL TO PROSECUTE THE LAWSUIT.**

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution provides that municipalities “shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services,” and authorizes municipalities to exercise any power for municipal purposes except as otherwise provided by law; and

WHEREAS, pursuant to Section 2(b) of Article VIII of the Florida Constitution and Chapters 163 and 166, Florida Statutes, municipalities have broad authority to adopt comprehensive plans, enact land development regulations, issue development permits, and impose temporary moratoria in furtherance of local public health, safety, and welfare, including for purposes of orderly growth, environmental protection, disaster recovery, and community resiliency; and

WHEREAS, on June 26, 2025, Senate Bill 180 (“SB 180”), titled “Emergencies,” was signed into law by Governor Ron DeSantis and became effective immediately as Chapter 2025-190, Laws of Florida; and

WHEREAS, among other things, Section 28 of SB 180 prohibits all local government-initiated ordinances that impose “more restrictive or burdensome” comprehensive plan amendments, land development regulations, or procedures concerning review, approval, or

issuance of site plans, development permits, or development orders (collectively, “Land Use and Zoning Regulations”) for the period commencing retroactively from August 1, 2024, through October 1, 2027, even if such amendments, regulations or procedures are in no way related to any hurricane or other emergency and even if such amendments, regulations, or procedures were duly enacted prior to the enactment of SB 180; and

WHEREAS, Section 28 of SB 180 also bans local moratoria on construction, reconstruction, or redevelopment of property damaged by a hurricane during the same timeframe; and

WHEREAS, Section 18 of SB 180 further prohibits local governments that are located in counties that are entirely or partially within 100 miles of the track of any future hurricane from enacting “more restrictive or burdensome” Land Use and Zoning Regulations, and moratoria on construction, reconstruction, or redevelopment of any property, damaged or not, for a period of one year after the storm makes landfall; and

WHEREAS, SB 180 is unconstitutional and invalid because, among other things, it:

- (a) embraces more than one subject and matter properly connected therewith in violation of Article II, Section 6 of the Florida Constitution;
- (b) includes a defective title in violation of Article III, Section 6 of the Florida Constitution;
- (c) requires municipalities and counties to spend in the aggregate an amount that exceeds an insignificant fiscal impact without including a finding that the law fulfills an important state interest as required by Article VII, Section 18 of the Florida Constitution;
- (d) constitutes a sweeping intrusion on home-rule authority, threatening local ability to enact land use, zoning, flood-resiliency, and environmental protections, contrary to Article VIII, Section 2(b) of the Florida Constitution to a degree that renders the constitutional provision hollow; and
- (e) contains provisions that classify political subdivisions on a basis that is not reasonably related to the subject of the law in violation of Art. III, Section 11 (b) of the Florida Constitution; and

58 **WHEREAS**, for example, despite SB 180 being titled “Emergencies,” SB 180 contains
59 various matters that are not connected and/or are unrelated to emergencies, including Section 18
60 and 28's total ban on any “more restrictive or burdensome” Land Use and Zoning Regulations, and
61 Section 18's prohibition on moratoria on construction, reconstruction, and redevelopment of
62 property, even if the property is intact and was not damaged by a hurricane or other emergency
63 event; and

64 **WHEREAS**, the provisions of SB 180 also impose expenditure obligations upon
65 municipalities and counties that exceed the threshold amount for an unfunded mandate, despite the
66 lack of any finding in SB 180 that the law fulfills an important state interest; and

67 **WHEREAS**, Section 18 of SB 180 infringes upon municipal home rule authority by
68 prohibiting municipalities from enacting Zoning and Land Use Regulations if they are located
69 within a county that is entirely or partially within 100 miles of the track of a hurricane for one year
70 in a completely indiscriminate manner that disregards the size, intensity, or impact of a hurricane
71 on the municipality, whether a proposed Zoning and Land Use Regulation has even a de minimis
72 impact on hurricane recovery efforts, or even if the Zoning and Land Use Regulations are
73 necessary to protect the public health, safety, and welfare from the effects of a hurricane; and

74 **WHEREAS**, Section 18 of SB 180 further usurps the municipal home rule authority
75 guaranteed by the citizens of Florida in the Florida Constitution by imposing blanket prohibitions
76 on any moratoria on construction, reconstruction, or redevelopment of property for one year
77 whenever a future hurricane falls within 100 miles of the county where the municipality is located,
78 regardless of the necessity or impetus behind such moratoria; and

79 **WHEREAS**, Section 28 of SB 180 similarly prohibits municipalities from enacting Zoning
80 and Land Use Regulations for the entire state of Florida retroactively from August 1, 2024, through
81 October 1, 2027, without any rational justification; and

82 **WHEREAS**, SB 180's vague prohibitions on moratoria on construction, reconstruction,
83 and redevelopment of properties and Land Use and Zoning Regulations that are “more restrictive
84 or burdensome,” and other ambiguous provisions render SB 180 incomprehensible, create
85 uncertainty, chill local governance, and encourage preemptive, potentially frivolous, litigation to
86 force local governments into repealing legislation, even if it might otherwise be a valid exercise of
87 home rule authority; and

88 **WHEREAS**, the Town of Lauderdale-By-The-Sea, Florida (the “Town”) desires to
89 authorize the participation of the Town in a lawsuit seeking declaratory, injunctive, and other
90 appropriate relief from the provisions of SB 180, which impose a blanket statewide prohibition on
91 the exercise of home rule authority relating to Land Use and Zoning Regulations, based upon the
92 any appropriate legal theories, including, without limitation, those set forth herein, subject to the
93 participation of at least ten local governments (the “Lawsuit”); and

94 **WHEREAS**, the Town Commission believes it is in the best interest of the citizens and
95 residents of the Town to participate in the Lawsuit and urges other municipalities and their elected
96 officials to also participate as plaintiffs.

97 **NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COMMISSION OF**
98 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA:**

99 **Section 1. Recitals.** Each “WHEREAS” clause set forth is true and correct and herein
100 incorporated by this reference.

Section 2. Authorization. The Town Commission hereby authorizes the participation of the Town in the Lawsuit.

Section 3. Representation. Weiss Serota Helfman Cole + Bierman, PL (the “Firm”) is hereby retained to represent the Town in this litigation. The Firm will charge the Town a flat fee, inclusive of attorneys’ fees and costs, of \$10,000 to represent the Town in the Lawsuit in the trial court, which shall be payable within ten days of the effective date of this Resolution. The Town shall also pay \$5,000 to the Firm to represent it in any appeal related to the Lawsuit that is filed at the District Court of Appeal within 30 days of the filing of such appeal, and \$5,000 to the Firm to represent it in any appeal that is filed at the Florida Supreme Court within 30 days of the filing of such appeal. The Town acknowledges that the Firm will be representing other local governments in the Lawsuit and waives any conflicts related to such representation.

Section 4. Urging Participation. The Town Commission invites and urges other local governments and elected officials to join the Town as plaintiffs in the Lawsuit and to coordinate their efforts with the Town.

Section 5. Transmittal. The Town Clerk is directed to distribute this Resolution to all local governments in Broward County.

Section 6. Implementation. The Town Manager is hereby directed to take any action necessary to implement the purposes of this Resolution.

Section 7. Effective Date. This Resolution shall become effective immediately upon its passage.

PASSED AND ADOPTED this ____ day of _____ 2025.

Mayor Edmund Malkoon

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Attest:

Courtney Easley, Acting Town Clerk
(CORPORATE SEAL)

APPROVED AS TO FORM:

Susan L. Trevarthen, Town Attorney

IN THE CIRCUIT COURT OF THE
SECOND JUDICIAL CIRCUIT IN AND
FOR LEON COUNTY, FLORIDA

CASE NO.

City of Destin, Florida;
City of Lake Alfred, Florida;
Town of Windermere, Florida;
City of Delray Beach, Florida;
City of Deltona, Florida;
City of Weston, Florida;
City of Alachua, Florida;
City of Stuart, Florida;
Orange County, Florida;
Manatee County, Florida;
Town of Mulberry, Florida;
City of Naples, Florida;
Miami Shores Village, Florida;
Town of Lake Park, Florida;
City of Fort Lauderdale, Florida;
Town of Jupiter, Florida;
City of Edgewater, Florida;
City of Pompano Beach, Florida;
Town of Dundee, Florida;
Town of Cutler Bay, Florida;
Village of North Palm Beach, Florida;
Village of Pinecrest, Florida;
City of Margate, Florida;
Town of Palm Beach, Florida; and
City of Homestead, Florida,

Plaintiffs,

v.

HONORABLE J. ALEX KELLY,
Secretary of Commerce, State of Florida;
HONORABLE KEVIN GUTHRIE,
Executive Director for the Florida Division of
Emergency Management;
HONORABLE WILTON SIMPSON,
Commissioner of Agriculture, State of Florida;
HONORABLE JIM ZINGALE,
Executive Director, Department of Revenue, State
of Florida;
HONORABLE BLAISE INGOGLIA,
Chief Financial Officer, State of Florida;

Defendants.

_____ /

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiffs, collectively, the “Local Governments”, sue the following Defendants in their official capacity: J. Alex Kelly, Florida’s Secretary of Commerce; Kevin Guthrie, Executive Director for the Florida Division of Emergency Management; Wilton Simpson, Florida’s Commissioner of Agriculture; Jim Zingale, Executive Director of Florida’s Department of Revenue; and Blaise Ingoglia, Florida’s Chief Financial Officer; and state as follows:

OVERVIEW

This is an action by a large number of Florida municipalities and counties challenging Senate Bill 180 (“SB 180”), a law that was enacted in the 2025 legislative session that represents the largest incursion into local home rule authority in the history of Florida since the adoption of the Florida Constitution in 1968. SB 180 purports to be “an act relating to emergencies” supposedly designed to assist people rebuild properties that were damaged in hurricanes. But, as the result of a last minute amendment (and in a classic example of log rolling and stealth legislating), SB 180 goes much further, freezing all local land development regulations and comprehensive plans in place on August 1, 2024, declaring that any “more restrictive or burdensome” amendments to such regulations that were enacted by any of the 67 counties or 411 municipalities in Florida between August 1, 2024, and October 1, 2027, are “void ab initio.” SB 180 violates the Florida Constitution and Florida law because it contains more than “one subject and matter properly connected therewith,” has a defective ballot title, is a general law that classifies counties and municipalities on a basis not reasonably related to the subject of the law, constitutes an improper unfunded mandate on the Local Governments, conflicts with Florida’s Community Planning Act, and intrudes on Home Rule Powers. SB 180 should be declared invalid and the defendants should be enjoined from enforcing it.

JURIDICTION AND VENUE

1. The Court has jurisdiction over this action for declaratory relief. *See* § 86.011, Fla. Stat.; *Martinez v. Scanlan*, 582 So. 2d 1167, 1170 (Fla. 1991).

2. Venue is proper in Leon County, which is the official residence of both Defendants.

THE PARTIES

3. The Local Governments are all municipalities or counties existing under the laws of the State of Florida, and consist of:

- a. The City of Destin, Florida, is a Florida municipality located in Okaloosa County, Florida;
- b. The City of Lake Alfred, Florida, is a Florida municipality located in Polk County, Florida;
- c. The Town of Windermere, Florida, is a Florida municipality located in Orange County, Florida;
- d. The City of Delray Beach, Florida, is a Florida municipality located in Palm Beach County, Florida;
- e. The City of Deltona, Florida, is a Florida municipality located in Volusia County, Florida;
- f. The City of Weston, Florida, is a Florida municipality located in Broward County, Florida;
- g. The City of Alachua, Florida, is a Florida municipality located in Alachua County, Florida;
- h. The City of Stuart, Florida, is a Florida municipality located in Martin County, Florida;
- i. Orange County, Florida, is a Florida charter County;
- j. Manatee County, Florida is Florida non-charter County;
- k. The Town of Mulberry, Florida, is a Florida municipality located in Polk County, Florida;

- l. The City of Naples, Florida, is a Florida municipality located in Collier County, Florida;
- m. Miami Shores Village, Florida, is a Florida municipality located in Miami-Dade County, Florida;
- n. The Town of Lake Park, Florida, is a Florida municipality located in Palm Beach County, Florida;
- o. The City of Fort Lauderdale, Florida, is a Florida municipality located in Broward County, Florida;
- p. The Town of Jupiter, Florida, is a Florida municipality located in Palm Beach County, Florida;
- q. The City of Edgewater, Florida, is a Florida municipality located in Volusia County, Florida;
- r. The City of Pompano Beach, Florida, is a Florida municipality located in Broward County, Florida;
- s. The Town of Dundee, Florida, is a Florida municipality located in Polk County, Florida;
- t. The Town of Cutler Bay, Florida, is a Florida municipality located in Miami-Dade County, Florida;
- u. The Village of North Palm Beach, Florida, is a Florida municipality located in Palm Beach County, Florida;
- v. The Village of Pinecrest, Florida, is a Florida municipality located in Miami-Dade County, Florida;
- w. The City of Margate, Florida, is a Florida municipality located in Broward County, Florida;
- x. The Town of Palm Beach, Florida, is a Florida municipality located in Palm Beach County, Florida; and
- y. The City of Homestead, Florida, is a Florida municipality located in Miami-Dade County, Florida.

4. As more fully set forth below, each of the Local Governments is subject to and must comply with the provisions of Chapters 163, Florida Statutes, and will be adversely affected by SB 180 because SB 180:

- a. requires each of the Local Governments to take certain actions;
- b. prohibits each of the Local Governments from taking certain actions;
- c. will result in substantial financial damage since each of the Local Governments will be required to expend a material amount of funds (or to take actions requiring the expenditure of a material amount of funds) and reduces the authority and ability of each of the Local Governments to raise revenues.

5. The Honorable J. Alex Kelly is the Secretary of Commerce of the State of Florida and is sued in his official capacity. Florida's Department of Commerce ("Florida Commerce") is administering and enforcing SB 180 or portions thereof, and has rejected some proposed comprehensive plan amendments and/or land use regulations from Local Governments (and other unnamed counties and municipalities) because it concluded that the proposed changes violate Section 28 of SB 180.

6. The Honorable Kevin Guthrie is the Executive Director for the Florida Division of Emergency Management (FDEM) and is sued in his official capacity. FDEM is responsible for planning for and responding to natural disasters (including hurricanes) and is Florida's liaison to federal and local agencies on emergencies of all kinds. FDEM is responsible for administering, enforcing, and overseeing SB 180 or portions thereof.

7. The Honorable Wilton Simpson is the Commissioner of Agriculture of the State of Florida and is sued in his official capacity. Florida's Department of Agriculture and Consumer Services is administering and enforcing SB180 or portions thereof, including Section 1 regarding landlord/tenant subjects, a field over which, generally, Florida's Department of Agriculture and Consumer Services oversees.

8. The Honorable Jim Zingale is the Executive Director of the Department of Revenue of the State of Florida and is sued in his official capacity. SB 180 affects the Local Governments' ability to collect revenue, including from expansion of Florida Homestead tax exemptions, and expend public funds.

9. The Honorable Blaise Ingoglia is the Chief Financial Officer of the State of Florida and is sued in his official capacity. Florida's Chief Financial Officer is empowered, in part, to invest funds of any entity created by the State, giving him power over the funds of the Local Governments. The Local Governments' autonomy to collect and expend those funds is affected by SB 180.

10. Defendants each have an actual, cognizable interest in the action, adverse to the positions of the Local Governments.

FACTUAL ALLEGATIONS

A. Legislative History of SB 180

11. On February 27, 2025, the first version of SB 180 was filed for consideration in the Florida Senate. Initially titled on the Florida Senate website as "Emergency Preparedness and Response," the bill title within the proposed legislation stated it was an "act relating to emergency preparedness and response," followed by a one-and-a-half-page list summarizing each provision therein.

12. In the ensuing months, SB 180 was subject to various revisions which in turn brought along changes to the embedded, listed-summary-title of the bill.

13. On May 2, 2025, the final day of Florida's legislative session, SB 180 was approved by both the Senate and the House, including a last-minute amendment that added, among other things, Section 28.

14. The final version of SB 180 is titled “Emergencies” on the Florida Senate website. Similar to its first version, the bill’s title constitutes a long list (now seven-and-a-half-pages) purporting to summarize each of the bill’s provisions, beginning with, “[a]n act related to emergencies.”

15. SB 180 was signed into law by the Governor on June 26, 2025, and in relevant part, became effective immediately. SB 180 can be found in Chapter 2025-190, Laws of Florida.

B. The Substance of SB 180

16. SB 180, through statutory and non-statutory provisions, imposes new obligations on the Local Governments under the auspice of being related to emergencies, even though such provisions far exceed, and do not apply only to, emergencies and their aftermath. SB 180 also imposes new obligations on and limits the independent action of municipalities and counties across the entire State of Florida, including each of the Local Governments.

17. Specifically, Section 1 of SB 180 amends Section 83.63, Florida Statutes, to ensure that tenants are provided an opportunity to recover belongings from a premises rendered unusable by casualty. While a property casualty could be caused by an emergency, property casualties are also frequently caused by other non-emergencies. Thus, the scope of this addition is not limited to emergencies.

18. Section 2 creates Section 163.31795, Florida Statutes, which affects participation in the National Flood Insurance Program by providing that a local government cannot adopt a cumulative substantial improvement period for purposes of determining whether compliance with flood elevation requirements is required. This Section is not intrinsically triggered by emergency events but rather is a prohibition on certain requirements that buildings be improved with flood resistant development after being damaged or improved (regardless of whether the damage is the

reason for the improvement). This provision also goes beyond “emergencies” because damage does not arise solely from an emergency, and improvements are often made for reasons other than damage caused by emergencies.

19. Section 3 amends Section 163.31801, Florida Statutes, regarding impact fees by adding a new provision providing that a local government, school district, or special district may not assess an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities. Impact fees are assessed for a plethora of reasons that are not related to emergencies. On the contrary, impact fees are assessed for non-emergencies, necessitated by new growth that includes new development or replacement of buildings that have reached the end of their useful life. This provision is broad and far exceeds the limited subject matter of “emergencies.” The Florida Legislature has expressly found in Section 163.31801, Florida Statutes, that impact fees are “an important source of revenue for a local government.” Therefore, by limiting impact fees, Section 3 negatively impacts each of the Local Governments’ ability to raise revenue.

20. Section 4 amends Section 193.155, Florida Statutes, by increasing the homestead property tax exemption valuation threshold arising from changes, improvements, and additions due to “misfortune or calamity”. These changes are not limited to properties damaged by “emergencies” because “misfortune or calamity” is not so limited. Section 4 also negatively impacts each of the Local Governments’ abilities to raise revenue.

21. Section 7 amends Section 252.35, Florida Statutes, where existing law provides that FDEM is responsible for ensuring a continuous training program for agencies and individuals who

will perform key roles in state and local post-disaster response and recovery efforts, by adding new requirements:

- a. minimum number of training hours that must be satisfied by county or municipal administrators or managers, emergency management directors, and public works directors or other officials responsible for construction and maintenance of public infrastructure;
- b. The new training requirement must now be completed biannually.

In this manner, Section 7 requires each of the Local Governments to expend public funds.

22. Section 16 creates Section 252.381, Florida Statutes, which imposes numerous new pre- and post-storm event recovery requirements, all of which require significant initial expenditures and impose continuing expenditure obligations on counties and municipalities, including the Local Governments. To wit, Section 16 requires all counties and municipalities to:

- a. post on their websites frequently asked questions about natural emergency preparedness, supply and emergency shelter lists, information regarding flood zones, and other preparedness related items; and
- b. create and implement a “poststorm permitting plan,” which must:
 - (i) Provide for sufficient personnel to expedite post-disaster inspections, permitting, and enforcement, even if it must be accomplished by mutual aid agreements and private sector contracting;
 - (ii) Create and operate training programs and protocols to implement expedited inspection, permitting, and enforcement programs;
 - (iii) Establish multiple or alternative building permit service locations to implement the plan in-person;
 - (iv) Operate permitting offices for at least 40 hours per week during post-storm recovery; and
 - (v) Prepare and publish post-storm event recovery permitting guides.

In this manner, Section 16 requires each of the Local Governments to expend public funds.

23. Section 18 creates Section 252.422, Florida Statutes, which creates a new classification, “impacted local government”, and places restrictions on impacted local governments’ abilities to act in accordance with their Home Rule Powers. If a county listed in a federal disaster declaration of a hurricane is at least partially within 100 miles of the track of the hurricane, it is an “impacted local government”, and likewise so is every municipality within that county (even if parts of the county and certain municipalities themselves are not within 100 miles of the track of the hurricane). These newly classified impacted local governments may not propose or adopt (a) “a moratorium on construction, reconstruction, or redevelopment of any property”, (b) “a more restrictive or burdensome amendment to its comprehensive plan or land development regulation”, or (c) “a more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or permit order, to the extent those terms are defined by s. 163.3164, Florida Statutes”, hereinafter collectively referred to as “Planning and Zoning Regulations”.

24. Section 18 also creates a cause of action for people to file suit against any impacted local government for declaratory and injunctive relief to enforce this section, and provides that prevailing plaintiffs are entitled to reasonable attorney fees and costs. Such lawsuits are subject to summary procedure pursuant to Section 51.011, Florida Statutes. Accordingly, Section 18 requires each of the Local Governments to expend public funds, and is also not limited to emergencies because though its created classification is triggered by hurricanes, that classification bans Planning and Zoning Regulations in a certain time period regardless of whether those Planning and Zoning Regulations are related to emergencies and regardless of if the Local Government was actually impacted by a hurricane.

25. Section 24 amends Section 403.7071, Florida Statutes, to mandate that all counties and municipalities apply for and maintain an approved debris management site, which creates initial and ongoing expenditure obligations in order to operate and maintain. In this manner, Section 24 requires each of the Local Governments to expend public funds.

26. Section 28 neither creates nor amends any section of Florida Statutes. It states:

Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a siteplan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void *ab initio*. This subsection applies retroactively to August 1, 2024.

27. As the text makes clear, Section 28 not only applies retroactively, but purports to declare “null and void *ab initio*” any prohibited actions taken back to August 1, 2024.

28. And although Section 28 forbids amendments to comprehensive plans or land development regulations, or the adoption of procedures that are “more restrictive or burdensome,” SB 180 does not purport to define those terms or explain (a) more restrictive or burdensome than what? or (b) more restrictive or burdensome to whom?

29. Although Section 28 purports to limit its applicability only to certain counties (and all municipalities therein) listed in one of three Federal Disaster Declarations arising from certain past hurricanes, it effectively applies to all counties and cities in the State of Florida because ***every single county in the State of Florida (and thus every municipality) is listed in at least one of the three Federal Disaster Declarations.***

30. Section 28 also creates a cause of action enabling any resident or owner of a business to file suit against any county or municipality for declaratory and injunctive relief to enforce this section, and provides that prevailing plaintiffs are entitled to reasonable attorney's fees and costs.

31. Section 28 requires each of the Local Governments to expend public funds, and is not limited to emergencies because it applies to "more restrictive or burdensome" Planning and Zoning Regulations in a certain time period, regardless of whether those Planning and Zoning Regulations are related to emergencies or redevelopment after an emergency and regardless of whether the Local Government was actually impacted by a hurricane.

C. The Local Governments Are Being Impacted And Damaged By SB 180.

32. SB 180 is in effect and thus the Local Governments are required to comply with the provisions thereof.

33. As a result of Section 28, the Local Governments have begun undertaking the task of reviewing comprehensive plan and land development changes and review and approval procedures enacted after August 1, 2024, despite that such changes and procedures were constitutional and not violative of Florida law when they were enacted.

34. Such review, in many instances, has required the hiring of outside consultants, which has required expending public funds.

35. Moving past review, some of the Local Governments have drafted and/or adopted ordinances amending or repealing certain of their Planning and Zoning Regulations to comply with Section 28, which has required additional expenditure of public funds. For example, the City of Stuart had to expend public funds to pay for public notices regarding public hearings rescinding

an ordinance as a result of Section 28. Additionally, Lake Park, Jupiter, and Jupiter Island expended public funds to analyze the impact of SB 180 on Planning and Zoning Regulations.

36. Some of the Local Governments have received letters from Florida Commerce advising them that certain Planning and Zoning Regulations are in direct conflict with Section 28.

37. For example, Orange County received such a letter on July 18, 2025, regarding the comprehensive plan amendment that it submitted for review based on the State’s review process mandated in Section 163.3184, Fla. Stat., stating that it is null and void *ab initio* because is “more restrictive or burdensome”—without purporting to identify *what* it was more restrictive or burdensome than, or to whom it was more restrictive or burdensome.

38. Manatee County also received such a letter on April 15, 2025, regarding two proposed comprehensive plan amendments, in which Florida Commerce states it previously declared the proposed comprehensive plan amendments “null and void” and that Mantee County, nonetheless, thereafter continued to move toward final adoption. The letter states the proposed ordinances *may* be violative of Section 28 for being a “restrictive or burdensome” procedure for obtaining a development permit after a disaster—without purporting to identify *what* it was more restrictive or burdensome than, or to whom it was more restrictive or burdensome. The letter also states the proposed amendments may violate Section 3 of SB 180 regarding impact fees.

39. Some of the Local Governments have also had to pause moving forward with Planning and Zoning Regulations that have been years in development even if those regulations are unrelated to emergencies or rebuilding after emergencies, amounting to a waste of the public funds expended in effort to pass said regulations and expanding the reach of SB 180 past emergencies.

40. For example, the Town of Windermere paused moving forward an ordinance to provide further tree protection and require additional mitigation by developers.

41. Additionally, Lake Park expended public funds to complete a study pertaining to its Historic Downtown, and now there is uncertainty about how to proceed with potential actions following the study because of SB 180.

42. In addition, private actors who are empowered by Section 28 to bring causes of action for non-compliance with SB 180 have already done so against some of the Local Governments.

43. For example, Orange County is currently defending itself from two lawsuits brought by private plaintiffs pursuant to Section 28 (Ninth Judicial Circuit Case Nos.: 2025-CA-007326-O, 2025-CA-007327-O). Manatee County is also defending itself from such a lawsuit (Twelfth Judicial Circuit Case No. 25-CA-1549).

44. Likewise, the City of Stuart has received multiple notices from residents and business owners giving the City the 14-day notice required under Section 28, though the City has not yet been served with a lawsuit. Naples, Lake Park and Jupiter Island have also been threatened with lawsuits.

45. The Local Governments that have been forced to defend themselves from these lawsuits are being forced to expend public funds. Any judgment rendered against those Local Governments would result in additional public expenditure because Section 28 establishes a local government's obligation to pay attorney's fees and costs to prevailing plaintiffs. By contrast, if the Local Governments are successful, they are not entitled to recover attorneys' fees and costs from unsuccessful plaintiffs, further exacerbating the impact of these unfunded expenditures. Win or lose, these legal fees are ultimately paid by the taxpayers.

46. The same expenditure of public funds for litigation is required for potential lawsuits arising from the cause of action created by Section 18, including the Local Governments' defense costs and statutorily mandated payment of attorneys' fees and costs to prevailing plaintiffs.

47. Sections 18 and 28, individually and in conjunction, strip all municipalities and counties of the long-existing and codified Home Rule Powers granted thereto by nullifying and voiding their ability to enact Planning and Zoning Regulations, a cornerstone Home Rule power and one of their core functions as legal entities in service to their constituents.

48. Sections 18 and 28 impede the Local Governments' ability to exercise the very functions they are constitutionally vested the right to exercise by the Florida Constitution.

49. Likewise, Section 28's retroactive application deeming any such Planning and Zoning Regulation "null and void *ab initio*" ignores that when such regulations were enacted, the Local Governments possessed the constitutional authority to enact same based on their Home Rule Powers, further emphasizing and stripping the Local Governments of their constitutionally vested functions.

50. Additionally, the Local Governments now must comply with all other provisions of SB 180, including:

- Being unable to "adopt or enforce" a cumulative substantial improvement period if it wants to continue its participation in the National Flood Insurance Program;
- Being unable to assess or increase certain impact fees, thereby reducing available public funds;
- Increasing the homestead exemption, thereby reducing available public funds;
- Providing additional training and participating in annual conferences, which requires the expenditure of public funds;
- Providing additional emergency resources, which requires the expenditure of public funds;

- Operating permitting offices following a storm, which requires the expenditure of public funds amidst a 180-day freeze on certain ways to raise funds to pay for such operations;
- Applying for and operating debris management sites, which requires the expenditure of public funds.

51. In all, compliance with SB 180 will necessarily require the expenditure of public funds (paid by the taxpayers), including the need to comply with provisions triggered by future hurricanes. And SB 180 places the Local Governments in reasonable fear of enforcement, including being sued pursuant to Sections 18 or 28 by some private plaintiff (and expending public funds in defense of such action while being statutorily required to expend additional public funds to pay prevailing plaintiff attorneys' fees and costs, which the tax payers will pay).

52. In addition to the inevitable incurring of public funds, SB 180 creates a chilling effect against the Local Governments' exercise of their constitutionally granted rights and the ability to defend same.

53. This imminent fear and chilling effect arise from unreasonably applied and defined characteristics, *i.e.*, a county being just partially within 100 miles of the track of a storm and using three unassociated hurricanes as the litmus test to blanket the entire state with burdens and preemptions against all counties' and municipalities', including the Local Governments', autonomy.

D. Review of SB 180 should be expedited.

54. Pursuant to SB 180's Section 28, Planning and Zoning Regulations that were valid when enacted are null and void or are at risk of being deemed null and void. Likewise, Planning and Zoning Regulations that were soon to be enacted now will not be. These include Planning and Zoning Regulations that increase resiliency in advance of and response to emergencies and other Planning and Zoning Regulations completely unrelated to emergencies.

55. Additionally, pursuant to the cause of action created in Section 28, counties and municipalities, including certain of the Local Governments, are currently being forced to defend lawsuits relating to Planning and Zoning Regulations that were legal when enacted, solely because Section 28 provides that such regulations are “null and void *ab initio*.”

56. From this, the constitutionality of this act must be decided in an expedited manner before counties and municipalities, including the Local Governments, continue to expend public funds in defense of such suits, judgments are rendered in pending lawsuits (triggering additional expenditure of public funds), additional lawsuits are filed, Planning and Zoning Regulations that were valid when enacted are repealed, and development permits are issued based upon the assumption that certain Planning and Zoning Regulations are void under SB 180.

57. Likewise, pursuant to the cause of action created under Section 18, counties and municipalities face the same risk of expending funds, including for costs and attorneys’ fees, following the landfall of the first hurricane (and all subsequent hurricanes) applicable thereto. Section 18 further provides such a suit is subject to summary procedure, which accelerates the timeline of a case, further emphasizing and exacerbating the need for expedited review in this case.

58. Upon the date of the filing of this lawsuit, the Local Governments—and the entire global region, including the State of Florida—are in the midst of hurricane season, meaning that with the imminent and impending risk of hurricanes comes the immediate implication of all the new obligations imposed onto the Local Governments that arise from storms (*e.g.*, Section 18 and certain portions of Section 16), the constitutionality of which must be determined in an expedited manner before a potential storm, or set of storms, triggers these obligations.

59. Likewise, the Local Governments must comply with all of SB 180's provisions, including those which limit or mandate action now and require the expenditure of public funds and reduce the ability to collect funds.

60. In all, there is a present, expedited need to evaluate and determine the validity of SB 180 because the Local Governments must comply with all of SB 180's obligations throughout, which has already and will continue to have consequences, including the expenditure of public funds.

COUNT I – VIOLATION OF THE SINGLE SUBJECT PROVISION

61. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

62. Article III, Section 6 of the Florida Constitution states, in part:

Every law shall embrace but one subject and matter properly connected therewith. . .

Art. III, § 6, Fla. Const.

63. The Florida Supreme Court observed in *State v. Thompson*, 750 So. 2d 643 (Fla.1999) that the underlying purpose of the single subject provision is to: (1) prevent hodge-podge or “log rolling” legislation (i.e. putting two unrelated matters in one act, and thus forcing legislators to vote for one item in order to get another); (2) prevent surprise or fraud by means of provisions in bills of which the titles gave no intimation, and which might therefore be overlooked and carelessly and unintentionally adopted; and (3) apprise the people fairly of the subjects of legislation that are being considered, in order that they may have an opportunity of being heard thereon.

64. The *Thompson* Court also observed the most common single-subject-provision violations occur when a bill is amended several times, the title of the bill is changed, and the bill

is passed near the end of the legislative session. All of these indicators occurred with the enactment of SB 180.

65. Here, while SB 180 purports to be “[a]n act relating to emergencies”, SB 180 is not limited to the single subject of “emergencies” and matters properly connected therewith.

66. Section 1 regarding tenants’ right to recover is related to casualty losses and is not limited nor primarily related to losses caused by emergencies.

67. Section 2 regarding the National Flood Insurance Program affects cumulative substantial improvements, even when such improvements are not the result of repairing damages caused by emergencies.

68. Section 3 limits the ability to assess or raise impact fees, and impact fees have no relation to emergencies.

69. Section 4 increases the thresholds that trigger reassessments of homestead property values due to changes, additions, or improvements that replace all or a portion of a homestead property, even in situations unrelated to emergencies.

70. Sections 18 and 28 are also not limited to emergencies because they prohibit all “more restrictive or burdensome” Planning and Zoning Regulations regardless of whether those regulations, or the properties being regulated, relate in any way to emergencies.

71. Therefore, SB 180 addresses multiple subjects beyond the single subject of emergencies, some of which were improperly combined in the last moments of the legislative session, a classic example of “logrolling.” This amounts to a clear violation of the single subject provision of the Florida Constitution.

72. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.
- d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

- A. Declaring the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution;
- B. Enjoining the enforcement of SB 180; and
- C. Granting such other relief as this Court deems just and proper.

COUNT II – VIOLATION OF THE TITLE PROVISION

73. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

74. Article III, Section 6 of the Florida Constitution states, in part:

Every law shall embrace but one subject and matter properly connected therewith, ***and the subject shall be briefly expressed in the title.***

Art. III, § 6, Fla. Const. (emphasis added).

75. Thus, in addition to a bill being limited to only one subject, *see supra*, the bill must also briefly express that subject in the title.

76. “This provision imposes two related but distinct requirements. First, the title of the bill should be fair notice of its contents. Second, the various provisions of the bill must be germane to the subject as expressed in the title.” *Alterman Transp. Lines, Inc. v. State*, 405 So. 2d 456, 461 (Fla. 1st DCA 1981).

77. “These requirements are designed to prevent surprise or fraud that would spring from hidden provisions not indicated in the title.” *Id.*

78. SB 180’s title is a seven-and-a-half-page list summarizing each provision therein, beginning with the purported single subject, “[a]n act relating to emergencies.”

79. Although the Constitution requires that the single subject be “briefly expressed in the title,” the title of SB180 is certainly not “brief,” and instead constitutes a table-of-contents-type summary of the Bill’s 28 Sections (which themselves are not limited to one subject).

80. SB 180 is not limited to one subject, and thus it cannot be contained within a briefly expressed title of one subject.

81. Even more, the title does not provide fair notice of the contents of Section 28 of SB 180. The portion of the title of SB 180 relating to Section 28 advises the public that it applies to “certain counties”:

“prohibiting certain *counties* from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe.”

82. The statement that Section 28 applies only to “certain counties” is misleading because, in fact, the text of Section 28 applies to *all* (not just *certain*) 67 counties *and* 411 municipalities in Florida. Strikingly, municipalities were not referenced in the title. Thus, the title hides the ball and misleads the public.

83. Thus, the presumptive “title” of Section 28 does not give fair notice of its requirements and applicability.

84. All of these factors amount to a clear violation of the brief title provision of the Florida Constitution.

85. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.
- d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.
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- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

- A. Declaring the enactment of SB 180 violated Art. III, § 6 of the Florida Constitution;
- B. Enjoining the enforcement of SB 180; and
- C. Granting such other relief as this Court deems just and proper.

COUNT III – VIOLATION OF THE REASONABLE CLASSIFICATION PROVISION

86. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

87. Article III, Section 11(b) of the Florida Constitution states:

In the enactment of general laws on other subjects, political subdivisions or other governmental entities may be classified only on a basis reasonably related to the subject of the law.

Art. III, sec. 11(b), Fla. Const.

88. Notably, “other subjects” here refers to 21 enumerated subjects outlined in Article III, Section 11(a). SB 180 does not trigger any of the kinds of laws in subsection (a). Thus, SB 180 falls under subsection (b) and therefore it is subject to the restriction that it must not classify political subdivisions of other governmental entities on any basis other than one reasonably related to the subject law.

89. “The legislature may set classifications within a general law, but any such classification must bear a reasonable relationship to the primary purpose of the law.” *Ocala Breeders' Sales Co., Inc. v. Florida Gaming Centers, Inc.*, 731 So. 2d 21, 26 (Fla. 1st DCA 1999), *aff'd*, 793 So. 2d 899 (Fla. 2001). “A statutory criterion is not valid merely because it appears to promote the objective of the law.” *Id.*

90. Further, the Florida Supreme Court has made clear that “[s]tatutes that employ arbitrary classification schemes are not valid as general laws.” *Dep't of Bus. Regulation v. Classic Mile, Inc.*, 541 So. 2d 1155, 1157 (Fla. 1989); *License Acquisitions, LLC v. Debarry Real Estate Holdings, LLC*, 155 So. 3d 1137, 1143 (Fla. 2014).

91. SB 180 is a general law that makes unreasonable classifications in multiple provisions, including in Sections 18 and 28.

92. Section 18, albeit not retroactive like Section 28, creates the term “impacted local government,” which is “a county listed in a federal disaster declaration located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane or a municipality located within such a county.”

93. If just part of a county is within this range, the entire county and all of its municipalities are precluded from acting in certain ways regarding their own Planning and Zoning Regulations, even if they are not impacted by a hurricane.

94. Thus, Section 18 plainly creates a classification by creating the term “impacted local governments”—some counties and municipalities are classified as “impacted local governments” and others are not. That classification is unreasonable, on several grounds.

95. Section 18 fails to consider the actual impact that a hurricane has on a specific county or municipality. Instead, Section 18 merely classifies counties and municipalities based upon the arbitrary standard of whether even just a portion of a county was within 100 miles of a hurricane track, regardless of the actual size and impact of a storm. Thus, for example, some counties and municipalities (*e.g.*, those that are located 80 miles from the track) would be misclassified as “impacted local governments” where a storm was very small and only actually impacted properties that were very close to the track (*e.g.*, within 25 miles). To the contrary, there could be a very large storm that impacts properties more than 100 miles from the track, in which case some counties and municipalities could be significantly impacted but would be misclassified as not being “impacted local governments.” Thus, in certain instances, counties and municipalities not impacted by a small hurricane (one that does not fulfill the bounds of the 100 miles of the track of the storm, regardless of how calculated or defined) will be roped into Section 18’s preclusions, while in other instances counties and municipalities that are impacted by a large storm (one that exceeds the 100 miles of the track of the storm, regardless of how calculated or defined) will not be roped into Section 18’s preclusions.

96. Moreover, using county lines as the demarcation for determining whether a municipality is an “impacted local government” is itself arbitrary. For example, in South Florida,

a storm could track 90 miles north of Palm Beach County. The arbitrary classification system of Section 18 would classify the southern-most Palm Beach County municipality (Boca Raton) as an “impacted local government” (because the northern part of Palm Beach Count is within 100 miles of the track), but would classify its neighbor to the south (Deerfield Beach, the northernmost Broward County municipality) as not being an “impacted local government” (because the storm did not track within 100 miles of Broward County). But, most likely, as neighboring municipalities, Boca Raton and Deerfield Beach would have suffered roughly the same amount of impacts from the storm. Storms do not recognize county boundaries and thus the use of such lines to classify counties and municipalities is wholly arbitrary.

97. The classification of counties and municipalities created by Section 18 is clearly unreasonable because in some instances it will not include counties and municipalities that should be included (because they were, in fact, impacted), and in other instances will include some counties and municipalities that should not be included (because they were, in fact, not impacted).

98. For a classification to be reasonable, it must treat similarly situated counties and municipalities the same. The classification of counties and municipalities in Section 18 fails that basic test.

99. Section 18 also creates an unreasonable classification by failing to properly define the methodologies for determining which counties (and the municipalities therein) will be categorized this way because “track of the storm” and the “100 mile” terms are ambiguous, not defined, and open to multiple interpretations.

100. Notably, Section 18 fails to define how the 100-mile designation is calculated or applied. For example, is 100 miles calculated in all directions from the track of a hurricane, in effect creating a 200-mile diameter? Or is the 100-mile designation meant to be the limits of a

diameter from the track of a hurricane? Such clarity does not exist in Section 18, leaving it vague as to whether it implicates a zone radiating from a hurricane track that is either double or half of what the legislature intended.

101. Section 28 also creates an unreasonable classification.

102. Section 28 sets out that each county (and the municipalities therein) listed in one of three Federal Disaster Declarations across the state cannot propose or adopt “more restrictive or burdensome” Planning and Zoning Regulations.

103. Each of the three Declarations creates a classification, and taken together as listed in Section 28 creates another, new classification.

104. Taken in conjunction, the new classification combines these three Declarations to blanket the entire state.

105. In this instance, a classification which appears narrow on its face is unreasonably applied to the entire state.

106. Section 28 also fails to describe why those three specific Federal Disaster Declarations are the standard bearers, as opposed to referencing Federal Disaster Declarations from other hurricanes that have impacted Florida in the same time frame.

107. Likewise, Section 28 fails to provide any methodology for the timeframe applied therein. There is no explanation as to why Section 28 applies retroactively generally and back to the specific date, August 1, 2024. If that August 1, 2024, date had some meaning based upon a given storm, then only those counties (and municipalities within those counties) that were actually impacted by that specific storm should be referenced by Section 28. However, that is not the case here, because, while the incident period for Hurricane Debby began August 1, 2024, the incident period for Hurricane Helene began on September 23, 2024, and the incident period for Hurricane

Milton began on October 5, 2024. It is arbitrary to classify all counties and municipalities in one class subject to the August 1, 2024, date if only some were impacted by a subject storm on that date but others were not. There is also no explanation as to why Section 28 applies prospectively to October 1, 2027.

108. In all, Sections 18 and 28 amount to clear violations of the unreasonable classification provision of the Florida Constitution.

109. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. III, § 11(b) of the Florida Constitution.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.
- d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

- A. Declaring the enactment of SB 180 violated Art. III, § 11(b) of the Florida Constitution;
- B. Enjoining the enforcement of SB 180; and
- C. Granting such other relief as this Court deems just and proper.

COUNT IV – VIOLATION OF THE UNFUNDED MANDATE PROVISION

110. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

111. Article VII, Section 18(a) of the Florida Constitution states, in part:

No county or municipality shall be bound by any general law requiring such county or municipality to spend funds or to take an action requiring the expenditure of funds[.]

Art. VII, § 18(a), Fla. Const. The Section then lists exceptions to this rule, stating that this provision does not apply if (1) “the legislature has determined that such law fulfills an important state interest”, and (2) one of the following items is also fulfilled:

- funds have been appropriated that have been estimated at the time of enactment to be sufficient to fund such expenditure;
- the legislature authorizes or has authorized a county or municipality to enact a funding source not available for such county or municipality on February 1, 1989, that can be used to generate the amount of funds estimated to be sufficient to fund such expenditure by a simple majority vote of the governing body of such county or municipality;
- the law requiring such expenditure is approved by two-thirds of the membership in each house of the legislature;
- the expenditure is required to comply with a law that applies to all persons similarly situated, including the state and counties and municipalities; or
- the law is either required to comply with a federal requirement or required for eligibility for a federal entitlement, which federal requirement specifically contemplates actions by counties or municipalities for compliance.

112. Additionally, Article VII, Section 18 of the Florida Constitution contains a further exception, stating that “. . . laws having insignificant fiscal impact . . . are exempt from the requirements of this section.” Art. VII, § 18(d), Fla. Const. A “insignificant fiscal impact” is the amount not greater than the average statewide population for the applicable fiscal year multiplied

by \$0.10; for the fiscal year 2025-26, this is estimated to be approximately \$2.4 million.¹ This amount is determined on an aggregate basis for all municipalities and counties in the state.²

113. Article VII, Section 18 was added to the Florida Constitution to protect counties and municipalities from unfunded mandates after the Florida Legislature repeatedly adopted general laws that imposed costly requirements on local governments without providing funds for, or methods for funding, compliance with said requirements.

114. Sections 7, 16, 18, 24, and 28 of SB 180 require the expenditure of public funds, as previously set forth above. The aggregate amount of these forced expenditures for all municipalities and counties in the state will far exceed \$2.4 million.

115. Importantly, nowhere in *SB 180 is there a finding that the law fulfills an important state interest*. Even if SB 180 does, in fact, fulfill an important state interest (which would be contested), the failure to expressly make that determination within the four corners of SB 180 is fatal to its constitutionality.

116. This is true despite that SB 180 was approved by a 2/3rd vote of each house of the legislature because SB 180 does not contain the constitutionally required finding that that the law fulfills an important state interest.

117. Thus, SB 180 is an unfunded mandate in violation of Article VII, Section 18 of the Florida Constitution.

118. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. VII, § 18 of the Florida Constitution.

¹ <https://www.flsenate.gov/Session/Bill/2025/176/Analyses/2025s00176.ap.PDF> at page 10.

² <https://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> at page 2.

- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.
- d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

- A. Declaring the enactment of SB 180 violated Art. VII, § 18 of the Florida Constitution;
- B. Enjoining the enforcement of SB 180; and
- C. Granting such other relief as this Court deems just and proper.

COUNT V – SB 180 CONFLICTS WITH THE COMMUNITY PLANNING ACT

119. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

120. Seven years after the 1968 Florida Constitution provided local governments with home rule powers over land use and zoning, Florida’s comprehensive planning regime was first established by the Local Government Comprehensive Planning Act of 1975, which “was intended to provide a uniform method for local governments to use in establishing and implementing comprehensive planning programs to guide and control future development in the state.”³ It applied to “cities and counties and other local governmental entities[.]”⁴

³ [Local government comprehensive planning act | My Florida Legal](#)

⁴ *Id.*

121. The 1975 Act was strengthened in 1985, and Chapter 163 was given a more expansive and descriptive name: “The Comprehensive Planning and Land Development Regulation Act”, popularly known as the Growth Management Act. This iteration sought to ensure that the comprehensive planning process would enable counties and municipalities to do more than just plan.

122. In 2011, Chapter 163 Part II was again rewritten and renamed, this time as the “Community Planning Act”.

123. Florida’s Community Planning Act (the “Act”) is enshrined in Florida law as Sections 163.3161 through 163.3248, Florida Statutes. The Legislature clearly stated its multi-prong intentions and purposes of the Act:

(2) It is the purpose of this act to utilize and strengthen the existing role, processes, and powers of local governments in the establishment and implementation of comprehensive planning programs to ***guide and manage future development*** consistent with the proper role of local government.

....

(4) It is the intent of this act that local governments have the ability to preserve and enhance present advantages; encourage the most appropriate use of land, water, and resources, consistent with the public interest; ***overcome present handicaps; and deal effectively with future problems that may result from the use and development of land within their jurisdictions.*** Through the process of comprehensive planning, it is intended that units of local government can preserve, promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, law enforcement and fire prevention, and general welfare; facilitate the adequate and efficient provision of transportation, water, sewerage, schools, parks, recreational facilities, housing, and other requirements and services; and conserve, develop, utilize, and protect natural resources within their jurisdictions.

....

(8) The provisions of this act in their interpretation and application are declared to be the minimum requirements necessary to accomplish the stated intent, purposes, and objectives of this act; to protect human, environmental, social, and economic resources; and to maintain, through orderly growth and development, the character

and stability of *present and future land use and development* in this state.

(9) It is the intent of the Legislature that [its effects], not be interpreted to limit or restrict the powers of *municipal or county officials*, but be interpreted as a recognition of *their broad statutory and constitutional powers to plan for and regulate the use of land*. It is, further, the intent of the Legislature to reconfirm that ss. 163.3161-163.3248 have provided and do provide the necessary statutory direction and basis for municipal and county officials to carry out their comprehensive planning and land development regulation powers, duties, and responsibilities.

§ 163.3161, Fla. Stat. (emphasis added).

124. From these intentions, and in recognition of the “broad statutory and constitutional powers to plan for and regulate the use of land”, the Act makes clear that municipalities and counties have the power and responsibility to:

- (a) Plan for their future development and growth.
- (b) Adopt and *amend* comprehensive plans, or elements or portions thereof, to guide their future development and growth.
- (c) Implement adopted or amended comprehensive plans by the adoption of appropriate land development regulations or elements thereof.
- (d) Establish, *support*, and *maintain* administrative instruments and procedures to carry out the provisions and purposes of this act.

§ 163.3167, Fla. Stat. (emphasis added). And, “[e]ach local government shall *maintain* a comprehensive plan of the type and in the manner set out in this part or prepare amendments to its existing comprehensive plan to conform it to the requirements of this part and in the manner set out in this part.” *Id.* (emphasis added). The emphasized terms indicate the Legislature’s intent that the Local Governments prospectively uphold their comprehensive plans as a continuing and unending obligation amending, supporting, and maintaining those plans.

125. In furtherance of this responsibility, the Act also mandates that every seven years, each local government shall evaluate its comprehensive plan to update data and analysis on which it was based, and based on that data and analysis determine if amendments are necessary to reflect certain statutory requirements or changed conditions, and if such a determination is made then such changes must be made within one year. § 163.3191, Fla. Stat. In turn, such plans are subject to the review process detailed in Section 163.3184, Florida Statutes.

126. Further, *within one year* after submission of a comprehensive plan, the counties and municipalities must adopt or amend their local land development regulations to ensure they are consistent with the comprehensive plan. § 163.3202, Fla. Stat.

127. Likewise, the Act also mandates that if a land development regulation is inconsistent with the comprehensive plan, the land development regulation must be brought in conformance with the comprehensive plan. § 163.3194, Fla. Stat.

128. Critically, the Act also makes clear that in the event the Act conflicts with any other provision of law related to land use regulations, it is the Act that shall prevail:

Where this act may be in conflict with any other provision or provisions of law relating to local governments having authority to regulate the development of land, ***the provisions of this act shall govern*** unless the provisions of this act are met or exceeded by such other provision or provisions of law relating to local government[.]

§ 163.3211, Fla. Stat. (emphasis added).

129. The Act, in its current and all prior forms, outlines the 50-year history of Florida's municipalities and counties having the constitutional and statutory power and mandate to adopt and enforce their own Planning and Zoning Regulations. It is the sole statutory basis for the comprehensive planning process and is therefore superior to any other enactment related to that process.

130. The Act makes clear that counties and municipalities are simultaneously mandated and empowered to enact and maintain comprehensive plans and ensuing amendments to same, ensure that local land development regulations are consistent with the comprehensive plans and amendments, and that the mandate and power regarding comprehensive plan amendments and land development regulations is not limited to passing same but is also prospective in terms of amending, supporting, and maintaining same. The Act creates a continuing obligation to adjust the comprehensive plan and land development regulations as required by statutory changes and changed conditions.

131. In its current form, Chapter 163 is the sole and exclusive means for local regulation of land use. The Community Planning Act specifically recognizes the “***broad statutory and constitutional powers to plan for and regulate the use of land*** “ vested in counties and municipalities. The Community Planning Act went on to map out how that constitutional authority should be exercised in the comprehensive planning process that is now the hallmark of Florida land use planning. The Community Planning Act sets forth the entire process for land use regulation in the State of Florida. It creates a comprehensive planning process, it provides the tools by which planning shall occur (i.e. adoption and amendment of comprehensive plans and land development regulations), and creates a detailed and exclusive process through which the two shall be adopted. It is exhaustive and all inclusive. Recognizing the importance of that authority, and tracing it the “constitutional powers” of counties and municipalities over land use regulation, the legislature sought to insure that it would remain inviolate and therefore superior to any conflicting statute.

132. To wit, the Act is definitive in its declaration that the rights, authority, and responsibilities conferred upon counties and municipalities under the Act supersede any other conflicting provisions of law.

133. SB 180 directly conflicts with the Act, and thus the Act makes clear that upon such a conflict, the Act governs. One way in which this conflict exists is due to the statutorily mandated review to occur every seven years, a period which could fall at any point in the preclusion for one year after a hurricane pursuant to Section 18 or at any point in the preclusion between August 1, 2024, and October 1, 2027, pursuant to Section 28. For the same reasons, the one-year deadline to amend local land development regulations after the submission of a comprehensive plan is also affected.

134. In furtherance of this responsibility, the Act also mandates that every seven years, each local government shall evaluate its comprehensive plan to update data and analysis on which it was based, and based on that data and analysis determine if amendments are necessary to reflect certain statutory requirements or changed conditions, and if such a determination is made then such changes must be made within one year. § 163.3191, Fla. Stat. In turn, such plans are subject to the review process detailed in Section 163.3184, Florida Statutes.

135. Further, *within one year* after submission of a comprehensive plan, the counties and municipalities must adopt or amend their local land development regulations to ensure they are consistent with the comprehensive plan. § 163.3202, Fla. Stat.

136. The conflict between the Act and SB 180 arises from Sections 18 and 28, the latter of which is a non-statutory provision set to expire in 2027. The restriction on the comprehensive planning and land development regulation authority and responsibility of counties and municipalities contained in SB 180 is incompatible with the authority granted and obligations

imposed under the Act. Thus, SB 180 is ineffective to the extent that it conflicts with any provision of the Act.

137. As a result of the conflicts between the obligations and prohibitions in SB 180 and the obligations and prohibitions in the Act, the Local Governments are caught between a rock and a hard place: they must either fulfill their mandates in acting from the power granted to them by the Act and violate SB 180, or follow SB 180 and violate the Act.

138. In turn, this conflict places the Local Governments in imminent fear of being acted against by the State for non-compliance with SB 180 even though the Act should prevail over SB 180.

139. The Local Governments must know their rights and obligations in order to act in accord with them. This clear statutory conflict obscures those rights and obligations, and thus clarity must be given.

140. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated and conflicts with the Community Planning Act.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.
- d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

- A. Declaring that portions of SB 180 conflict with the Community Planning Act, and that conflict cannot be harmonized;
- B. Enjoining the enforcement of those portions of SB 180 that in any way conflict with the Act or restrict the powers and authority of counties or municipalities relating to the adoption and enforcement of comprehensive plan and land development regulations amendments to the fullest extent as granted under the Act; and
- C. Granting such other relief as this Court deems just and proper.

COUNT VI – VIOLATION OF HOME RULE POWERS

141. The Local Governments reallege and incorporate by reference the allegations contained in paragraphs 1 through 60 inclusive, as if fully set forth herein.

142. As to counties, Article VIII, Section 1 of the Florida Constitution provides:

(f) NON-CHARTER GOVERNMENT. Counties not operating under county charters shall have such power of self-government as is provided by general or special law. The board of county commissioners of a county not operating under a charter may enact, in a manner prescribed by general law, county ordinances not inconsistent with general or special law, but an ordinance in conflict with a municipal ordinance shall not be effective within the municipality to the extent of such conflict.

(g) CHARTER GOVERNMENT. Counties operating under county charters shall have all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. The governing body of a county operating under a charter may enact county ordinances not inconsistent with general law. The charter shall provide which shall prevail in the event of conflict between county and municipal ordinances.

Art. VIII, § 1(f), (g), Fla. Const.

143. As to municipalities, Article VIII, Section 2(b) of the Florida Constitution provides:

POWERS. Municipalities shall have governmental, corporate and proprietary powers to enable them to conduct municipal government, perform municipal functions and render municipal services, and may exercise any power for municipal purposes except as otherwise provided by law...

Art. VIII, § 2(b), Fla. Const.

144. Recognizing this constitutional grant of home rule authority to counties, the Florida Legislature created Section 163.410, Florida Statutes, regarding counties with home rule charters. Section 163.410 states, in pertinent part, that “[a]ny power not specifically delegated shall be reserved exclusively to the governing body of the county.”

145. Section 125.01(3)(b), Florida Statutes implemented home rule powers for non-charter counties. Section 125.01(3)(b) states, in part,

The provisions of this section shall be liberally construed in order to effectively carry out the purpose of this section and to secure for the counties the broad exercise of home rule powers authorized by the State Constitution.

§ 125.01(3)(b), Fla. Stat.

146. Likewise, recognizing this constitutional grant of home rule authority to municipalities, the Florida Legislature created Section 166.021(3), Florida Statutes, which sets forth that “the legislative body of each municipality has the power to enact legislation concerning any subject matter upon which the Florida Legislature may act, except”, among other subjects, “...any subject expressly preempted to state or county government by the constitution or by general law...”

147. Florida Courts recognize two types of preemptions: express and implied preemptions. Statutory express preemptions must be clear as to the particular subject that local governments are precluded from regulating. *See Masone v. City of Aventura*, 147 So. 3d 492, 495 (Fla. 2014) (“Preemption of local ordinances by state law may, of course, be accomplished by

express preemption—that is, by a statutory provision stating that a *particular subject* is preempted by state law or that local ordinances on a *particular subject* are precluded.”); *Hillsborough County v. Florida Restaurant Ass’n, Inc.*, 603 So. 2d 587 (Fla. 2d DCA) (“To find a subject matter expressly preempted to the state, the express preemption language must be a specific statement; express preemption cannot be implied or inferred.”).

148. In this way, SB 180 violates the Florida Constitution in two ways: (1) Section 28 is an impermissible express preemption, purporting to declare void *ab initio* prior actions of Local Governments taken under their (at the time not preempted) Constitutional home rule authority; and (2) the purported express preemptions under Sections 18 and 28 are impermissible because they are vague and ambiguous as to the particular subject and scope. For these reasons, Sections 18 and 28 attempt to vitiate the Home Rule Authority granted under Sections 1 and 2(b) of Article VIII of the Florida Constitution and further codified at law.

SB 180 is an impermissible express preemption of past regulations that the Local Governments had authority to propose and adopt when proposed and adopted.

149. The Florida Legislature impermissibly enacted the express preemption provided under Section 28 because it attempts to render ordinances “null and void *ab initio*” even if they were duly enacted at a time when the Local Governments were not preempted.

150. The Local Governments enacted Planning and Zoning Regulations between August 1, 2024, and the enactment date of SB 180 pursuant to a clear grant of constitutional and/or statutory Home Rule Authority. By retroactively rendering legally enacted Planning and Zoning Regulations “null and void *ab initio*” (thereby invalidating the very enactment of such regulations and implementation while valid), Section 28 violates the plain meaning of the Florida Constitution because it removes the grant of Home Rule Power that existed at the time of the regulation’s enactment pursuant to Sections 1 and 2(b) of Article VIII of the Florida Constitution, as applicable.

In this manner, the purported preemption in Section 28 is unlike the other preemptions found in Florida Statutes, none of which made previously enacted laws “void ab initio.” *See e.g.*, § 790.33(1), Fla. Stat. (declaring any existing ordinances, rules, or regulations regulating firearms and ammunition “null and void” prospectively); § 509.032(7)(b), Fla. Stat. (precluding the adoption of local laws, ordinances, or regulations prohibiting vacation rentals or regulating duration or frequency of rentals of vacation rentals prospectively and grandfathering such laws adopted on or before June 1, 2011); § 386.209, Fla. Stat. (preempting regulation of smoking to the state and “supersed[ing] county or municipal ordinance[s] on the subject” prospectively); § 500.90, Fla. Stat. (preempting the use or sale of polystyrene products prospectively and providing for a limited grandfathering of local ordinances enacted before January 1, 2016).

151. Likewise, where Section 28 creates a private cause of action for Planning and Zoning Regulations proposed or adopted during this period, it potentially (and impermissibly) opens the Local Governments to liability for acts that were legally proposed or adopted at the time. Thus, Section 28 does not just preempt, and then create, a private right of action for violation of such a preemption for prospective acts, but does so for acts already taken under a grant of Constitutional authority that existed at the time. This could allow private landowners to pursue their grievances of past Planning and Zoning Regulations in court, forcing the taxpayers to pay to defend such grievances.

152. As a hypothetical example, assume that, in September 2024, a municipality passed an ordinance reducing the allowable height in a zoning district from 120 feet to 100 feet. In October 2024, based upon this ordinance, a developer’s application for a 120 foot high building was denied and the developer had no choice but to submit an application for a 100 foot high building, which was approved. After construction commenced on the less high (and less

profitable) building and it was too late to change the plans, SB 180 was enacted, meaning that the ordinance that resulted in the municipality's denial of the 120 foot high building was void at the time the 120 foot high building was denied. It is unclear what the implication of this would mean, but it could potentially result in municipal liability or other consequences.

153. Thus, SB 180 could result in chaos or liability for projects that were considered under Planning and Zoning Regulations that were valid when applied but were later declared "void ab initio" by SB 180.

154. There is no language in the Florida Constitution or precedent in other statutory preemptions enacted by the legislature for local regulations to be declared "void ab initio," and thus the law should be declared invalid.

SB 180 is an impermissible express preemption because it is ambiguous and vague.

155. Sections 18 and 28 of SB 180 violate the Florida Constitution because they attempt to preempt Planning and Zoning Regulations that are "more restrictive or burdensome," but fail to clearly and unambiguously articulate the particular subject that is preempted.

156. The vague and undefined "more restrictive or burdensome standard" will wreak havoc with many of the modern planning tools that the Local Governments now lawfully employ because the Local Governments have no way of determining whether a Planning and Zoning Regulation is "more burdensome or restrictive." SB 180 simply does not purport to define the terms or explain: (a) "more burdensome or restrictive" than what? and (b) "more burdensome or restrictive" to whom?

157. For example, in determining whether Planning and Zoning Regulations increasing a setback requirement, should Local Governments determine whether the regulation is "more burdensome or restrictive" based on its impact on neighboring properties? Or is a Planning and

Zoning Regulation “more burdensome or restrictive” if it is projected to impose additional costs on developers seeking to maximize the intensity and density of a development? Should Local Governments determine whether a Planning and Zoning Regulation is “more burdensome or restrictive” based on its projected impact on concurrency requirements, such as the availability of water, sewer, solid waste, and other infrastructure capacity levels? Are Planning and Zoning Regulations that create new zoning schemes “more restrictive or burdensome” if they implement various more stringent development parameters but increase permissible development intensity and density as a whole? If a Planning and Zoning Regulation with multiple subparts has one provision that could be considered “more restrictive or burdensome” while all other provisions increase permissible development, is the regulation viewed as a whole or must each individual provision be evaluated? The Local Governments have no answer to these questions because the attempted preemptions under Sections 18 and 28 are ambiguous and fail to clearly articulate the particular subject that the Legislature sought to preclude.

158. As another example, a vital tool for urban planning are zones which contain a variety of uses, sometimes referred to as “regional activity centers”. To reduce vehicular traffic, encourage shared use of infrastructure, reduce urban sprawl, and create vibrant urban areas, these land use/zoning categories permit a variety of uses of varying densities and intensities. These centers contain specific allotments of residential units (of varying types) and commercial buildings of varying intensity. Thus, one may find allotments for single family detached units, townhomes, and condominium/apartments along with a specific square footage of permissible commercial spaces. There may also be regulations on how these uses will be arranged. If a local government wished to rearrange the mix of units and commercial density—for example, increasing single family and commercial but decreasing multi-family and industrial,—would that be considered

“more restrictive or burdensome” even though the overall density remains the same, with some uses being increased and others decreased?

159. More generally, with no definition, there is no understanding as to who and what the Planning and Zoning Regulation cannot restrict or burden.

160. The “more restrictive or burdensome” language is hopelessly vague and unworkable and could be creatively applied to almost any change because it is an undefined term. It is of note that when the legislature adopted The Bert J. Harris, Jr. Private Property Rights Protection Act which uses the term “inordinate burden” to trigger compensation under certain circumstances, it included a two-paragraph definition of the term including an analysis of investment backed expectations. It also provided for a process to determine whether such a burden existed, which process required the services of appraisers. A similar definition was necessary with SB 180, however, there is none; rather, the triggering term “more restrictive or burdensome” appears with no explanation, no context, and no commonly understood meaning.

161. This undefined term improperly preempts the Constitutional powers of the Local Governments with a standard that has no meaning.

SB 180 unlawfully infringes on the Home Rule Authority of the Local Governments.

162. Sections 18 and 28 preempt the Local Governments from exercising Home Rule Authority in one of the most fundamental functions of local government: planning and zoning. Sections 18 and 28 are the largest infringement of Home Rule Power in the history of Florida and strip the Local Governments’ ability to enact the very Powers they have been empowered with under the Florida Constitution and statutory law. In doing so, the Florida Legislature circumvents and renders meaningless the grants of Home Rule Authority provided in the Florida Constitution by legislative act.

163. In all, though SB 180 does not state plainly that it expressly preempts, nor in effect impliedly preempts, *all* Planning and Zoning Regulations, it does plainly preempt *many*, if not *most*, ways all local governments can act in their own best interests pursuant to such regulations. SB 180 (1) makes certain actions that were allowed at the time null and void *ab initio* pursuant to Section 28, (2) prohibits certain prospective changes pursuant to Section 28 up until October 1, 2027, and (3) provides that prospective changes are not allowed for a period of one year following landfall of all future hurricane pursuant to Section 18.

164. From this, it is not clear when and/or what Planning and Zoning Regulations are permitted, therefore frustrating, confusing, and obfuscating the Local Governments' abilities to operate (1) in ways expressly preempted by SB 180, which are ways they should otherwise be able to act if not for their Home Rule Powers being intruded upon, and (2) in the spaces left between SB 180 and Florida general law because of SB 180's conflicts thereto.

165. The prospective application has also had its intended chilling effect, pausing certain of the Local Governments from finalizing Local Regulations that have been years in the making and were mere moments away from crossing the finish line. This is the case even where those Local Regulations would serve the public good and strengthen resiliency necessary for the emergencies SB 180 seeks to address.

166. Likewise, and as discussed in Count V, *see supra*, Sections 18 and 28 of SB 180 plainly conflict with Chapter 163. That conflict exists because while Chapter 163 allows and requires local governments to respond to changing circumstances and conditions by enactment Local Regulations, Sections 18 and 28 prohibit them from doing so.

167. For the foregoing reasons, Sections 18 and 28 of SB 180 represent a violation of the Home Rule Authority provided under Sections 1 and 2(b) of Article VIII of the Florida Constitution and further codified at law.

168. All elements necessary to support a cause of action for declaratory relief are present:

- a. There is a bona fide, actual, present need for a declaration of whether the enactment of SB 180 violated Art. VIII, §§1(f), 1(g), 2(b) of the Florida Constitution, and all Florida Statutes codifying home rule powers.
- b. The declaration sought deals with a present controversy as to an ascertainable set of facts.
- c. Constitutionally provided rights and privileges of the Local Governments are dependent upon the law applicable to the facts.
- d. The Local Governments and the defendants have an actual, present, adverse and antagonistic interest in the subject matter of this Complaint.
- e. The antagonistic and adverse interests are all before this Court.
- f. The relief sought is not merely the giving of legal advice or providing the answer to a question propounded from curiosity, but stems from an actual controversy.

WHEREFORE, the Local Governments respectfully request that judgment be entered in their favor:

- A. Declaring the enactment of SB 180 violated Art. VIII, §§1(f), 1(g), 2(b) of the Florida Constitution and all Florida Statutes codifying Home Rule Powers;
- B. In addition or in the alternative, declaring the purported preemptions in SB 180 invalid as impermissibly vague.
- C. Enjoining the enforcement of SB 180; and
- D. Granting such other relief as this Court deems just and proper.

Dated September 29, 2025.

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CHAPTER 2025-190

Committee Substitute for Committee Substitute for Senate Bill No. 180

An act relating to emergencies; amending s. 83.63, F.S.; requiring certain tenants to be given specified opportunities or notice; creating s. 163.31795, F.S.; defining the terms “cumulative substantial improvement period” and “local government”; prohibiting certain local governments from adopting ordinances for substantial improvements or repairs to a structure which include cumulative substantial improvement periods; amending s. 163.31801, F.S.; prohibiting certain entities from assessing impact fees for specified replacement structures; providing an exception; providing construction; amending s. 193.155, F.S.; revising the square footage limitations for certain changes, additions, and improvements to damaged property; amending s. 215.559, F.S.; removing a reference to a certain report; revising public hurricane shelter funding prioritization requirements for the Division of Emergency Management; amending s. 250.375, F.S.; authorizing certain servicemembers to provide medical care in specified circumstances; amending s. 252.35, F.S.; revising requirements for the state comprehensive emergency management plan; requiring such plan to include an update on the status of certain emergency management capabilities; requiring the division to collaborate with the Department of Health; revising responsibilities of the division; requiring the division to develop a certain template; revising the purpose of certain training programs; requiring the division to set the minimum number of training hours that specified individuals must complete biennially; authorizing such training to be provided by certain entities; requiring the division to conduct an annual hurricane readiness session in each region designated by the division for a specified purpose; requiring all county emergency management directors, and authorizing other county and municipal personnel, to attend such session; requiring that the session include specified topics and needs; removing a specified reporting requirement; amending s. 252.355, F.S.; authorizing the Department of Veterans’ Affairs to provide certain information to specified clients or their caregivers; requiring the Florida Housing Finance Corporation to enter into memoranda of understanding with specified agencies for a certain purpose; providing that specified persons may use special needs shelters in certain circumstances; amending s. 252.3611, F.S.; directing specified entities to submit specified contracts and reports to the Legislature under specified conditions; requiring such contracts to be posted on a specified secure contract system; requiring the division to report annually to the Legislature specified information on expenditures relating to emergencies; providing requirements for such report; amending s. 252.363, F.S.; providing for the tolling and extension of certain determinations; providing for retroactive application; amending s. 252.365, F.S.; requiring agency heads to notify the Governor and the division of the person designated as the emergency coordination officer annually by a specified

date; amending s. 252.3655, F.S.; creating the natural hazards risks and mitigation interagency coordinating group; providing the purpose of the group; providing for the membership and administration of the group; requiring agency representatives to provide information relating to natural hazards to this state, agency resources, and efforts to address and mitigate risks and impacts of natural hazards; requiring the group to meet in person or by communications media technology at least quarterly for specified purposes; requiring specified agency heads to meet at least annually to strategize and prioritize state efforts; requiring the division, on behalf of the group, to prepare an annual progress report and submit such report to the Governor and Legislature; revising requirements for such report; amending s. 252.37, F.S.; requiring the division to notify the Legislature of its intent to accept or apply for federal funds under certain circumstances; requiring the division to take steps to maximize the availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies; requiring that such steps include the standardization and streamlining of the application process for federal financial assistance and the provision of assistance to applicants for a specified purpose; requiring the division to use certain federal funds to implement such requirements; amending s. 252.373, F.S.; conforming a cross-reference; amending s. 252.38, F.S.; requiring political subdivisions to annually provide specified notification to the division before a specified date; creating s. 252.381, F.S.; requiring counties and municipalities to post certain information on their websites; requiring counties and municipalities to develop a poststorm permitting plan; providing requirements for such plan; requiring counties and municipalities to update such plan by a specified date annually; requiring counties and municipalities to publish on their websites a specified storm recovery guide by a specified date annually; providing requirements for such guide; requiring certain counties and municipalities to publish on their websites updates to such guide as soon as practicable following a storm; prohibiting certain counties and municipalities from increasing building permit or inspection fees within a specified timeframe; requiring counties and municipalities to allow individuals to receive certain letters electronically on or before a specified date; requiring certain counties and municipalities to use their best efforts to open a permitting office for a minimum number of hours per week; amending s. 252.385, F.S.; revising reporting requirements for the division; revising requirements for a specified list; requiring the Department of Health and the Agency for Persons with Disabilities to assist the division with certain determinations; creating s. 252.422, F.S.; defining the term “impacted local government”; prohibiting impacted local governments from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing any person to file suit to enforce specified provisions; authorizing counties and municipalities to request a specified determination by a court; prohibiting counties and municipalities from taking certain actions until the court has issued a preliminary or final judgment; requiring plaintiffs to provide certain notification before filing

suit; requiring impacted local governments to take certain actions upon receipt of such notification or a suit may be filed; providing for reasonable attorney fees and costs; authorizing the use of a certain summary procedure; requiring the court to advance the cause on the calendar; requiring the Office of Program Policy Analysis and Government Accountability to conduct a study on certain local government actions after hurricanes; specifying requirements for the study and legislative recommendations; requiring the office to submit a report to the Legislature by a specified date; creating s. 252.505, F.S.; requiring that certain contracts include a specified provision; defining the term “emergency recovery period”; amending s. 373.423, F.S.; requiring the Department of Environmental Protection to submit a Flood Inventory and Restoration Report to the division by a specified date; requiring the department to work with specified entities to compile information for the report; providing specifications for the report; requiring the owner of certain infrastructure to submit certain information to the department; requiring the department to review and update the report biannually; requiring the department to submit an updated report to the division by a specified date; amending s. 380.0552, F.S.; revising the maximum evacuation clearance time for permanent residents of the Florida Keys Area, which time is an element for which amendments to local comprehensive plans in the Florida Keys Area must be reviewed for compliance; requiring the Department of Commerce to conduct baseline modeling scenarios and gather data to determine the number of building permit allocations for distribution in the Florida Keys Area; requiring that such allocations be distributed in a specified manner and over a specified timeframe; prohibiting such allocations from exceeding a specified number; requiring that permits be issued for certain parcels and the distribution of such permits prioritize specified allocations; amending s. 400.063, F.S.; conforming a cross-reference; amending s. 403.7071, F.S.; providing that local governments are authorized and encouraged to add certain addendums to certain contracts and agreements; requiring counties and municipalities to apply to the department for authorization to designate at least one debris management site; authorizing municipalities to apply jointly with a county or adjacent municipality for authorization of a debris management site if such entities approve a memorandum of understanding; providing requirements for such memorandum; creating s. 489.1132, F.S.; providing definitions; requiring a hurricane preparedness plan to be available for inspection at certain worksites; requiring certain equipment to be secured in a specified manner no later than 24 hours before the impacts of a hurricane are anticipated to begin; providing penalties; requiring the Florida Building Commission to establish specified best practices and report findings to the Legislature by a specified date; amending s. 553.902, F.S.; revising the definition of the term “renovated building”; requiring the division to consult with specified entities to develop certain recommendations and provide a report to the Legislature by a specified date; prohibiting certain counties from proposing or adopting certain moratoriums, amendments, or procedures for a specified timeframe; declaring that such moratoriums, amendments, or procedures are null and void;

providing for retroactive application; authorizing the enforcement of certain amendments, plans, permits, and orders under certain circumstances; authorizing certain residents and business owners to bring a civil action for declaratory and injunctive relief against a county or municipality that violates specified provisions; providing for reasonable attorney fees and costs under specified circumstances; providing for future expiration; providing a directive to the Division of Law Revision; providing effective dates.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Section 83.63, Florida Statutes, is amended to read:

83.63 Casualty damage.—If the premises are damaged or destroyed other than by the wrongful or negligent acts of the tenant so that the enjoyment of the premises is substantially impaired;:

(1) The tenant may terminate the rental agreement and immediately vacate the premises. The tenant may vacate the part of the premises rendered unusable by the casualty, in which case the tenant's liability for rent shall be reduced by the fair rental value of that part of the premises damaged or destroyed. If the rental agreement is terminated, the landlord shall comply with s. 83.49(3).

(2) The tenant must be given:

(a) The opportunity to collect his or her belongings from the premises when it is safe to do so; or

(b) Notice of the date by which the tenant will be able to collect his or her belongings from the premises, which must occur within a reasonable time.

Section 2. Section 163.31795, Florida Statutes, is created to read:

163.31795 Participation in the National Flood Insurance Program.—

(1) For purposes of this section, the term:

(a) “Cumulative substantial improvement period” means the period during which an aggregate of improvements or repairs are considered for purposes of determining substantial improvement as defined in s. 161.54(12).

(b) “Local government” has the same meaning as in s. 163.2514.

(2) A local government that is participating in the National Flood Insurance Program may not adopt or enforce an ordinance for substantial improvements or repairs to a structure which includes a cumulative substantial improvement period.

Section 3. Subsection (14) is added to section 163.31801, Florida Statutes, to read:

163.31801 Impact fees; short title; intent; minimum requirements; audits; challenges.—

(14) A local government, school district, or special district may not assess an impact fee for the reconstruction or replacement of a previously existing structure if the replacement structure is of the same land use as the original structure and does not increase the impact on public facilities beyond that of the original structure. However, if the replacement structure increases the demand on public facilities due to a significant increase in size, intensity, or capacity of use, a local government, school district, or special district may assess an impact fee in an amount proportional to the difference in the demand between the replacement structure and the original structure. Any such fee must be reasonably connected to, or have a rational nexus with, the need for additional capital facilities and the increased impact generated by the reconstruction or replacement of a previously existing structure.

Section 4. Paragraph (b) of subsection (4) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(4)

(b)1. Changes, additions, or improvements that replace all or a portion of homestead property, including ancillary improvements, damaged or destroyed by misfortune or calamity shall be assessed upon substantial completion as provided in this paragraph. Such assessment must be calculated using the homestead property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained, subject to the assessment limitations in subsections (1) and (2), when:

a. The square footage of the homestead property as changed or improved does not exceed 130 ~~110~~ percent of the square footage of the homestead property before the damage or destruction; or

b. The total square footage of the homestead property as changed or improved does not exceed 2,000 ~~1,500~~ square feet.

2. The homestead property's assessed value must be increased by the just value of that portion of the changed or improved homestead property which is in excess of 130 ~~110~~ percent of the square footage of the homestead property before the damage or destruction or of that portion exceeding 2,000 ~~1,500~~ square feet.

3. Homestead property damaged or destroyed by misfortune or calamity which, after being changed or improved, has a square footage of less than 100 percent of the homestead property's total square footage before the damage or destruction shall be assessed pursuant to subsection (5).

4. Changes, additions, or improvements assessed pursuant to this paragraph must be reassessed pursuant to subsection (1) in subsequent years. This paragraph applies to changes, additions, or improvements commenced within 5 years after the January 1 following the damage or destruction of the homestead.

Section 5. Paragraph (b) of subsection (1) of section 215.559, Florida Statutes, is amended to read:

215.559 Hurricane Loss Mitigation Program.—A Hurricane Loss Mitigation Program is established in the Division of Emergency Management.

(1) The Legislature shall annually appropriate \$10 million of the moneys authorized for appropriation under s. 215.555(7)(c) from the Florida Hurricane Catastrophe Fund to the division for the purposes set forth in this section. Of the amount:

(b) Three million dollars in funds shall be used to construct or retrofit facilities used as public hurricane shelters. Each year the division shall prioritize the use of these funds for projects included in the annual report of the Shelter Development Report prepared in accordance with s. 252.385(3). The division shall ~~must~~ give funding priority to projects located in counties regional planning council regions that have shelter deficits, projects that are publicly owned, other than schools, and to projects that maximize the use of state funds.

Section 6. Section 250.375, Florida Statutes, is amended to read:

250.375 Medical officer authorization.—A servicemember trained to provide medical care who is serving under the direction of the Florida National Guard State Surgeon and is assigned to a military duty position and authorized by the Florida National Guard to provide medical care within the scope of the servicemember's professional licensure by virtue of such duty position may provide such medical care to military personnel and civilians within this state ~~physician who holds an active license to practice medicine in any state, a United States territory, or the District of Columbia, while serving as a medical officer with or in support of the Florida National Guard, pursuant to federal or state orders, may practice medicine on military personnel or civilians during an emergency or declared disaster or during federal military training.~~

Section 7. Paragraphs (y) through (dd) of subsection (2) of section 252.35, Florida Statutes, are redesignated as paragraphs (x) through (cc), respectively, paragraphs (a), (c), and (n) and present paragraph (x) of that

subsection are amended, and a new paragraph (dd) is added to that subsection, to read:

252.35 Emergency management powers; Division of Emergency Management.—

(2) The division is responsible for carrying out the provisions of ss. 252.31-252.90. In performing its duties, the division shall:

(a) Prepare a state comprehensive emergency management plan, which must ~~shall~~ be integrated into and coordinated with the emergency management plans and programs of the Federal Government. The division shall adopt the plan as a rule in accordance with chapter 120. The plan must be implemented by a continuous, integrated comprehensive emergency management program. The plan must contain provisions to ensure that the state is prepared for emergencies and minor, major, and catastrophic disasters, and the division shall work closely with local governments and agencies and organizations with emergency management responsibilities in preparing and maintaining the plan. The state comprehensive emergency management plan must be operations oriented and:

1. Include an evacuation component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of evacuation activities. This component must, at a minimum: contain guidelines for lifting tolls on state highways; ensure coordination pertaining to evacuees crossing county lines; set forth procedures for directing people caught on evacuation routes to safe shelter; establish strategies for ensuring sufficient, reasonably priced fueling locations along evacuation routes; and establish policies and strategies for emergency medical evacuations.

2. Include a shelter component that includes specific regional and interregional planning provisions and promotes coordination of shelter activities between the public, private, and nonprofit sectors. This component must, at a minimum: contain strategies to ensure the availability of adequate public shelter space in each county ~~region of the state~~; establish strategies for refuge-of-last-resort programs; provide strategies to assist local emergency management efforts to ensure that adequate staffing plans exist for all shelters, including medical and security personnel; provide for a postdisaster communications system for public shelters; establish model shelter guidelines for operations, registration, inventory, power generation capability, information management, and staffing; and set forth policy guidance for sheltering people with special needs.

3. Include a postdisaster response and recovery component that includes specific regional and interregional planning provisions and promotes intergovernmental coordination of postdisaster response and recovery activities. This component must provide for postdisaster response and recovery strategies according to whether a disaster is minor, major, or catastrophic. The postdisaster response and recovery component must, at a minimum: establish the structure of the state's postdisaster response and

recovery organization; establish procedures for activating the state's plan; set forth policies used to guide postdisaster response and recovery activities; describe the chain of command during the postdisaster response and recovery period; describe initial and continuous postdisaster response and recovery actions; identify the roles and responsibilities of each involved agency and organization; provide for a comprehensive communications plan; establish procedures for coordinating and monitoring statewide mutual aid agreements reimbursable under federal public disaster assistance programs; provide for rapid impact assessment teams; ensure the availability of an effective statewide urban search and rescue program coordinated with the fire services; ensure the existence of a comprehensive statewide medical care and relief plan administered by the Department of Health; and establish systems for coordinating volunteers and accepting and distributing donated funds and goods.

4. Include additional provisions addressing aspects of preparedness, response, recovery, and mitigation as determined necessary by the division.

5. Address the need for coordinated and expeditious deployment of state resources, including the Florida National Guard. In the case of an imminent major disaster, procedures should address predeployment of the Florida National Guard, and, in the case of an imminent catastrophic disaster, procedures should address predeployment of the Florida National Guard and the United States Armed Forces.

6. Establish a system of communications and warning to ensure that the state's population and emergency management agencies are warned of developing emergency situations, including public health emergencies, and can communicate emergency response decisions.

7. Establish guidelines and schedules for annual exercises that evaluate the ability of the state and its political subdivisions to respond to minor, major, and catastrophic disasters and support local emergency management agencies. Such exercises shall be coordinated with local governments and, to the extent possible, the Federal Government.

8. Assign lead and support responsibilities to state agencies and personnel for emergency support functions and other support activities.

9. Include the public health emergency plan developed by the Department of Health pursuant to s. 381.00315.

10. Include an update on the status of the emergency management capabilities of the state and its political subdivisions. The update must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.

The complete state comprehensive emergency management plan must be submitted to the President of the Senate, the Speaker of the House of

Representatives, and the Governor on February 1 of every even-numbered year.

(c) Assist political subdivisions in preparing and maintaining emergency management plans. Such assistance must include the development of a template for comprehensive emergency management plans, including plans for natural disasters, and guidance on the development of mutual aid agreements.

(n) Implement training programs to maintain this state's status as a national leader in emergency management and improve the ability of state and local emergency management personnel to prepare and implement emergency management plans and programs. This must shall include a continuous training program for agencies and individuals who that will be called on to perform key roles in state and local postdisaster response and recovery efforts and for local government personnel on federal and state postdisaster response and recovery strategies and procedures. The division shall specify requirements for the minimum number of training hours that county or municipal administrators, county or city managers, county or municipal emergency management directors, and county or municipal public works directors or other officials responsible for the construction and maintenance of public infrastructure must complete biennially in addition to the training required pursuant to s. 252.38(1)(b). Such training may be provided by the division or, for county personnel, by a foundation that is a not-for-profit corporation under s. 501(c)(3) of the Internal Revenue Code and has a governing board that includes in its membership county commissioners and professional county staff. If training is provided by a foundation, such training must be approved by the division.

~~(x) Report biennially to the President of the Senate, the Speaker of the House of Representatives, the Chief Justice of the Supreme Court, and the Governor, no later than February 1 of every odd-numbered year, the status of the emergency management capabilities of the state and its political subdivisions. This report must include the emergency management capabilities related to public health emergencies, as determined in collaboration with the Department of Health.~~

(dd) Conduct, by April 1 of each year, an annual hurricane readiness session in each region designated by the division to facilitate coordination between all emergency management stakeholders. Each county emergency management director or his or her designee shall, and other county and municipal personnel may, attend the session for his or her region. A session must include, but is not limited to, guidance on timelines for preparation and response, information on state and federal postdisaster resources and assistance, guidance to promote efficient and expedited rebuilding of the community after a hurricane, best practices for coordination and communication among entities engaged in postdisaster response and recovery, and discussion of any outstanding county or municipal preparedness or readiness needs.

Section 8. Subsection (4) of section 252.355, Florida Statutes, is renumbered as subsection (5), paragraph (b) of subsection (2) is amended, and a new subsection (4) is added to that section, to read:

252.355 Registry of persons with special needs; notice; registration program.—

(2) In order to ensure that all persons with special needs may register, the division shall develop and maintain a special needs shelter registration program. During a public health emergency in which physical distancing is necessary, as determined by the State Health Officer, the division must maintain information on special needs shelter options that mitigate the threat of the spread of infectious diseases.

(b) To assist in identifying persons with special needs, home health agencies, hospices, nurse registries, home medical equipment providers, the Department of Veterans' Affairs, the Department of Children and Families, the Department of Health, the Agency for Health Care Administration, the Department of Education, the Agency for Persons with Disabilities, the Department of Elderly Affairs, and memory disorder clinics shall, and any physician licensed under chapter 458 or chapter 459 and any pharmacy licensed under chapter 465 may, annually provide registration information to all of their special needs clients or their caregivers. The Florida Housing Finance Corporation shall enter into memoranda of understanding with the Department of Elderly Affairs and with the Agency for Persons with Disabilities to ensure special needs registration information is provided to residents of low-income senior independent living properties and independent living properties for persons with intellectual or developmental disabilities funded by the Florida Housing Finance Corporation, respectively. The division shall develop a brochure that provides information regarding special needs shelter registration procedures. The brochure must be easily accessible on the division's website. All appropriate agencies and community-based service providers, including aging and disability resource centers, memory disorder clinics, home health care providers, hospices, nurse registries, and home medical equipment providers, shall, and any physician licensed under chapter 458 or chapter 459 may, assist emergency management agencies by annually registering persons with special needs for special needs shelters, collecting registration information for persons with special needs as part of the program intake process, and establishing programs to educate clients about the registration process and disaster preparedness safety procedures. A client of a state-funded or federally funded service program who has a physical, mental, or cognitive impairment or sensory disability and who needs assistance in evacuating, or when in a shelter, must register as a person with special needs. The registration program shall give persons with special needs the option of preauthorizing emergency response personnel to enter their homes during search and rescue operations if necessary to ensure their safety and welfare following disasters.

(4) The caregiver of a person with special needs who is eligible for admission to a special needs shelter, and all persons for whom he or she is the caregiver, shall be allowed to shelter together in the special needs shelter. If a person with special needs is responsible for the care of persons without special needs, those persons shall be allowed to use the special needs shelter with the person with special needs.

Section 9. Effective January 1, 2026, subsection (2) of section 252.3611, Florida Statutes, is amended, and subsection (5) is added to that section, to read:

252.3611 Transparency; audits.—

(2) If ~~When~~ the duration of a declaration of a state of an emergency issued by the Governor exceeds 90 days:

(a)1. The Executive Office of the Governor or the appropriate agency, within 72 hours after of executing a contract executed with moneys authorized for expenditure to support the response to the declared state of emergency, must the Executive Office of the Governor or the appropriate agency shall submit a copy of such contract to the Legislature. For contracts executed during the first 90 days of the declared state of emergency, the Executive Office of the Governor or the appropriate agency shall submit a copy to the Legislature within the first 120 days of the declared state of emergency.

2. All contracts executed to support the response to a declared state of emergency, including contracts executed before a declared state of emergency to secure resources or services in advance or anticipation of an emergency, must be posted on the secure contract tracking system required under s. 215.985(14).

(b) The Executive Office of the Governor or the appropriate agency shall submit monthly reports to the Legislature of all state expenditures, revenues received, and funds transferred by an agency during the previous month to support the declared state of emergency.

(5) Annually, by January 15, the division shall report to the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committee of each house of the Legislature on expenditures related to emergencies incurred over the year from November 1 of the previous year. The report must include:

(a) A separate summary of each emergency event, whether complete or ongoing, and key actions taken by the division.

(b) Details of expenditures, separated by emergency event and agency, for preparing for, responding to, or recovering from the event. The report must specify detailed expenditures for the entire report time period; specify total expenditures for the event; and indicate amounts that are being or are anticipated to be reimbursed by the Federal Emergency Management

Agency or other federal entity, amounts ineligible for reimbursement, and any amounts deobligated by the Federal Emergency Management Agency or other federal entity for reimbursement. The division shall review expenditures by state agencies to ensure that efforts, purchases, contracts, or expenditures are not duplicated.

(c) An accounting of all inventory and assets purchased, separated by emergency event and agency, for preparing for, responding to, or recovering from the event, including motor vehicles, boats, computers, and other equipment, and the current status of such assets, including divestment, sale, or donation by the state. The report must include a detailed accounting for the entire report time period and specify a total for the event.

Section 10. Paragraph (a) of subsection (1) of section 252.363, Florida Statutes, is amended to read:

252.363 Tolling and extension of permits and other authorizations.—

(1)(a) The declaration of a state of emergency issued by the Governor for a natural emergency tolls the period remaining to exercise the rights under a permit or other authorization for the duration of the emergency declaration. Further, the emergency declaration extends the period remaining to exercise the rights under a permit or other authorization for 24 months in addition to the tolled period. The extended period to exercise the rights under a permit or other authorization may not exceed 48 months in total in the event of multiple natural emergencies for which the Governor declares a state of emergency. The tolling and extension of permits and other authorizations under this paragraph shall apply retroactively to September 28, 2022, except in the case of the formal determination of the delineation of the extent of wetlands under s. 373.421, in which case tolling and extension of determinations under this paragraph shall apply retroactively to January 1, 2023. This paragraph applies to the following:

1. The expiration of a development order issued by a local government.
2. The expiration of a building permit.
3. The expiration of a permit issued by the Department of Environmental Protection or a water management district pursuant to part IV of chapter 373.
4. Permits issued by the Department of Environmental Protection or a water management district pursuant to part II of chapter 373 for land subject to a development agreement under ss. 163.3220-163.3243 in which the permittee and the developer are the same or a related entity.
5. The buildout date of a development of regional impact, including any extension of a buildout date that was previously granted as specified in s. 380.06(7)(c).

6. The expiration of a development permit or development agreement authorized by Florida Statutes, including those authorized under the Florida Local Government Development Agreement Act, or issued by a local government or other governmental agency.

7. The formal determination of the delineation of the extent of wetlands under s. 373.421.

Section 11. Subsection (4) of section 252.365, Florida Statutes, is amended to read:

252.365 Emergency coordination officers; disaster-preparedness plans.

(4) On or before May 1 of each year, the head of each agency shall notify the Governor and the division in writing of the person initially designated as the emergency coordination officer for such agency and her or his alternate and of any changes in persons so designated thereafter.

Section 12. Section 252.3655, Florida Statutes, is amended to read:

252.3655 Natural hazards risks and mitigation interagency coordinating group workgroup.—

(1)(a) An interagency coordinating group workgroup is created for the purpose of sharing information on the current and potential risks and impacts of natural hazards throughout this the state, coordinating the ongoing efforts of state agencies in addressing and mitigating the risks and impacts of natural hazards, and collaborating on statewide initiatives to address and mitigate the risks and impacts of natural hazards. As used in this section, the term “natural hazards” includes, but is not limited to, extreme heat, drought, wildfire, sea-level change, high tides, storm surge, saltwater intrusion, stormwater runoff, flash floods, inland flooding, and coastal flooding.

(b) The agency head, or his or her designated senior manager, from each of the following agencies shall serve on the coordinating group:

1. Chief Resilience Officer of the Statewide Office of Resilience.
2. Department of Agriculture and Consumer Services.
3. Department of Commerce.
4. Department of Environmental Protection.
5. Department of Financial Services.
6. Department of Law Enforcement.
7. Department of Highway Safety and Motor Vehicles.
8. Department of Military Affairs.

9. Division of Emergency Management.

10. Department of Transportation.

11. Fish and Wildlife Conservation Commission.

12. Office of Insurance Regulation.

13. Public Service Commission.

14. Each water management district ~~Each agency within the executive branch of state government, each water management district, and the Florida Public Service Commission shall select from within such agency a person to be designated as the agency liaison to the workgroup.~~

(c) The director of the Division of Emergency Management, or his or her designee, shall serve as the administrator ~~liaison to and coordinator of the coordinating group workgroup.~~

(d) Each agency representative liaison shall provide information from his or her respective agency, including all relevant reports, on the current and potential risks and impacts of natural hazards to this state to his or her agency, agency resources available, and efforts made by the agency to address and mitigate the risks and impacts of against natural hazards, and efforts made by the agency to address the impacts of natural hazards.

(e)1. The coordinating group workgroup shall meet in person or by means of communications media technology as provided in s. 120.54(5)(b)2. at least teleconference on a quarterly basis to share information, leverage agency resources, coordinate ongoing efforts, and provide information for inclusion in the annual progress report submitted pursuant to subsection (2). Agency heads for the agencies listed in paragraph (b) shall meet in person at least annually to collectively strategize and prioritize state efforts.

2. Information regarding the coordinating group, including meeting agendas and reports, must be posted in a conspicuous location on the division's website.

(2)(a) ~~On behalf of the coordinating group workgroup, the division of Emergency Management shall prepare an annual progress report on the implementation of the state's hazard mitigation plan, developed and submitted in accordance with 42 U.S.C. s. 5165 and any implementing regulations, as it relates to natural hazards. At a minimum, the annual progress report must:~~

1. ~~Assess each agency's the relevance, level, and significance of current agency efforts to address and mitigate the risks and impacts of natural hazards; and~~

2. ~~Strategize and prioritize ongoing efforts to address and mitigate the risks and impacts of natural hazards;~~

3. Provide recommendations regarding statutory changes and funding that may assist in addressing or mitigating the risks and impacts of natural hazards; and

4. Provide recommendations for state and local natural hazard mitigation strategies.

~~(b) Each liaison is responsible for ensuring that the workgroup's annual progress report is posted on his or her agency's website.~~

~~(e) By January 1 of each year, 2019, and each year thereafter, the division on behalf of the coordinating group workgroup shall submit the annual progress report to the Governor, the President of the Senate, and the Speaker of the House of Representatives.~~

Section 13. Paragraphs (c) and (d) of subsection (5) of section 252.37, Florida Statutes, are redesignated as paragraphs (d) and (e), respectively, a new paragraph (c) is added to that subsection, and subsection (7) is added to that section, to read:

252.37 Financing.—

(5) Unless otherwise specified in the General Appropriations Act:

(c) If the division intends to accept or apply for federal funds for a division-administered program that is new, that will be implemented in a manner that is innovative or significantly different from the manner in which the program is typically administered, or that will require a state match for which the division will be required to seek new budget authority, the division must notify the Legislature of its intent to accept or apply for the federal funds. The notice must detail the federal program under which the funds will be accepted or applied for, the intended purpose and use of the funds, and the amount of funds, including the estimated state match.

(7) The division shall take steps to maximize the availability and expedite the distribution of financial assistance from the Federal Government to state and local agencies. Such steps must include the standardization and streamlining of the application process for financial assistance through the federal Public Assistance Program and provision of assistance to applicants in order to mitigate the risk of noncompliance with federal program requirements. The division shall use federal funds allocated as management costs or other funds as appropriated to implement this subsection.

Section 14. Paragraph (a) of subsection (2) of section 252.373, Florida Statutes, is amended to read:

252.373 Allocation of funds; rules.—

(2) The division shall allocate funds from the Emergency Management, Preparedness, and Assistance Trust Fund to local emergency management

agencies and programs pursuant to criteria specified in rule. Such rules shall include, but are not limited to:

(a) Requiring that, at a minimum, a local emergency management agency either:

1. Have a program director who works at least 40 hours a week in that capacity; or

2. If the county has fewer than 75,000 population or is party to an interjurisdictional emergency management agreement entered into pursuant to s. 252.38(3)(c) ~~s. 252.38(3)(b)~~, that is recognized by the Governor by executive order or rule, have an emergency management coordinator who works at least 20 hours a week in that capacity.

Section 15. Paragraphs (a) and (b) of subsection (3) of section 252.38, Florida Statutes, are redesignated as paragraphs (b) and (c), respectively, a new paragraph (a) is added to that subsection, and paragraph (a) of subsection (1) is amended, to read:

252.38 Emergency management powers of political subdivisions.—Safeguarding the life and property of its citizens is an innate responsibility of the governing body of each political subdivision of the state.

(1) COUNTIES.—

(a) In order to provide effective and orderly governmental control and coordination of emergency operations in emergencies within the scope of ss. 252.31-252.90, each county within this state shall be within the jurisdiction of, and served by, the division. Except as otherwise provided in ss. 252.31-252.90, each local emergency management agency shall have jurisdiction over and serve an entire county. Unless part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule, each county must establish and maintain such an emergency management agency and shall develop a county emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program. Counties that are part of an interjurisdictional emergency management agreement entered into pursuant to paragraph (3)(c) ~~(3)(b)~~ which is recognized by the Governor by executive order or rule shall cooperatively develop an emergency management plan and program that is coordinated and consistent with the state comprehensive emergency management plan and program.

(3) EMERGENCY MANAGEMENT POWERS; POLITICAL SUBDIVISIONS.—

(a) Each political subdivision shall notify the division on or before May 1 each year of the person designated as the emergency contact for the political subdivision and his or her alternate and of any changes in persons so

designated thereafter. For a county, the emergency contact must be the county emergency management director.

Section 16. Section 252.381, Florida Statutes, is created to read:

252.381 Information related to natural emergencies; poststorm county and municipal permitting; operations.—

(1) Each county and municipality must post on its publicly accessible website:

(a) A frequently asked questions web page related to natural emergency response, emergency preparedness, and public relief for residents following an emergency. The web page must answer questions concerning resident evacuations; safety tips; generator, food and drinking water, and wastewater and stormwater safety; damage assessment; debris cleanup; accessing assistance through the Federal Emergency Management Agency and this state; building recovery; natural emergency guidance; applicable laws; and what to do before, during, and after an emergency.

(b) A disaster supply list and a list of emergency shelters.

(c) Links to information about flood zones.

(d) A checklist for residents explaining next steps to take during postdisaster recovery.

(e) Information specific to persons with disabilities, including, but not limited to, guidelines for special needs shelter registration; an explanation of how to register for special needs shelters and where to obtain assistance with that process; guidelines as to the level of care that is or is not provided at a special needs shelter as well as situations when either a general population shelter or hospital should be considered; and any other postdisaster assistance or resources available to affected persons with disabilities impacted by a disaster.

(2)(a) Each county and municipality shall develop a poststorm permitting plan to expedite recovery and rebuilding by providing for special building permit and inspection procedures after a hurricane or tropical storm. The plan must, at a minimum:

1. Ensure sufficient personnel are prepared and available to expeditiously manage postdisaster building inspection, permitting, and enforcement tasks. The plan must anticipate conditions that would necessitate supplemental personnel for such tasks and address methods for fulfilling such personnel needs, including through mutual aid agreements as authorized in s. 252.40, other arrangements, such as those with private sector contractors, or supplemental state or federal funding. The plan must include training requirements and protocols for supplemental personnel to ensure compliance with local floodplain management requirements that apply within the county or municipality.

2. Account for multiple or alternate locations where building permit services may be offered in person to the public following a hurricane or tropical storm during regular business hours.

3. Specify a protocol to expedite permitting procedures and, if practicable, for the waiver or reduction of applicable fees in accordance with and in addition to the procedures and waivers provided for under s. 553.7922. The plan must identify the types of permits that are frequently requested following a hurricane or tropical storm and methods to expedite the processing of such permits.

4. Specify procedures and resources necessary to promote expeditious debris removal following a hurricane or tropical storm.

(b) Each county and municipality shall update the plan no later than May 1 annually.

(3)(a) By May 1 annually, each county and municipality shall publish on its website a hurricane and tropical storm recovery permitting guide for residential and commercial property owners. The guide must describe:

1. The types of poststorm repairs that require a permit and applicable fees.

2. The types of poststorm repairs that do not require a permit.

3. The poststorm permit application process and specific modifications the county or municipality commonly makes to expedite the process, including the physical locations where permitting services will be offered.

4. Local requirements for rebuilding specific to the county or municipality, including elevation requirements following substantial damage and substantial improvement pursuant to the National Flood Insurance Program (NFIP) and any local amendments to the building code.

(b) As soon as practicable following a hurricane or tropical storm, a county or municipality within the area for which a state of emergency pursuant to s. 252.36 for such hurricane or tropical storm is declared shall publish updates on its website to the information required under paragraph (a) which are specific to such storm, including any permitting fee waivers or reductions.

(4) For 180 days after a state of emergency is declared pursuant to s. 252.36 for a hurricane or tropical storm, a county or municipality within the area for which the state of emergency is declared may not increase building permit or inspection fees.

(5) On or before May 1, 2026, each county and municipality must provide an online option for receiving, reviewing, and accessing substantial damage and substantial improvement letters. The county or municipality must allow

homeowners to provide an e-mail address where they can receive digital copies of such letters.

(6) As soon as reasonably practicable following the landfall and passage of a hurricane or tropical storm, each county and municipality that has experienced a direct impact from a natural emergency must use its best efforts to open a permitting office at which residents can access government services for at least 40 hours per week.

Section 17. Subsections (2) and (3) of section 252.385, Florida Statutes, are amended to read:

252.385 Public shelter space; public records exemption.—

(2)(a) The division shall administer a program to survey existing schools, universities, community colleges, and other state-owned, municipally owned, and county-owned public buildings and any private facility that the owner, in writing, agrees to provide for use as a public hurricane evacuation shelter to identify those that are appropriately designed and located to serve as such shelters. The owners of the facilities must be given the opportunity to participate in the surveys. The state university boards of trustees, district school boards, community college boards of trustees, and the Department of Education are responsible for coordinating and implementing the survey of public schools, universities, and community colleges with the division or the local emergency management agency.

~~(b) By January 31 of each even-numbered year, the division shall prepare and submit a statewide emergency shelter plan to the Governor and Cabinet for approval, subject to the requirements for approval in s. 1013.37(2). The emergency shelter plan must project, for each of the next 5 years, the hurricane shelter needs of the state, including periods of time during which a concurrent public health emergency may necessitate more space for each individual to accommodate physical distancing. In addition to information on the general shelter needs throughout this state, the plan must identify the general location and square footage of special needs shelters, by regional planning council region. The plan must also include information on the availability of shelters that accept pets. The Department of Health shall assist the division in determining the estimated need for special needs shelter space and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.~~

(3)(a) The division shall annually provide by October 15 to the Governor, the President of the Senate, and the Speaker of the House of Representatives a report that includes, and the Governor a list of facilities recommended to be retrofitted using state funds. State funds should be maximized and targeted to projects in counties regional planning council regions with hurricane evacuation shelter deficits. Additionally, the division shall prioritize on the list of recommended facilities other state-owned, municipal-owned, and county-owned public buildings, other than schools, for

retrofitting using state funds. The owner or lessee of a public hurricane evacuation shelter that is included on the list of facilities recommended for retrofitting is not required to perform any recommended improvements.

(b) The report required in paragraph (a) must include a statewide emergency shelter plan that must project, for each of the next 5 years, the hurricane shelter needs of the state. In addition to information on the general shelter needs throughout this state, the plan must identify, by county, the general location and square footage of special needs shelters. The plan must also include information on the availability of shelters that accept pets. The Department of Health and the Agency for Persons with Disabilities shall assist the division in determining the estimated need for special needs shelter space, the estimated need for general shelter space to accommodate persons with developmental disabilities, including, but not limited to, autism, and the adequacy of facilities to meet the needs of persons with special needs based on information from the registries of persons with special needs and other information.

Section 18. Section 252.422, Florida Statutes, is created to read:

252.422 Restrictions on county or municipal regulations after a hurricane.—

(1) As used in this section, the term “impacted local government” means a county listed in a federal disaster declaration located entirely or partially within 100 miles of the track of a storm declared to be a hurricane by the National Hurricane Center while the storm was categorized as a hurricane or a municipality located within such a county.

(2) For 1 year after a hurricane makes landfall, an impacted local government may not propose or adopt:

(a) A moratorium on construction, reconstruction, or redevelopment of any property.

(b) A more restrictive or burdensome amendment to its comprehensive plan or land development regulations.

(c) A more restrictive or burdensome procedure concerning review, approval, or issuance of a site plan, development permit, or development order, to the extent that those terms are defined in s. 163.3164.

(3) Notwithstanding subsection (2), a comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by an impacted local government before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the impacted local government and the property that is the subject of the application is owned by the initiating private party;

(b) The proposed comprehensive plan amendment was submitted to reviewing agencies pursuant to s. 163.3184 before landfall; or

(c) The proposed comprehensive plan amendment or land development regulation is approved by the state land planning agency pursuant to s. 380.05.

(4)(a) Any person may file suit against any impacted local government for declaratory and injunctive relief to enforce this section.

(b) A county or municipality may request a determination by a court of competent jurisdiction as to whether such action violates this section. Upon such a request, the county or municipality may not enforce the action until the court has issued a preliminary or final judgment determining whether the action violates this section.

(c) Before a plaintiff may file suit, the plaintiff shall notify the impacted local government by setting forth the facts upon which the complaint or petition is based and the reasons the impacted local government's action violates this section. Upon receipt of the notice, the impacted local government shall have 14 days to withdraw or revoke the action at issue or otherwise declare it void. If the impacted local government does not withdraw or revoke the action at issue within the time prescribed, the plaintiff may file suit. The plaintiff shall be entitled to entry of a preliminary injunction to prevent the impacted local government from implementing the challenged action during pendency of the litigation. In any action instituted pursuant to this paragraph, the prevailing plaintiff shall be entitled to reasonable attorney fees and costs.

(d) In any case brought under this section, all parties are entitled to the summary procedure provided in s. 51.011, and the court shall advance the cause on the calendar.

(5) The Office of Program Policy Analysis and Government Accountability (OPPAGA) shall conduct a study on actions taken by local governments after hurricanes which are related to comprehensive plans, land development regulations, and procedures for review, approval, or issuance of site plans, permits, or development orders. The study must focus on the impact that local governmental actions, including moratoriums, ordinances, and procedures, have had or may have on construction, reconstruction, or redevelopment of any property damaged by hurricanes. In its research, OPPAGA shall survey stakeholders that play integral parts in the rebuilding and recovery process. OPPAGA shall make recommendations for legislative options to remove impediments to the construction, reconstruction, or redevelopment of any property damaged by a hurricane and prevent the implementation by local governments of burdensome or restrictive procedures and processes. OPPAGA shall submit the report to the President of the Senate and the Speaker of the House of Representatives by December 1, 2025.

Section 19. Effective January 1, 2026, section 252.505, Florida Statutes, is created to read:

252.505 Breach of contract during emergency recovery periods for natural emergencies.—Each state or local government contract for goods or services related to emergency response for a natural emergency entered into, renewed, or amended on or after July 1, 2025, must include a provision that requires a vendor or service provider that breaches such contract during an emergency recovery period to pay a \$5,000 penalty and damages, which may be either actual and consequential damages or liquidated damages. As used in this section, the term “emergency recovery period” means a 1-year period that begins on the date that the Governor initially declared a state of emergency for a natural emergency.

Section 20. Subsection (4) is added to section 373.423, Florida Statutes, to read:

373.423 Inspection.—

(4)(a) By September 1, 2026, the department shall submit a Flood Inventory and Restoration Report to the Division of Emergency Management. The department must work with water management districts, local governments, and operators of public and private stormwater management systems to compile the necessary information for the report, which must:

1. Identify priority infrastructure needs within each water management district jurisdiction that may result in flooding or property damage or threaten human health if left unaddressed;

2. Identify locations that have both historic flooding occurrences, based on flood zones identified by the Federal Emergency Management Agency, and the potential to flood from future significant storm events, such as hurricanes and tropical storms;

3. For each location identified in subparagraph 1. or subparagraph 2., include an inspection and maintenance schedule and specific information on the age of the infrastructure, upstream impacts, and other factors that may lead to system failure if unaddressed; and

4. Include a list of facilities prioritized for funding to address flooding issues.

(b) The owner of any priority infrastructure identified in the report must submit an inspection and maintenance schedule to the department.

(c) The department must review and update the report on a biannual basis. The report must provide information regarding compliance with the inspection and maintenance schedules, include any additional revisions based on storm event experience, and revise the list of facilities as new flooding events take place and new projects are implemented to alleviate infrastructure deficiencies which led to flooding events. The department

must submit an updated report to the Division of Emergency Management by September 1 of each year in which the report is due.

Section 21. Paragraph (a) of subsection (9) of section 380.0552, Florida Statutes, is amended to read:

380.0552 Florida Keys Area; protection and designation as area of critical state concern.—

(9) MODIFICATION TO PLANS AND REGULATIONS.—

(a) Any land development regulation or element of a local comprehensive plan in the Florida Keys Area may be enacted, amended, or rescinded by a local government, but the enactment, amendment, or rescission becomes effective only upon approval by the state land planning agency. The state land planning agency shall review the proposed change to determine if it is in compliance with the principles for guiding development specified in chapter 27F-8, Florida Administrative Code, as amended effective August 23, 1984, and must approve or reject the requested changes within 60 days after receipt. Amendments to local comprehensive plans in the Florida Keys Area must also be reviewed for compliance with the following:

1. Construction schedules and detailed capital financing plans for wastewater management improvements in the annually adopted capital improvements element, and standards for the construction of wastewater treatment and disposal facilities or collection systems that meet or exceed the criteria in s. 403.086(11) for wastewater treatment and disposal facilities or s. 381.0065(4)(l) for onsite sewage treatment and disposal systems.

2. Goals, objectives, and policies to protect public safety and welfare in the event of a natural disaster by maintaining a hurricane evacuation clearance time for permanent residents of no more than 24.5 24 hours. The hurricane evacuation clearance time shall be determined by a hurricane evacuation study conducted in accordance with a professionally accepted methodology and approved by the state land planning agency. For purposes of hurricane evacuation clearance time:

a. Mobile home residents are not considered permanent residents.

b. The City of Key West Area of Critical State Concern established by chapter 28-36, Florida Administrative Code, shall be included in the hurricane evacuation study and is subject to the evacuation requirements of this subsection.

Section 22. The Department of Commerce shall conduct baseline modeling scenarios and gather data in order to determine a number of building permit allocations to be distributed in the Florida Keys Area based upon the hurricane evacuation clearance time provided in s. 380.0552(9)(a), Florida Statutes, as amended by this act. The permit allocations must be distributed to counties and municipalities based on the number of vacant buildable lots within each jurisdiction. The permit allocations must be

distributed over a period of at least 10 years but may not exceed 900 total permit allocations. All permits must be issued for vacant, buildable parcels, of which only one may be awarded for any individual parcel, and the distribution of which must prioritize allocations for owner-occupied residences, affordable housing, and workforce housing.

Section 23. Subsection (1) of section 400.063, Florida Statutes, is amended to read:

400.063 Resident protection.—

(1) The Health Care Trust Fund shall be used for the purpose of collecting and disbursing funds generated from the license fees and administrative fines as provided for in ss. 393.0673(5), 400.062(3), 400.121(2), and 400.23(8). Such funds shall be for the sole purpose of paying for the appropriate alternate placement, care, and treatment of residents who are removed from a facility licensed under this part or a facility specified in s. 393.0678(1) in which the agency determines that existing conditions or practices constitute an immediate danger to the health, safety, or security of the residents. If the agency determines that it is in the best interest of the health, safety, or security of the residents to provide for an orderly removal of the residents from the facility, the agency may utilize such funds to maintain and care for the residents in the facility pending removal and alternative placement. The maintenance and care of the residents shall be under the direction and control of a receiver appointed pursuant to s. 393.0678(1) or s. 400.126(1). However, funds may be expended in an emergency upon a filing of a petition for a receiver, upon the declaration of a state of local emergency pursuant to s. 252.38(3)(b)5. ~~s. 252.38(3)(a)5.~~, or upon a duly authorized local order of evacuation of a facility by emergency personnel to protect the health and safety of the residents.

Section 24. Subsection (7) of section 403.7071, Florida Statutes, is amended, and subsection (8) is added to that section, to read:

403.7071 Management of storm-generated debris.—Solid waste generated as a result of a storm event that is the subject of an emergency order issued by the department may be managed as follows:

(7) Unless otherwise specified in a contract or franchise agreement between a local government and a private solid waste or debris management service provider, a private solid waste or debris management service provider is not required to collect storm-generated yard trash, debris, or waste. Local governments are authorized and encouraged to add an addendum to existing contracts or franchise agreements for collection of storm-generated debris.

(8)(a) Each county and municipality shall apply to the department for authorization of at least one debris management site as described in subsection (2) and shall annually seek preauthorization for any previously approved debris management sites, as allowed by the department.

(b) A municipality may jointly apply for authorization of a debris management site with a county or at least one adjacent municipality, if the parties develop and approve a memorandum of understanding. Such memorandum must clearly outline the capacity of the debris management site and location of the site relative to each party. The memorandum of understanding must be approved annually as part of the preauthorization process described in paragraph (a).

Section 25. Section 489.1132, Florida Statutes, is created to read:

489.1132 Regulation of hoisting equipment used in construction, demolition, or excavation work during a hurricane.—

(1) As used in this section, the term:

(a) “Controlling entity” means the general contractor, prime contractor, or construction manager with overall responsibility for a construction project.

(b) “Hoisting equipment” means power-operated cranes, derricks, and hoists used in construction, demolition, or excavation work that are regulated by the Occupational Safety and Health Administration.

(c) “Mobile crane” means a type of hoisting equipment incorporating a cable-suspended latticed boom or hydraulic telescoping boom designed to be moved between operating locations by transport over a roadway. The term does not include a mobile crane with a boom length of less than 25 feet or a maximum rated load capacity of less than 15,000 pounds.

(d) “Tower crane” means a type of hoisting equipment using a vertical mast or tower to support a working boom in an elevated position if the working boom can rotate to move loads laterally either by rotating at the top of the mast or tower or by the rotation of the mast or tower itself, whether the mast or tower base is fixed in one location or ballasted and moveable between locations.

(2)(a) When a tower crane or mobile crane is located on a worksite, a hurricane preparedness plan for the crane must be available for inspection at the worksite.

(b) In preparation for a hurricane, the controlling entity must ensure that hoisting equipment is secured in the following manner no later than 24 hours before the impacts of the hurricane are anticipated to begin:

1. All hoisting equipment must be secured in compliance with manufacturer recommendations relating to hurricane and high-wind events, including any recommendations relating to the placement, use, and removal of advertising banners and rigging.

2. Tower crane turntables must be lubricated before the event.

3. Fixed booms on mobile cranes must be laid down whenever feasible.
4. Booms on hydraulic cranes must be retracted and stored.
5. The counterweights of any hoists must be locked below the top tie-in.
6. Tower cranes must be set in the weathervane position.
7. All rigging must be removed from hoist blocks.
8. All power at the base of tower cranes must be disconnected.

(3) A person licensed under this part who intentionally violates this section is subject to discipline under ss. 455.227 and 489.129.

(4) The Florida Building Commission shall establish best practices for the utilization of tower cranes and hoisting equipment on construction job sites during hurricane season and report its findings to the Legislature by December 31, 2026.

Section 26. Subsection (6) of section 553.902, Florida Statutes, is amended to read:

553.902 Definitions.—As used in this part, the term:

(6) “Renovated building” means a residential or nonresidential building undergoing alteration that varies or changes insulation, HVAC systems, water heating systems, or exterior envelope conditions, if the estimated cost of renovation exceeds 30 percent of the assessed value of the structure. However, if the alteration is a result of a natural disaster that is the subject of a declaration of a state of emergency by the Governor, the estimated cost of renovation must exceed 75 percent of the fair market value of the building before the natural disaster.

Section 27. The Division of Emergency Management shall consult with local governments, the Department of Business and Professional Regulation, the Department of Environmental Protection, and any other appropriate agencies to develop recommendations for statutory changes necessary to streamline the permitting process for repairing and rebuilding structures damaged during natural emergencies. By July 1, 2026, the division shall provide a report containing such recommendations to the President of the Senate and the Speaker of the House of Representatives.

Section 28. (1) Each county listed in the Federal Disaster Declaration for Hurricane Debby (DR-4806), Hurricane Helene (DR-4828), or Hurricane Milton (DR-4834), and each municipality within one of those counties, may not propose or adopt any moratorium on construction, reconstruction, or redevelopment of any property damaged by such hurricanes; propose or adopt more restrictive or burdensome amendments to its comprehensive plan or land development regulations; or propose or adopt more restrictive or burdensome procedures concerning review, approval, or issuance of a site

plan, development permit, or development order, to the extent that those terms are defined by s. 163.3164, Florida Statutes, before October 1, 2027, and any such moratorium or restrictive or burdensome comprehensive plan amendment, land development regulation, or procedure shall be null and void ab initio. This subsection applies retroactively to August 1, 2024.

(2) Notwithstanding subsection (1), any comprehensive plan amendment, land development regulation amendment, site plan, development permit, or development order approved or adopted by a county or municipality before or after the effective date of this act may be enforced if:

(a) The associated application is initiated by a private party other than the county or municipality.

(b) The property that is the subject of the application is owned by the initiating private party.

(3)(a) A resident of or the owner of a business in a county or municipality may bring a civil action for declaratory and injunctive relief against the county or municipality for a violation of this section. Pending adjudication of the action and upon filing of a complaint showing a violation of this section, the resident or business owner is entitled to a preliminary injunction against the county or municipality preventing implementation of the moratorium or the comprehensive plan amendment, land development regulation, or procedure. If such civil action is successful, the resident or business owner is entitled to reasonable attorney fees and costs.

(b) Attorney fees and costs and damages may not be awarded pursuant to this subsection if:

1. The resident or business owner provides the governing body of the county or municipality written notice that a proposed or enacted moratorium, comprehensive plan amendment, land development regulation, or procedure is in violation of this section; and

2. The governing body of the county or municipality withdraws the proposed moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days; or, in the case of an adopted moratorium, comprehensive plan amendment, land development regulation, or procedure, the governing body of a county or municipality notices an intent to repeal within 14 days after receipt of the notice and repeals the moratorium, comprehensive plan amendment, land development regulation, or procedure within 14 days thereafter.

(4) This section expires June 30, 2028.

Section 29. The Division of Law Revision is directed to replace the phrase “the effective date of this act” wherever it occurs in this act with the date this act becomes a law.

Section 30. Except as otherwise provided in this act, this act shall take effect upon becoming a law.

Approved by the Governor June 26, 2025.

Filed in Office Secretary of State June 26, 2025.



Agenda Item No: 19.a.

Town Commission Agenda Item Report

Meeting Date: October 28, 2025

Submitted By: David Lee, Assistant Director Development Services -Building, Planning & Zoning, Jhanelle Campbell, Development Services Director

Submitting Department: Development Services

Item Type: Quasi Judicial Public Hearings

Agenda Section: QUASI JUDICIAL PUBLIC HEARINGS

Subject Title: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 2 “Site Plan Procedures and Requirements,” Section 30-123 “Modification of Approved Site Plan,” of the Town’s Code of Ordinances (“Town Code”), the Applicant is requesting a site plan modification to increase the permitted number of hotel units from 14 unit to 19 units in order for the buildings’ renovations to meet the Town’s zoning and land use requirements for property located at 4217-4225 El Mar Drive.

Explanation:



Figure 1- Subject Property

The Applicant is requesting approval of a Level 2 Site Plan Modification to increase the number of hotel rooms (without kitchens) within the existing three-story Buena Vista Hotel building located at 4225 El Mar Drive increasing the unit count from 10 to 14 hotel units (no

kitchens) through the conversion of interior, non-residential space (**Exhibit 1- Application**). The adjacent two-story hotel at 4217 El Mar Drive (5 units) is also under the same ownership; no changes are proposed to that building.

Both properties are zoned RM-25 Apartments and Lodging and together comprise approximately 0.4 acres, where up to 20 units are permitted. The Applicant is proposing 19 units, consistent with density allowances. A unity of title will be required to legally join the parcels to resolve internal side setback requirements as a condition of the Development Order if approved.

No exterior building changes are proposed. Parking will be restriped to meet current dimensional standards, resulting in 20 spaces total, which satisfies the Town's minimum requirement.

A Citizen Participation meeting was held on June 19, 2025, in accordance with Section 30-114, and no public objections have been received (**Exhibit 2- Citizen Participation Summary**). Required notice was mailed, posted, and published pursuant to Section 30-139(d) for the Citizen Participation, Planning and Zoning Board and Town Commission meetings. The Planning and Zoning Board reviewed this request at its October 1, 2025 meeting and voted to recommend approval (**Exhibit 3- Planning and Zoning Board Staff Report and Supplemental Exhibits**).

Recommendation: Staff recommends **approval** of the Site Plan Modification subject to the standard conditions outlined in **Exhibit 4**, including:

1. Recording a unity of title prior to permit issuance;
2. Securing building permits within 12 months and CO within 18 months;
3. Compliance with all approved plans and Town code requirements;
4. Verification that all Town fees, fines, and taxes are paid in full prior to permit; and
5. Obtaining all applicable state and federal permits before construction.

Exhibits:

1. Ex. 1 - Buena Vista Site Plan Application and Plans
2. Ex. 2 - Buena Vista Citizen Participation Meeting Summary
3. Ex. 3- Planning and Zoning Board Staff Report and Supplemental Exhibits
4. Ex. 4 - Buena Vista Development Order and Plans

SITE PLAN LEVEL 2 MODIFICATION CHECKLIST

**SITE PLAN LEVEL 2 MODIFICATION CHECKLIST**

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-123 – Administrative Adjustment-Level 2, the following is a list of the required documentation required for development approval of an Site Plan Level 2 Modification application.

Items for Submittal:

- Fee for Site Plan Modification-Level 2 + Deposit (See Fee Schedule)
 - (1) copy of the PLANS only (at 11" x 17") in color (as applicable at final submittal)
 - Two (2) copies of the PLANS only signed, sealed and bounded at 24" x 36"
 - One (1) digital copies of the below referenced documents – via email, disk or thumb drive
- A completed Development Application signed and notarized (original needed)
- Proof of Ownership (Deed, Title Work)
- Copy of site plan previously approved by the Town (see specifications for site plan below)
- Copy of Development Order originally approved by the Town
- A letter addressed to the Town describing the changes to the previously approved site plan
- An exhibit showing the proposed modifications to the site plan (please show change to site plan at the same scale and paper size as previously approved site plan)
- Current survey current within 60 days and drawn to scale (as applicable)
- Revised rendering or perspectives of the modified development (as applicable)
- Revised landscape plans (as applicable)
- Revised elevations (as applicable)
- Traffic Study (as applicable)
- Photos of site and of adjacent properties (as applicable)
- Upon resubmittal of the plans, include a letter response to the Town comment. This is done by providing the comment received from the Town followed by a response by the applicant

Specifications for Site Plan: If the original site plan was not completed to the required specifications, please review the following information as the appropriate submittal package for a site plan:

- Cover sheet for the plan set describing project details (e.g. consultants, area map, project name)
- Survey. The survey must identify the following:
 - * Distance of structure from property line
 - * Distance between structures
 - * Identify property lines
 - * Existing setbacks
 - * Easements
 - * Adjacent right-of-way
- Detail Sheet
- Floor Plans
- Building Elevations
- Renderings or perspectives of the proposed development

o Landscape Plans

SITE PLAN PROJECT CHARACTERISTICS

Application #: _____

Project Name: Buena Vista Hotel _____

Acres (gross): 0.371 _____ Acres (net): 0.371 _____

Zoning District: X _____

EXISTING SITE CHARACTERISTICS:

Is this a modification to a previously approved site plan? ____ Yes or ☒ No If yes, please provide the date and application number of the previous approval _____

Existing Land Use Plan Designation: 39-02 Hotel - limited service Proposed Land Use Designation: 39-02 Hotel - limited service

Existing Use of property: 39-02 Hotel - limited service without food Is the site presently vacant? Yes _____

How many units existing? 10 _____ The date last occupied 04/30/2024 _____

Will any units be demolished? No _____ Number of units to remain 10 _____ To be demolished 0 _____

For Residential: Plot Size: _____ Density: _____ # of stories _____

For Non-Residential: Gross Floor Area 16,148 sqft _____ Plot Size: _____ # of stories _____

Please describe the request being made under this application (a separate letter may be required as part of a Site Plan Level 2 application) Our plan involves the repurposing of existing space within the hotel to accommodate four additional units. Importantly, this project is designed to be minimally invasive, with no demolition of current units. Instead, we are focusing on optimizing and efficiently utilizing underused areas of the existing building to increase our accommodation capabilities.

Additional Information: _____

PROPOSED DEVELOPMENT: COMPLETE FOR RESIDENTIAL PROJECTS

UNIT TYPE	NUMBER OF UNITS	PLOT SIZE	DENSITY
Single-Family			
Duplex			
Townhouse			
Condominium			
Motel Unit			
Hotel Unit			
If site plan is being modified, describe changes to any of the above:			

PROPOSED DEVELOPMENT: COMPLETE FOR NON-RESIDENTIAL PROJECTS

LAND USE TYPE	GROSS FLOOR AREA	PLOT SIZE	NUMBER OF STORIES
Commercial	17,490 SF	17,490 SF	3
Office			
Restaurant			
Medical			
Other Uses:			
Other Accessory Uses:			
If site plan is being modified, describe changes to any of the above: N/A			

Administrative Use Only

Date Application Submitted: _____
 Pre-Application Meeting Date: _____

Date Found Complete: _____

Application #: _____
BTR#: _____



DEVELOPMENT APPLICATION

In accordance with Section 30.111-30.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist. Please also refer to the Fee Schedule, updated annually by the Town, as provided on the website which will indicate the cost per application type. Please check the development approval being requested:

- | | | |
|---|--|---|
| ☐ Abandonment | ☐ Conditional Use-Sign | ☐ Preliminary Site Plan |
| ☐ Administrative Adjustment-Level 1 | ☐ Conditional Use-Transfer Fee | ☐ Sidewalk Cafe |
| ☐ Administrative Adjustment-Level 2 | ☐ Construction Time Extension | ☐ Sidewalk Cafe Modification |
| ☐ Architectural Review-Preliminary | ☐ Development Order Extension | ☐ Site Plan |
| ☐ Architectural Review-Final | ☐ Encroachment Application | ☐ Site Plan Modification-Level 1 |
| ☐ Bicycle Racks | ☐ Landscape Plan | ☒ Site Plan Modification-Level 2 |
| ☐ Conditional Use | ☐ Landscape Plan Amendment | ☐ Tree Removal |
| ☐ Conditional Use Amendment-Level 1 | ☐ Parking Reduction-Level 1 | ☐ Variance-Single Family |
| ☐ Conditional Use Amendment-Level 2 | ☐ Parking Reduction-Level 2 | ☐ Variance - Other |
| | | ☐ Other _____ |

Based on approval being requested, refer to the corresponding checklist and supplemental requirements.

Project Name: Buena Vista Folio Number(s): 494318011600

Street Address: 4225 EL MAR DRIVE LAUDERDALE BY THE SEA, 33308

Subdivision Name: Lauderdale By The Sea 6-2 B Block(s): 16 Lot(s): 18 & 19

Name of Property Owner: MP HOLDINGS LLC Address of Property Owner: 6520 SW 181 LN SOUTHWEST RANCHES, FL 33331

Property Owner's Phone Number: 305-586-5971 Property Owner's Email Address: deltoro@mpmd.us

Name of Applicant: Jose Del Toro Address of Applicant: 1460 S Palm Ave, Pembroke Pines 33025

Applicant Phone Number: 305-888-6959 Applicant Email Address: deltoro@mpmd.us

Name of Agent (e.g. Contractor) Representing the Project: Carlos Joubert

Agent's Address: 10970 SW 73RD STREET MIAMI FL 33173 Agent's Phone: 305-951-9452 Email Address: projectsjrcac@gmail.com

Land Use Plan Designation: Hotel Zoning District: X

Existing/Type of Use of the Subject Property: 39-02 Hotel - limited service without food

Proposed Use of the Subject Property: 39-02 Hotel - limited service without food

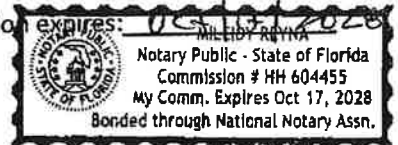
As applicable, answer the following:

Existing Number of Units: 10 Proposed Number of Units: 14

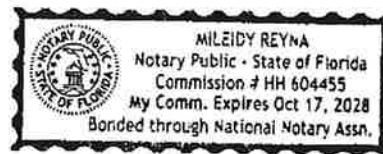
Existing Square Footage: 17490 Proposed Square Footage: 17490

DEVELOPMENT APPLICATION SIGNATURE PAGEPrint Name of Property Owner: Jaynier MoyaDate: 3/28/2025

Signature of Property Owner: _____

State of Florida: ✓County: BrowardSWORN AND SUBSCRIBED before me this May day of 30, 2025.The person signing is _____ personally known to me or ✓ has produced identification Driver License.Print Notary Name: Mileidy ReynaNotary Signature: MREMy Commission expires: 05/15/2028Print Name of Applicant: Jose Del ToroDate: 03/28/2025

Signature of Property Applicant: _____

State of Florida: ✓County: BrowardSWORN AND SUBSCRIBED before me this MAY day of 30, 2025.The person signing is _____ personally known to me or ✓ has produced identification Driver License.Print Notary Name: Mileidy ReynaMy Commission expires: OCT 17, 2028Notary Signature: MREFOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

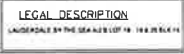
Date Application found complete: _____

Pre-Application meeting date: _____

Non-refundable Application Fee: _____

Cost Recovery Fee: _____

Height Table		
	NATO	Feet
Highest Crown of Eased Adjacent to Building	10.79	10.79
10' Maximum Height of Roof	12.80	12.80
Minimum Vertical Clearance for 15-Megawatt Windmill Tower	9.91	11.16
Height Base Line for Height Measurements (normally at grade)	N/A	-
First Floor Level (#17)	11.04	11.04
First Floor Level (#21)	11.19	11.19
First Floor Level (#17)	11.19	11.19
First Floor Level (#21)	20.47	20.47
Top of Parapet	Not	Not
Top of Highest Roof Top Structure	10.79 (Roofed)	10.79 (Roofed)

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REVISIONS	
NO.	DATE



Lidia Y. Duarte Guerra
 Architect
 14401 SW 18th Avenue
 Miami, FL 33187
 lidia@toplec.com
 (786) 614-4776

Lidia Y. Duarte Guerra
 signed by
 Lidia Y. Duarte Guerra
 DATE: 2025.03.05
 18:43:24
 SEAL

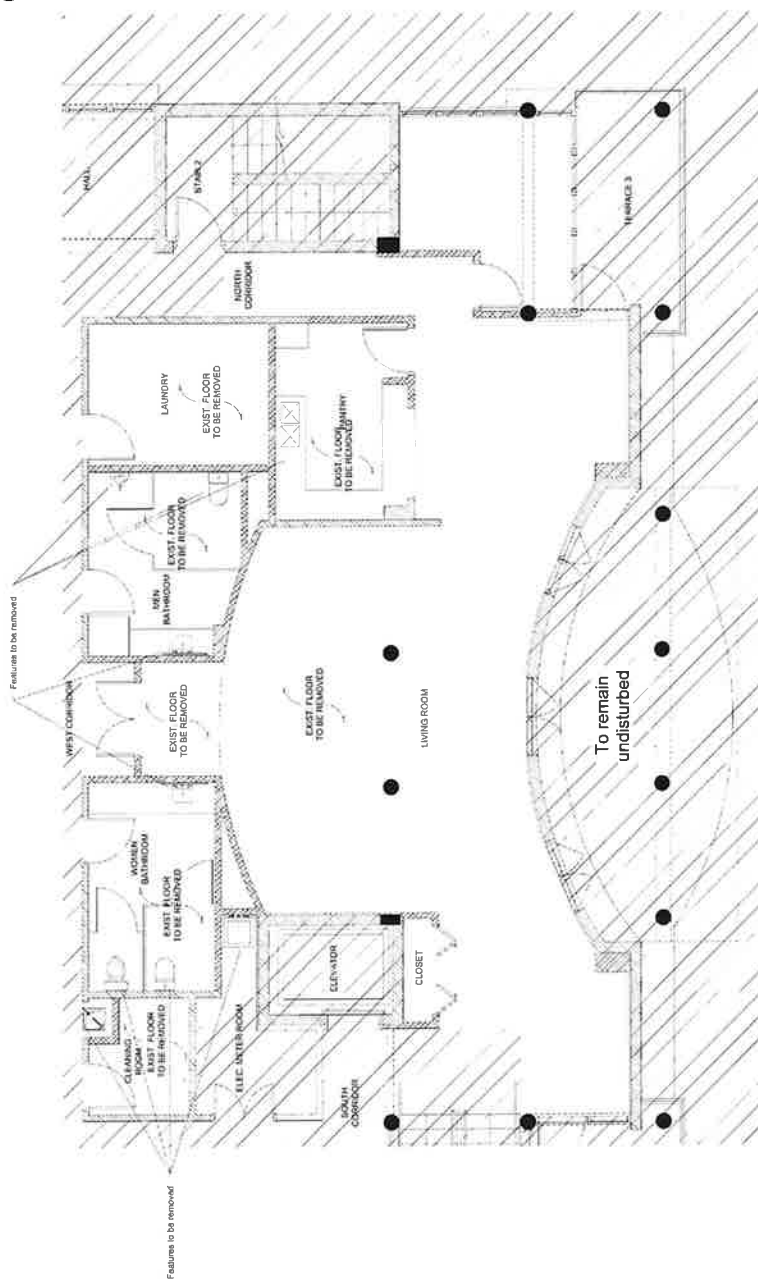
ASBESTOS NOTES:
 As per F.B.C. 2023, Resolution
 105-5-0001

Demolition or removal of an existing structure to contain an asbestos notification
 must be performed by a licensed asbestos abatement contractor and the
 Environmental Protection of the or her relations to remove asbestos, when applicable,
 in accordance with state and federal law.

LEGEND
 1. REMOVE PATIENS
 2. REMOVE PATIENS
 3. REMOVE PATIENS
 4. REMOVE PATIENS

SCOPE OF WORK

1. Remove patients
2. Remove patients
3. Remove patients
4. Remove patients



SECOND FLOOR DEMOLITION PLAN
 SCALE 1/4" = 1'-0"

Demolition Plan

Project: Rooms Remodeling
 MP Holding LLC
 4225 El Mar Drive
 Lauderdale by the Sea, FL 33331

DRAWING NO.
 D-1
 SHEET 1 OF 1

CHECKED
 SCALE
 DESIGNED
 DRAWN
 LOG

SCOPE OF WORK

1. 2nd and 3rd Floor Spaces Remodeling
- Notes:
Clearance of View as Attention Level 2 (IBC 2023 Section 602.1)
Mechanical Work under different terms (1524-4715366)

LEGAL DESCRIPTION

LAUNDERDALE BY THE SEA 4.3 B LOT 16 & 17 (N/4)

BUILDING COMPLIANCE

CLASSIFICATION: BUSINESS
OCCUPANCY: GROUP R-1 - CHAPTER 3 SECTION 310.3

SPRINKLERED
Interior walls and ceiling requirements by occupancy (Section 602.1)
Rooms and enclosed spaces - C
Corridors and enclosed spaces - C
Interior stairs and ramps - A
Corridors and enclosed spaces - C
Corridors and enclosed spaces - C

Class A = Flame spread index 0-25, smoke-developed index 0-450
Class B = Flame spread index 26-75, smoke-developed index 450-750
Class C = Flame spread index 76-200, smoke-developed index 750-1,000

MAXIMUM FLOOR AREA ALLOWANCE PER OCCUPANCY (Section 1004.3):
Dormitories - 50 gross

TOTAL GROSS AREA
12000 square feet

PERSONS TOTAL
12000/100 = 120 Persons

EXIT ACCESS: DRIVEWAY (Section 1008.2.1):
Exit width - 10
Exit door swing - 75
Exit door clear height - 75

Buildings equipped throughout with an automatic sprinkler system

CODES USED

FLORIDA BUILDING CODE 2023, 8TH EDITION
ASCE 07-12
NFPA 72
NFPA 101
NFPA 102
NFPA 103
NFPA 104
NFPA 105
NFPA 106
NFPA 107
NFPA 108
NFPA 109
NFPA 110
NFPA 111
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NFPA 997
NFPA 998
NFPA 999

WIND NDS 2010 WIND LOAD CRITERIA EXPOSURE 'C'
CATEGORY = II
BASIC WIND SPEED 175 MPH

ACI 308.4 BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE
WIND NDS 2010 WIND LOAD CRITERIA EXPOSURE 'C'
CATEGORY = II
BASIC WIND SPEED 175 MPH

SITE INFORMATION

OWNER:
TYPE OF CONSTRUCTION (Section 602.2):
ADJUSTED GROSS FLOOR AREA:
TOTAL EXISTING PARKING:

FIRE ALARM NOTES

- Design and installation of the fire alarm system shall comply with the Florida Fire Prevention Code (FFPC) 8th edition (2022) with Broward County local amendments. NFPA 72 - National Fire Alarm and Signaling Code (NFPA 72) shall be used as the basis for the design and installation of the fire alarm system.
- Review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with this code per NFPA 1.1.1.4.1.
- Separate fire alarm system complying with NFPA 72 (2022 ed.) and permit to be provided by the AHJ shall be provided by the AHJ.

AERIAL VIEW SCALE: N.T.S.

LEGEND:
--- Permitted Space
--- Undisturbed Space



Business:
Moya-Pardo MD Inc. dba Moya Medical
part of MP Holding LLC
Building Fire Protection Service by:
Professional Fire Systems
10000 NW 11th Avenue, Suite 100
Miami, FL 33193
Phone: (786) 960-9853

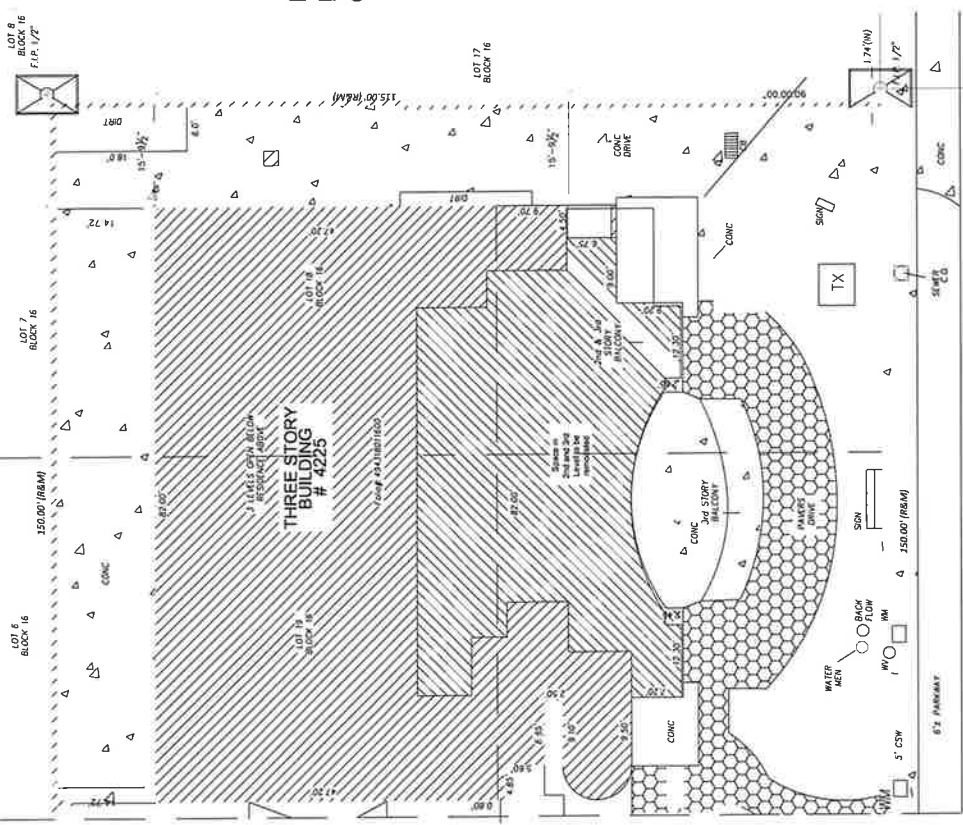
Building Fire Alarm Protection By:
Florida State Security, Inc.
3285 SW 11th Avenue, Suite 100
Fort Lauderdale, FL 33315
Phone: (954) 587-7141

Property ID:
4843 16 01 1600
Prepared Owners:
MP HOLDINGS LLC
10000 NW 11th Avenue, Suite 100
Miami, FL 33193
Phone: (786) 960-9853

Project and Address:
4225 EL MAR DRIVE, LAUNDERDALE BY THE SEA FL 33308

Project Uses:
302 Hotel - limited services without food
Mileage Code:
0211

Adt. Bldg. S.F.:
15148 CastPermia
Effective Year:
2007
Year Bldg:
1895



201 ASPHALT PARKING

60' RIGHT-OF-WAY (BY PLAT)

EL MAR DRIVE

REVISIONS
NO. DATE

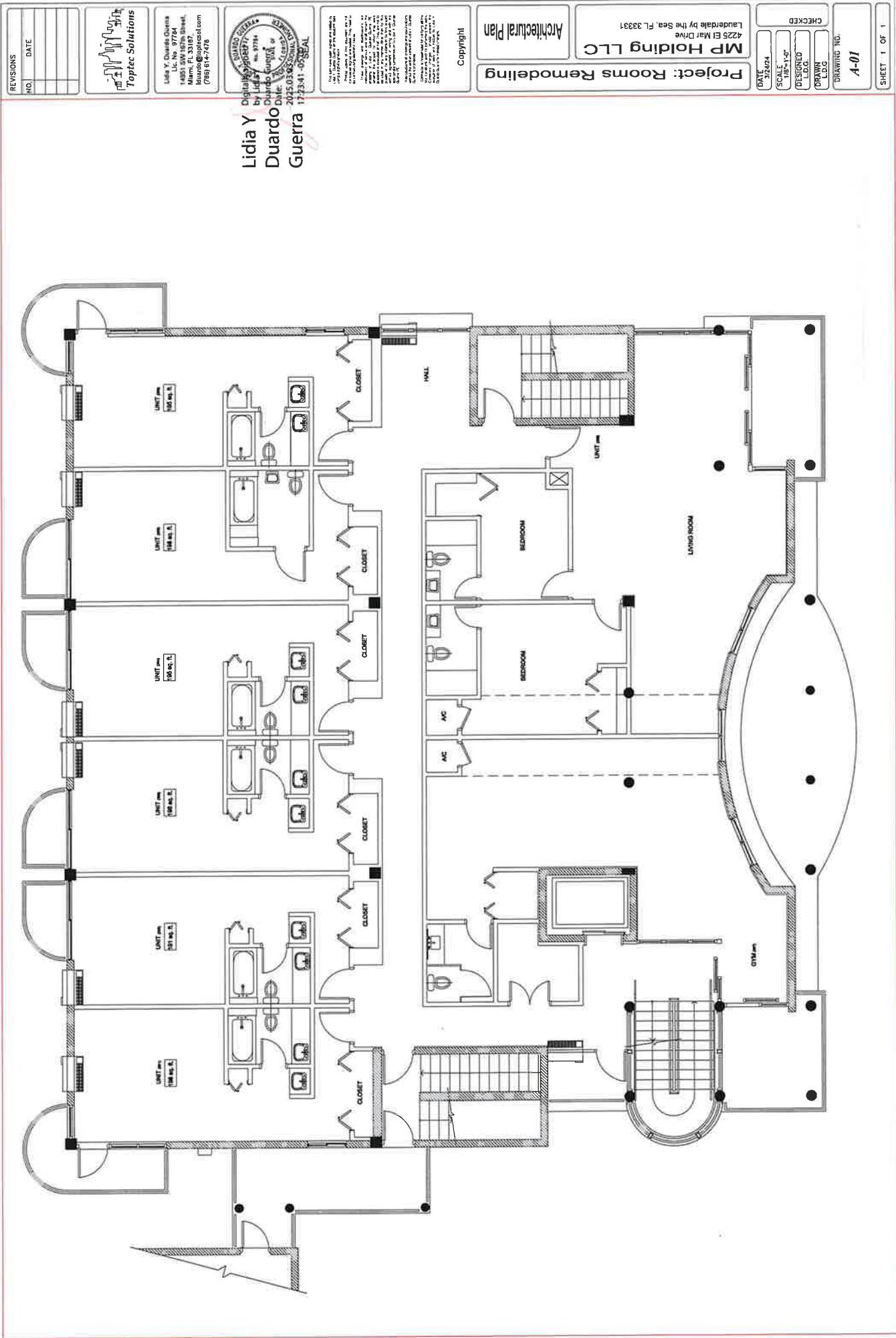
Lidia Y. Duarbo Guerra
Lic. No. 97784
14851 SW 167th Street
Miami, FL 33187
toplec.com
(786) 614-7478

Copyright

Site Plan

Project: Rooms Remodeling
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

CHECKED
DATE 3/2/24
SCALE 1/8"=1'-0"
DESIGNED BY L.D.G.
DRAWN BY L.D.G.
DRAWING NO. SP-1
SHEET 1 OF 1



SHEET 1 OF 1

A-01

DRAWING NO.

DRAWN L.D.G.

CHECKED

SCALE 1/8" = 1'-0"

DATE 12/24/24

Project: Rooms Remodeling
MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

Architectural Plan

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Professional Seal
Lidia Y. Guerra
Architect
No. 17714
State of Florida
2023.03.03

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lguerra@toptec.com
(786) 614-7478

Toptec Solutions

REVISIONS	
NO.	DATE

REVISIONS	
NO.	DATE



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(786) 614-7476



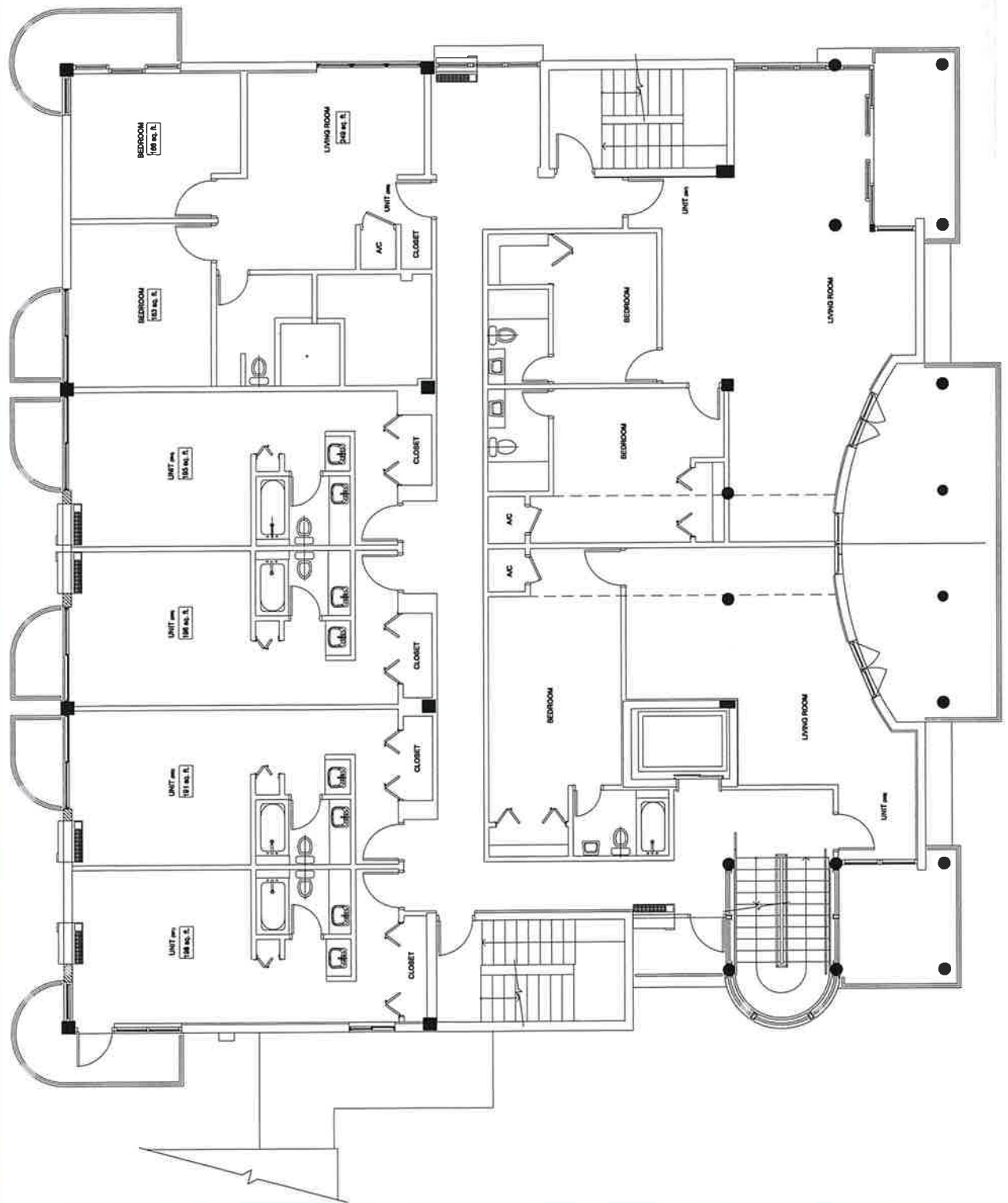
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The Architect assumes no responsibility for the construction of the project or for the performance of the contractor. The Architect's responsibility is limited to the design and construction of the project as shown on this drawing.

Architectural Plan

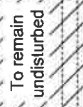
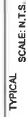
Project: Rooms Remodeling
MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

CHECKED
DESIGNED
DRAWN
DRAWING NO.

A-02
SHEET 1 OF 1



SHEET 1 OF 1

[illegible]

PROPOSED THIRD FLOOR PLAN

SCOPE OF WORK

1. Bathroom feature to be relocated
2. Add sink to Pantry Area

2. ALL GALLON PER FLUSH MAX.
3. WC - 1 1/2 GALLON PER FLUSH MAX.
4. ALL SINKS, URINALS SHALL BE SLOPED AS FOLLOWS:
5. 12" OR SMALLER SINKS SHALL BE SLOPED AT 1/4" PER FT.
6. 18" OR SMALLER SINKS SHALL BE SLOPED AT 1/8" PER FT.
7. 24" OR LARGER SINKS SHALL BE SLOPED AT 1/8" PER FT.
8. PROVIDE ANTI SCALD VALVES 120°F MAX. AT ALL SHOWERS
AND BATHTUBS.
9. PROVIDE 12" HIGH WATER HAMMER ARRESTING CHAMBER
AT EACH FIXTURE GROUP.
10. PROVIDE GATE CONTROL VALVE @ EACH FIXTURE. NO
BIBB, EVEN IF NOT INDICATED ON RISER OR ISOMETRIC. (SEE
SECTION 26.05.00 FOR EXCEPTIONS (TYPICAL))
11. BATHTUB AND SHOWER FLOORS AND WALLS ABOVE
BATHTUBS WITH INSTALLED SHOWER HEADS AND IN SHOWER
COMPARTMENTS SHALL BE FINISHED WITH A NONABSORBENT
SURFACE. SUCH WALL SURFACES SHALL EXTEND TO A HEIGHT
OF NOT LESS THAN 8 FEET (8'2 1/2") ABOVE THE FLOOR.
12. ALL DIMENSIONS IN ALL SHOWERS MUST COMPLY WITH IRC
P2708

[illegible]

FIXTURE CONNECTION SCHEDULE					
ADR	DESCRIPTION	HW	CW	WASTE	NOTES
LAV	LAVATORY	1/2"	1/2"	1.2"	1
WC	WATER CLOSET	"	1/2"	2"	1,2
SH	SHOWER	1/2"	1/2"	2"	1
SINK	SINK	1/2"	1/2"	1.5"	1

Symbol	Description
	Condensate Line (CL)
	Cold Water Line (CW)
	Hot Water Line (HW)
	Sanitary Line (SL)
	Floor Drain
	2-Water Floor Drain
	Wall Drain
	Gas Valve
	Hose Bibb
	1/2" Tee
	Vent
	Vent Thru Roof
	Connection to achieve level

SCALE: N.T.S.



FLORIDA BUILDING CODE 2023, 8TH EDITION
ASCE 07-22
ACI 318/19 BUILDING CODE REQUIREMENTS FOR
REINFORCED CONCRETE
ACI 308-1R
ACI 309-1R
ACI 310-1R
ACI 311-1R
ACI 312-1R
ACI 313-1R
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Project: Rooms Remodeling
MP Holding LLC
1225 El Mar Drive
Auburndale by the Sea, FL 33331

SHEET 1 OF 1

GENERAL ELECTRICAL NOTES:

1. Guarantee and responsibility. All material and workmanship shall be guaranteed for one year from date of completion. The contractor shall be responsible for obtaining all necessary permits and for securing all required approvals and permits. The contractor shall be responsible for obtaining all necessary permits and for securing all required approvals and permits.
2. All work shall be done in accordance with the latest editions of the National Electrical Code (NEC), the National Fire Protection Association (NFPA), and the International Brotherhood of Electrical Workers (IBEW) Code of Ethics.
3. All work shall be done in accordance with the latest editions of the National Electrical Code (NEC), the National Fire Protection Association (NFPA), and the International Brotherhood of Electrical Workers (IBEW) Code of Ethics.
4. Code is subject for reference standards in the area of the plan submittal.
5. A. National Electrical Code (NEC) 2020
6. Florida Building Code (FBC) 2020
7. Do not install conductors in areas where they will be exposed to temperatures in excess of 60°C (140°F).
8. The minimum wire size shall be #12 AWG, unless otherwise noted. All conductors shall be copper, unless otherwise noted. All conductors shall be insulated for 600V, unless otherwise noted. All conductors shall be insulated for 600V, unless otherwise noted.
9. All conductors shall be insulated for 600V, unless otherwise noted. All conductors shall be insulated for 600V, unless otherwise noted.
10. All conductors shall be insulated for 600V, unless otherwise noted. All conductors shall be insulated for 600V, unless otherwise noted.
11. It is the responsibility of the contractor to provide all necessary materials and labor for the completion of the project. The contractor shall be responsible for obtaining all necessary permits and for securing all required approvals and permits.

ADDITIONAL ELECTRICAL NOTES:

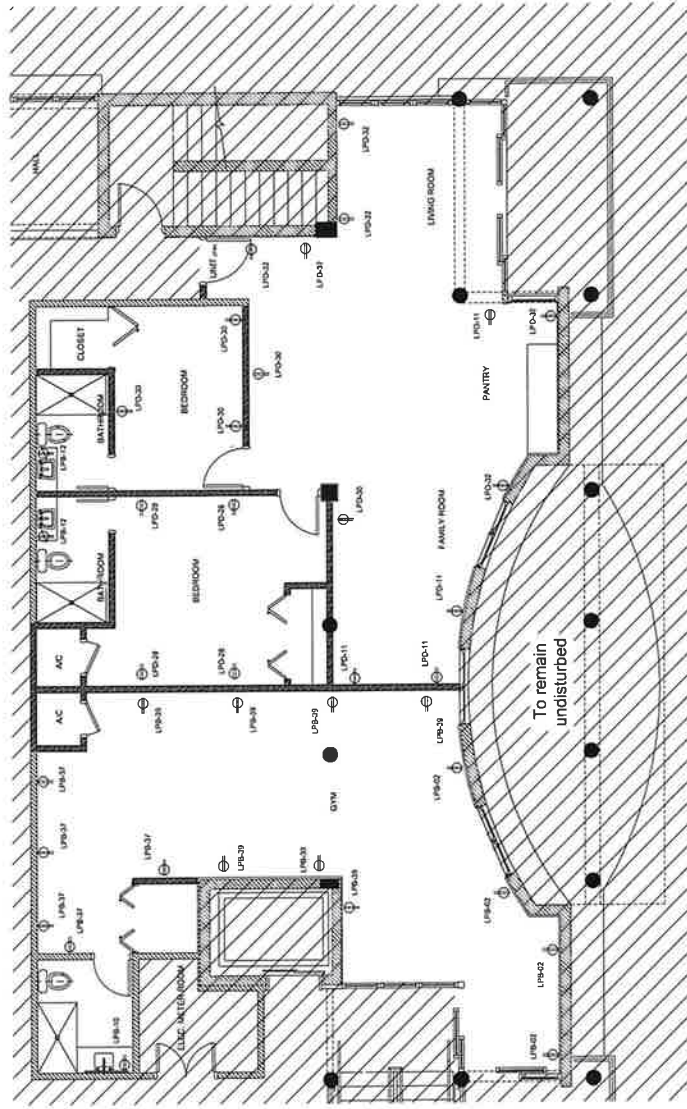
1. All areas shall comply with NEC 2020, Energy Conservation 10th Edition, Section C903.5

ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	EXHAUST FAN
	WALL MOUNTED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	TV OUTLET
	JUNCTION BOX
	CEILING MOUNTED SMOKE DETECTOR (TYPICALLY CONNECTED TO BATT. BACKUP - SEE ELECTRICAL NOTE BELOW PANEL SCHEDULE)
	WALL SWITCH (SINGLE, DOUBLE)
	WALL SWITCH (3-WAY)
	SINGLE RECEPTACLE
	DUPLEX RECEPTACLE
	EXISTING DUPLEX RECEPTACLE
	DUPLEX RECEPTACLE GROUND FAULT INTERRUPTER
	EXIST. RECEPTACLE GROUND FAULT INTERRUPTER
	220 VOLT RECEPTACLE
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	ELECTRIC METER
ABBREVIATIONS:	
E=	EXISTING TO REMAIN
A.F.F.	ABOVE FINISH FLOOR
UC=	UNDER CABINET
C=	COUNTER TOP LEVEL
BC=	BELOW COUNTER
GF=	GROUND FAULT INTERRUPTER
VF=	VERIFY PRIOR TO INSTALLATION
PE=	PUSH BUTTON
VP=	VAPOR PROOF
WC=	WEATHER COVER

CODES USED
FLORIDA BUILDING CODE 2020, 8TH EDITION
ASCE 10-19 BUILDING CODE REQUIREMENTS FOR
SEISMIC DESIGN
VIBRO-105 2018
WIND LOAD CRITERIA EXPOSURE 'C'
BASIC WIND SPEED 175 MPH
ACI 308-11-13 REINFORCED CONCRETE

Lidia Y
Duard
o
Guerra

Digitally signed by Lidia Y Duard o Guerra
DN: cn=Lidia Y Duard o Guerra, o=Guerra, ou=Guerra, email=Lidia.Y.Duard@guerra.com, c=US
Date: 2025.03.25 18:53:26 -0500
SEAL



PROPOSED SECOND FLOOR PLAN
SCALE: 1/8"=1'-0"

REVISIONS	
NO.	DATE



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Miami, FL 33187
info@toplec.com
(786) 614-7478

MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

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Electrical Plan

Project: Rooms Remodeling

MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

CHECKED
DATE 3/24/24
SCALE 1/8"=1'-0"
DESIGNED
DRAWN L.D.G.
DRAWING NO. E-1
SHEET 1 OF 1

REVISIONS

NO.	DATE

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 14861 SW 182nd Street,
 Miami, FL 33197
 lduendo@tiptec.com
 (786) 614-2478

Copyright

Electrical Plan

Project: Rooms Remodeling

MP Holding LLC
 4225 El Mar Drive
 Lauderdale by the Sea, FL 33331

CHECKED

SCALE 1/8"=1'-0"

DESIGNED

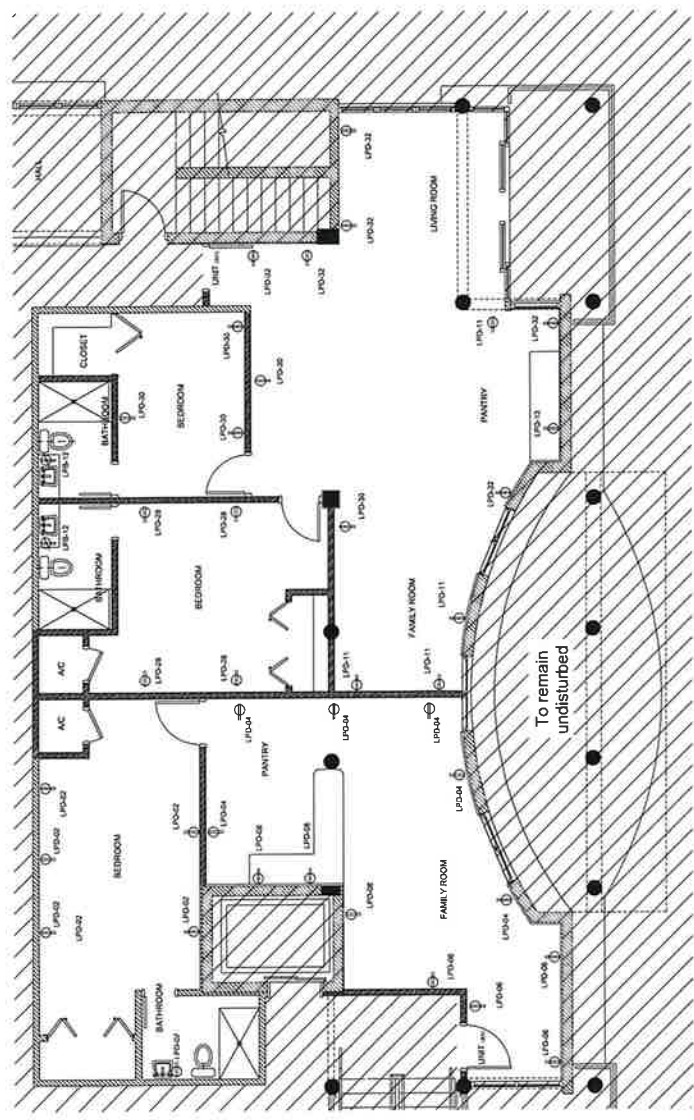
DRAWN L.O.G.

DRAWING NO. E-2

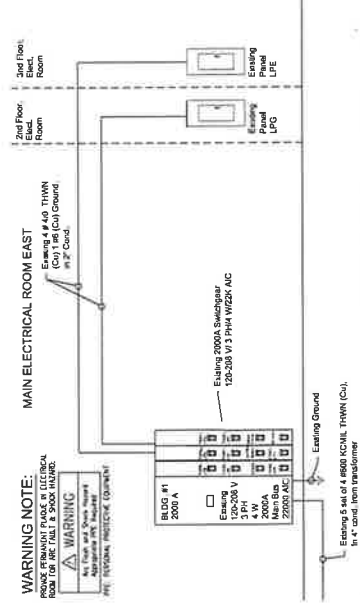
SHEET 1 OF 1

CODES USED
 FLORIDA BUILDING CODE 2021, 8TH EDITION
 ASCE 07-22 BUILDING CODE REQUIREMENTS FOR
 REINFORCED CONCRETE
 WOOD NDS 2018
 VIND (SAB ESTEREA EXPOSURE "C")
 CATEGORY - II
 BASIC WIND SPEED 175 MPH
 ACI 530/530.1-13 REINFORCED MASONRY

Lidia Y. Duendo Guerra
 Professional Engineer
 State of Florida
 License No. 97784
 12/15/2023



PROPOSED THIRD FLOOR PLAN
 SCALE 1/8"=1'



REVISIONS	NO.	DATE



Lidia Y. Guerra Guerra
 L.C. No. 97784
 14951 SW 16th Street,
 Miami, FL 33187
 lidia@tiptec.com
 (786) 614-2478



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Electrical Plan

Project: Rooms Remodeling
MP Holding LLC
 4225 El Mar Drive
 Lauderdale by the Sea, FL 33331

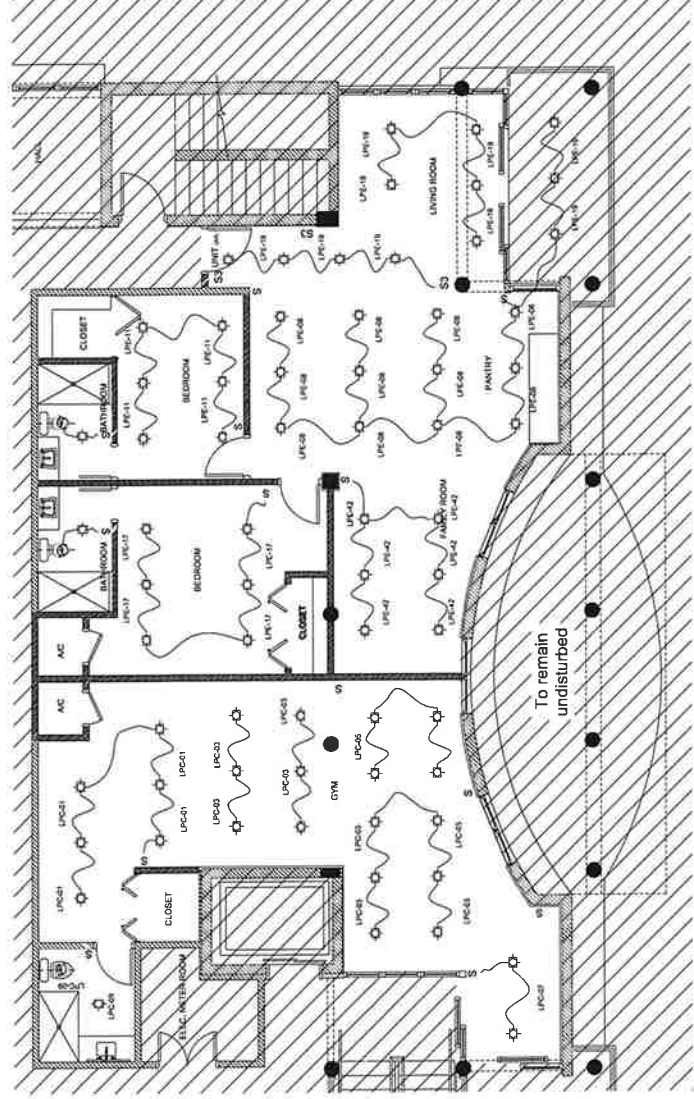
CHECKED
DATE 3/24/24
SCALE 1/8"=1'-0"
DESIGNED B.S.
DRAWN D.G.

DRAWING NO.
E-3

SHEET 1 OF 1

CODES USED
 FLORIDA BUILDING CODE 2023, WITH EDITION
 ASCE 07-25
 REINFORCED CONCRETE
 VIBRO NUS 2018
 WIND LOAD CRITERIA EXPOSURE "C"
 CATEGORY - II
 BASIC WIND SPEED 175 MPH
 A.E.I. 330/3301-13 REINFORCED MAUONET

Lidia Y. Guerra
 Duard
 o
 Guerra



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/8"=1'-0"

ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	EXHAUST FAN
	WALL MOUNTED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	TV OUTLET
	JUNCTION BOX
	CEILING MOUNTED SMOKE DETECTOR 110V/INTERCONNECTED W/ BATT.
	GROUND FAULT INTERRUPTER (GFI) (SEE ELECTRICAL SCHEDULE)
	WALL SWITCH (SINGLE, DOUBLE)
	SINGLE SWITCH (3-WAY)
	DUPLEX RECEPTACLE
	EXISTING DUPLEX RECEPTACLE
	DUPLEX RECEPTACLE GROUND FAULT INTERRUPTER
	EXIST. RECEPTACLE GROUND FAULT INTERRUPTER
	220 VOLT RECEPTACLE
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	ELECTRIC METER

ABBREVIATIONS
 E= EXISTING TO REMAIN
 A.F.F.= ABOVE FINISH FLOOR
 UC= UNDER CUPBOARD
 C= COUNTER TOP LEVEL
 BC= BELOW COUNTER
 GFI= GROUND FAULT INTERRUPTER
 VHF= VERIFY PRIOR TO INSTALLATION
 PB= PUSH BUTTON
 C= COUNTER TOP LEVEL
 WP= WEATHER PROOF

REVISIONS	NO.	DATE



Lidia Y. Guerra
Lic. No.: 97764
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Miami, FL 33187
lguerra@toplec.com
(785) 614-1478



Lidia Y. Guerra
Digital
by Lidia Y. Guerra
Durodo
Guerra
2025-03-05
18-51-23-05700
SEAL

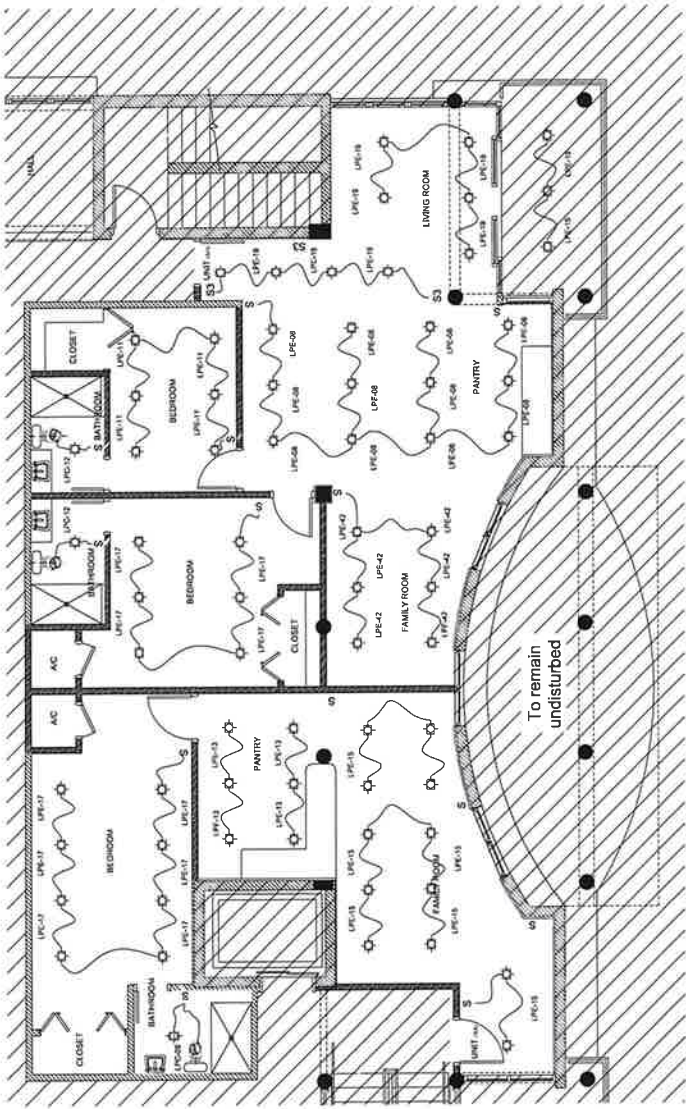
Copyright

Electrical Plan

Project: Rooms Remodeling
MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

DATE: 3/2/24
SCALE: 1/8"=1'-0"
CHECKED: [Signature]
DESIGNED: [Signature]
DRAWN: [Signature]
DRAWING NO.: E-4
SHEET 1 OF 1

CODES USED:
FLOOR: BUILDING CODE 2023, 8TH EDITION
ASCE 17-22
ACI 318-19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL CONCRETE
WOOD: NDS 2018
ASTM A661-19A CRITERIA EXPOSURE "C"
CAN/COD: WIND SPEED 175 MPH
ACI 538/530-13 REINFORCED MASONRY



PROPOSED THIRD FLOOR PLAN
SCALE: 1/8"=1'-0"

ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	EXHAUST FAN
	WALL MOUNTED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	TV OUTLET
	JUNCTION BOX
	CEILING MOUNTED SMOKE DETECTOR (NOT INTERCONNECTED W/ BATT. BACKUP - SEE ELECTRICAL NOTE BE LOW PANEL SCHEDULE)
	WALL SWITCH (SINGLE, DOUBLE)
	WALL SWITCH (3-WAY)
	SINGLE RECEPTACLE
	DUPLEX RECEPTACLE
	EXISTING DUPLEX RECEPTACLE
	DUPLEX RECEPTACLE GROUND FAULT INTERRUPTER
	EXST. RECEPTACLE GROUND FAULT INTERRUPTER
	220 VOLT RECEPTACLE
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	ELECTRIC METER

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GFI = GROUND FAULT INTERRUPTER
VH = VERIFY PRIOR TO INSTALLATION
PB = PUSH BUTTON
VH = VERIFY PRIOR TO INSTALLATION
WP = WEATHER PROOF

BUENA VISTA HOTEL

Citizen Participation Meeting Summary

Date: June 19, 2025

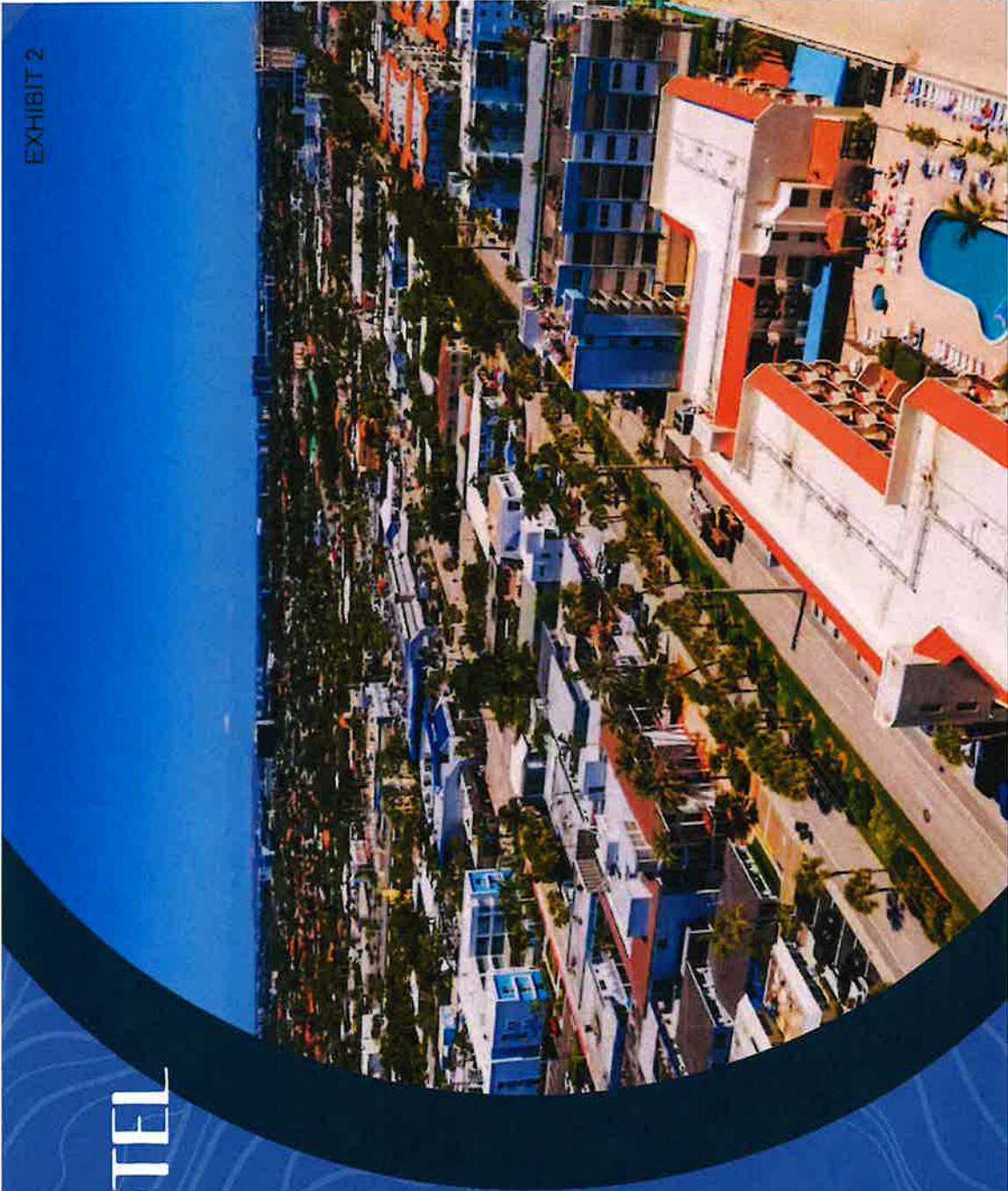


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Meeting Summary

03

Sign-in Sheet

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Notice of Meeting &
Presentation



EXHIBIT 2

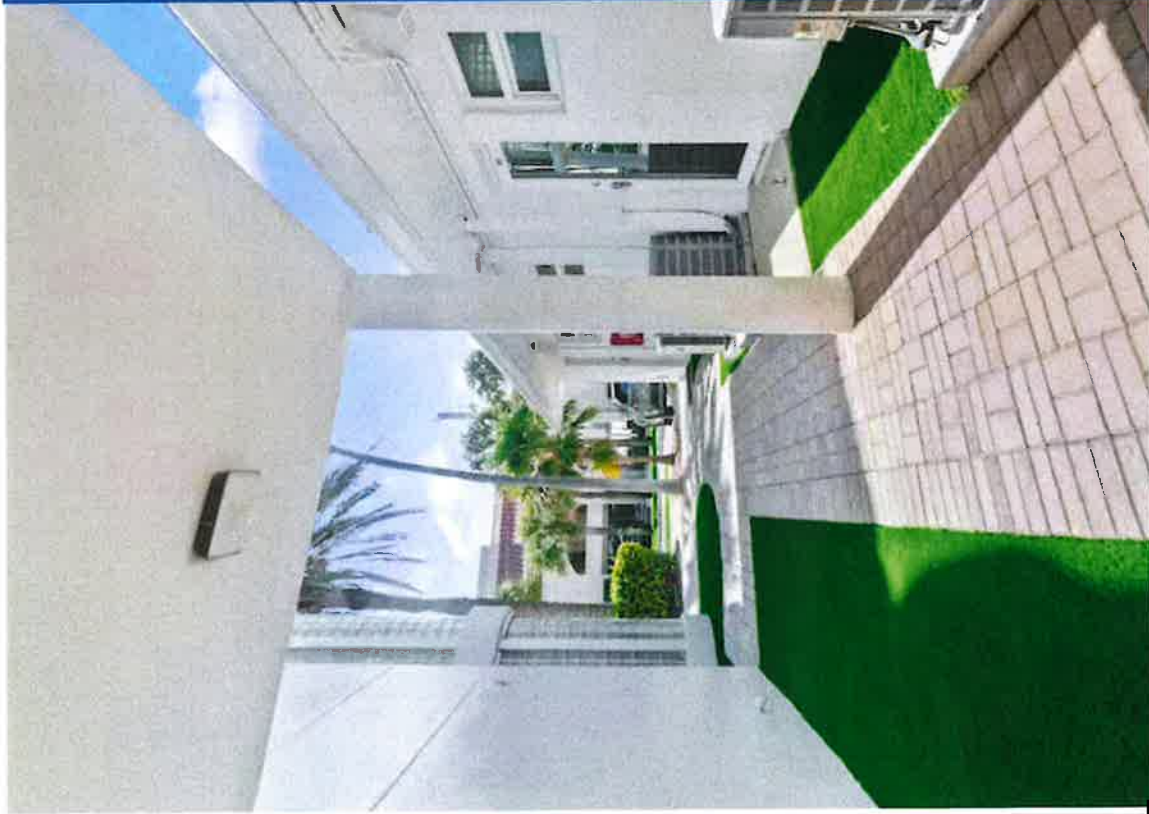
PROJECT SUMMARY

Buena Vista Hotel, located at 4225 El Mar Drive, has submitted a request for Site Plan Modification approval to the Town of Lauderdale-By-The-Sea. The proposed application seeks to enhance the existing property through a modest yet meaningful addition of four (4) hotel units, expanding the current fifteen (15) units to a total of nineteen (19). This improvement is intended to elevate the guest experience while contributing positively to the character and vitality of the Lauderdale-By-The-Sea community.

CITIZEN PARTICIPATION MEETING

A Citizen Participation Meeting was held at 5:00 PM on Wednesday, June 19, 2025, at Jarvis Hall, 4505 N. Ocean Drive, Lauderdale-By-The-Sea, Florida 33308, with residents, property owners, and interested parties who may be affected by the proposed application.

Buena Vista Hotel



MEETING SUMMARY

Attendee Comment	Applicant Response
Is the proposal only inside 4225 El Mar Dr? Are you going to add a second story to 4217 El Mar Dr?	Correct the renovation is only inside 4225 adding two units to the second and third floor.
Will you have 19 units and 19 parking spaces?	Correct we currently have 2 handicap spaces and 17 standard Parking spaces.
Could you talk to your experience managing a hotel? If not you then who brings the experience to manage the property?	As mentioned during the presentation we at MP Holdings, LLC own other commercial real estate and we have a team of 3 property manager that cover 3 different regions from South Florida to Ft Lauderdale.
The model is AirBnB and Vrbo model more so then Courtyard by Marriot?	That is correct.
Will there be guest parking?	No, there will not be guest parking. We do meet requirement standards set by the town of 1 parking space per hotel room. There is room on the property to accommodate additional parking spaces but that will be addressed at a later phase.

Town of Lauderdale-By-The-Sea

Citizen Participation Meeting - Sign-In Sheet

Date: June 19, 2025

Time: 5:00 PM - 6:30 PM

Location: Jarvis Hall, 4505 N. Ocean Drive, Lauderdale-By-The-Sea, FL 33308

Case Number: 2025-LVL2-SPM-02

Project: Level 2 Site Plan Modification to Add 4 Hotel Units at 4225 El Mar Drive

Applicant: Buena Vista Hotel

#	Name	Address	Email Address	Phone Number	Comments or Questions
1	R. McAllister	4225 N. Ocean	RTA@A7A.com	(954) 425-6414	641424
2	GARY M. SMITH	4229 EL MAR	GARY.M.DANIEL@GMAIL.COM	954 928-0080	
3	Stuart Smith	Attorney	ssmith@kbrlegal.com	954 928-0080	
4	Jayme-High	4225 Ocean Blvd	hannah@kbrlegal.com	(305) 425-5822	
5	Karen Pad	4225 Ocean Blvd	Karen@kbrlegal.com	746 357 2775	
6	Jose Del Toro	1400 S Palm Ave	deltoro@mpmd.us	786 397 2576	
7					
8					
9					
10					
11					

NOTICE OF CITIZEN PARTICIPATION MEETING

CASE: 2025 CU-03
APPLICANT: Buena Vista Hotel
PROPERTY ADDRESS: 4225 El Mar Drive, Lauderdale-By-The-Sea, FL 33308
LEGAL DESCRIPTION: LAUDERDALE BY THE SEA 6-2 B LOT 18 & 19 BLK 16

REQUEST: LEVEL 2 SITE PLAN MODIFICATION TO ADD 4 HOTEL UNITS TO THE PROPERTY LOCATED
AT 4225 EL MAR DRIVE.

Dear Resident, Property Owner, or Interested Party:

Buena Vista Hotel, located at 4225 El Mar Drive, has submitted a request for approval of a Site Plan Modification with the Town of Lauderdale-By-The-Sea. The subject property is located within the RM-25 (Residential Multi-Family, 25 units per acre) zoning district and has an existing lot area of approximately 17,249 square feet (0.396 acres). The proposed modification entails the addition of four (4) new hotel units to the existing fifteen (15) hotel units on-site, resulting in a total of nineteen (19) hotel units. This request falls under the purview of Section 30-123(b) of the Town's Code of Ordinances, which identifies that any modification resulting in an increase in density, including, but not limited to, the number of dwelling units—requires review and approval through the development review process.

Pursuant to Town Ordinance 2021-11, which amended Chapter 30 "Unified Land Development Regulations," Article V "Zoning," to create Section 30-114, "Citizen Participation Required," the applicant is required to conduct a minimum of one public meeting with residents, property owners, and interested parties that may be affected by the proposed application.

Therefore, please allow this correspondence to serve as Notice of a Citizen Participation Meeting scheduled for the following date, time, and location:

06/19/2025
5:00 pm – 6:30 PM
JARVIS HALL
4505 N. OCEAN DRIVE
LAUDERDALE-BY-THE-SEA, FLORIDA 33308

Any interested parties are encouraged to attend this meeting to discuss the proposed application, actively participate in the Town's development procedures and provide public comments.

Sincerely,

Signature of Applicant

Date

6/19/25

HOTEL RESTORATION

BY MP HOLDINGS, LLC.

Buena Vista Hotel

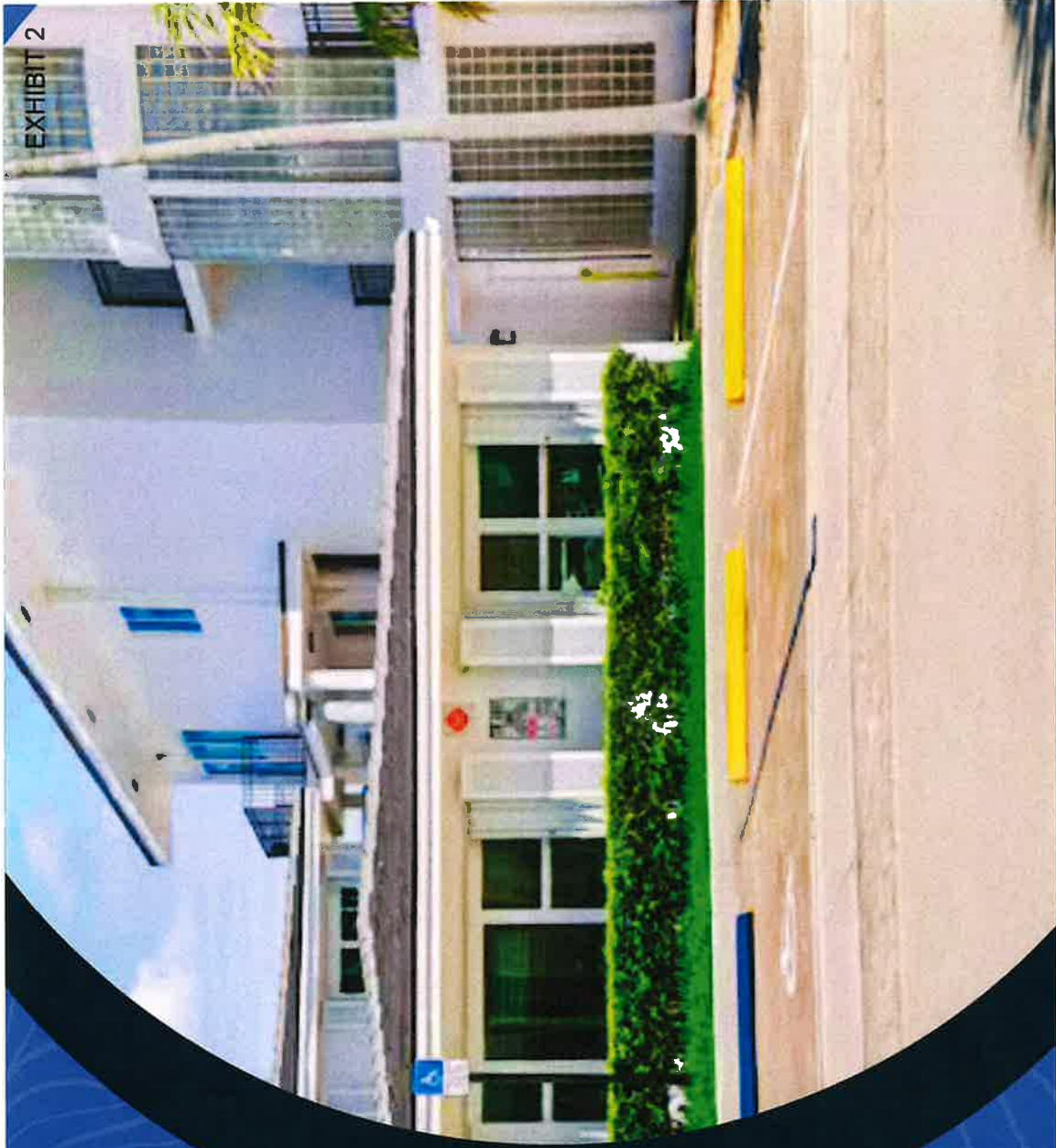


EXHIBIT 2

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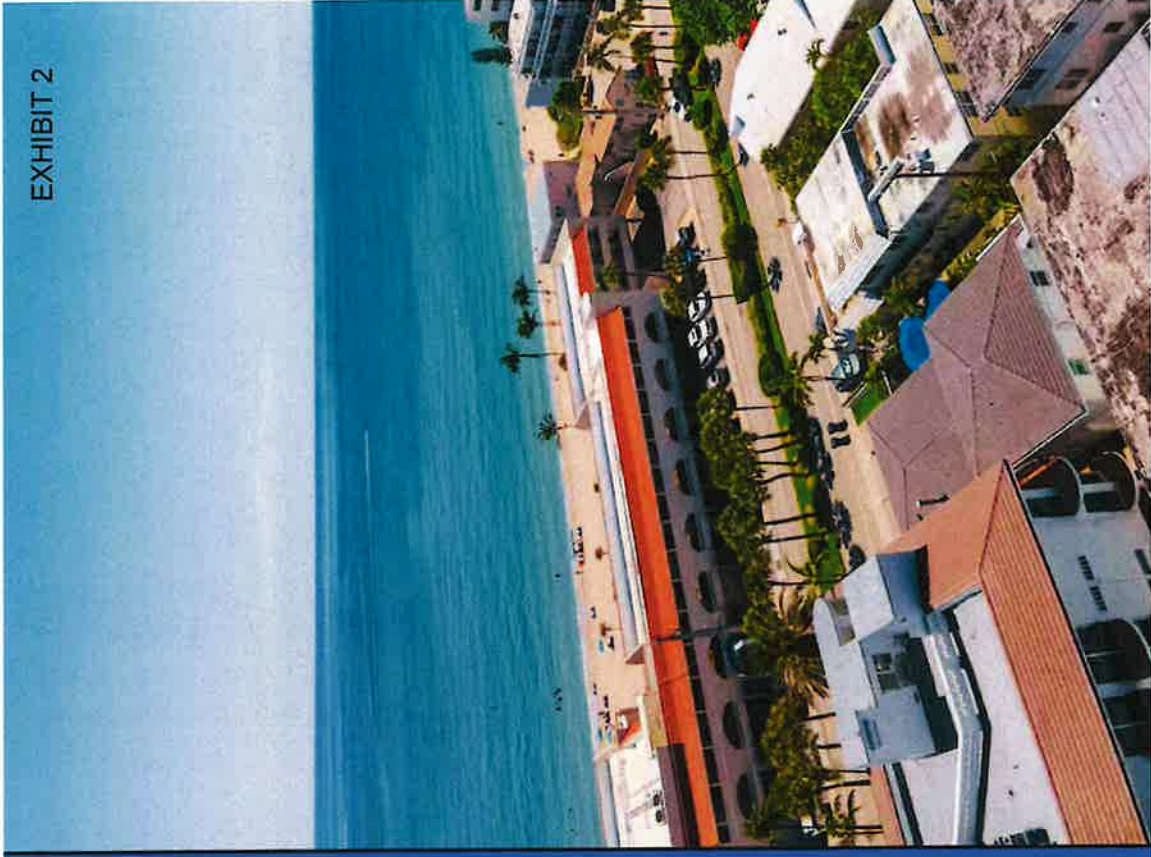
03

Community Integration &
Benefits

04

Discussion

EXHIBIT 2



PROJECT INTRODUCTION

Buena Vista Hotel, located at 4225 El Mar Drive, has submitted a request for approval of a Site Plan Modification to the Town of Lauderdale-By-The-Sea and we appreciate the opportunity to speak with you tonight and to present a vision for a modest yet meaningful enhancement to our property. One that we believe will contribute positively to both our guests' experience and the broader Lauderdale-By-The-Sea community. We are seeking approval for a Site Plan Modification that proposes the addition of four (4) new hotel units to the existing fifteen (15), resulting in a total of nineteen (19) units. More importantly, we recognize and respect the role of citizen engagement in this process. We are here tonight not only to inform, but to listen, collaborate, and address any questions or concerns you may have.

Buena Vista Hotel



BEFORE AND AFTER



CURRENT SITE & PROPOSED ENHANCEMENTS



CURRENT PROPERTY OVERVIEW

The Buena Vista Hotel is located within the RM-25 zoning district (Residential Multi-Family, 25 units per acre), situated on a lot approximately 17,249 square feet (0.4 acres) in size.



PROPOSED MODIFICATION

We are requesting to add four (4) new hotel units to the existing fifteen (15), bringing the total number of hotel units to nineteen (19).



REGULATORY CONTEXT

This increase in density falls under Section 30-123(b) of the Town's Code of Ordinances, which requires a formal development review process for any modification that results in an increase in the number of dwelling units.

COMMUNITY INTEGRATION & BENEFITS

PRESERVING LOCAL CHARACTER

The design and scale of the proposed additions have been carefully planned to maintain the architectural charm and low-rise aesthetic that define Lauderdale-By-The-Sea, ensuring that the hotel continues to blend harmoniously with the surrounding neighborhood.

ENHANCING TOURISM & ECONOMIC VITALITY

By increasing the number of hotel units, Buena Vista will be able to accommodate more visitors—supporting local restaurants, shops, and businesses, and contributing to the economic vibrancy of the community without overburdening infrastructure.

COMMITMENT TO RESPONSIBLE GROWTH

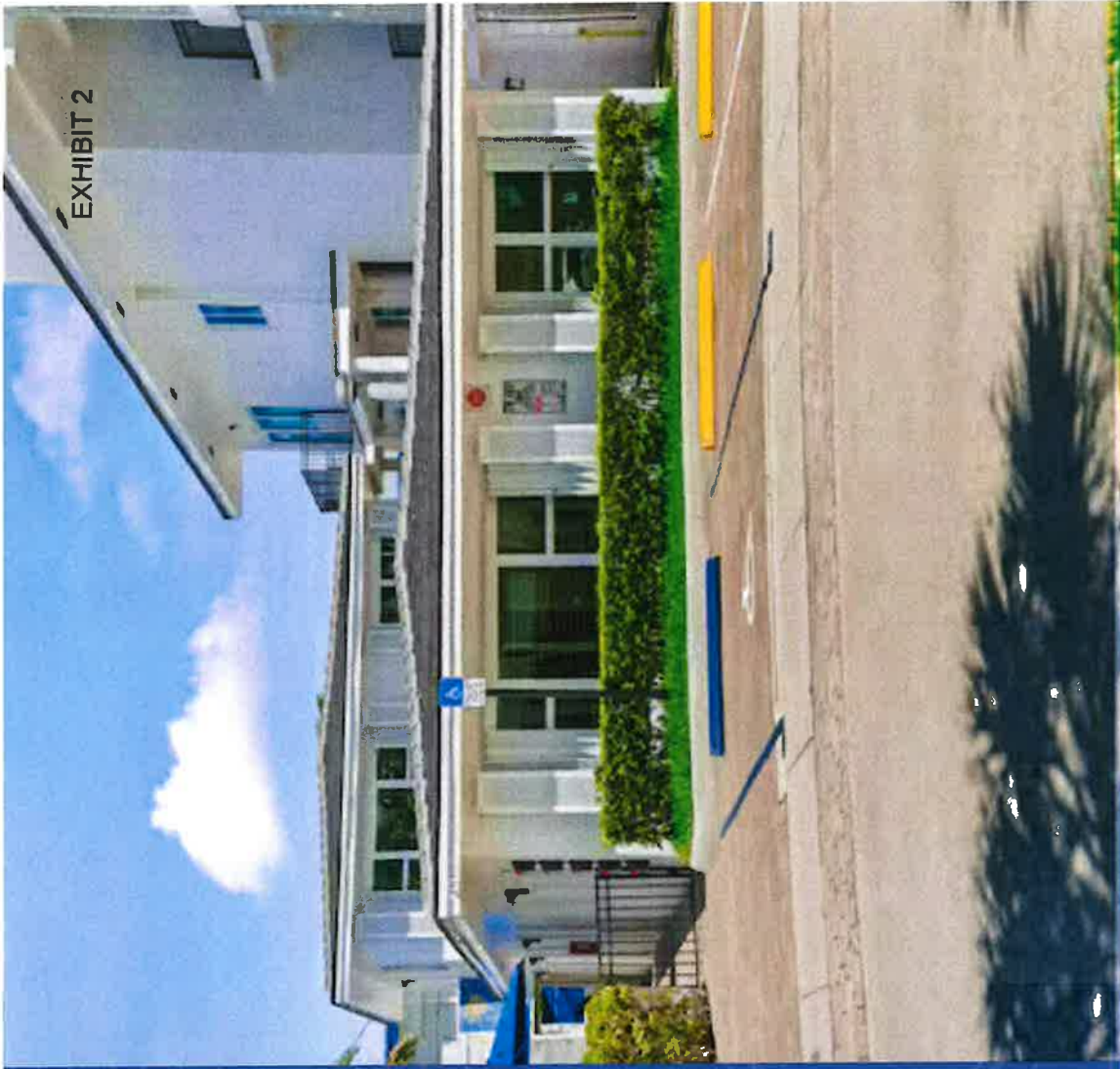
As a property owner, we are dedicated to thoughtful development that respects zoning guidelines, includes public input, and contributes to the long-term vision of the Town as a welcoming, sustainable, and pedestrian-friendly destination.

DISCUSSION

305-586-5971

deltoro@mpmd.us

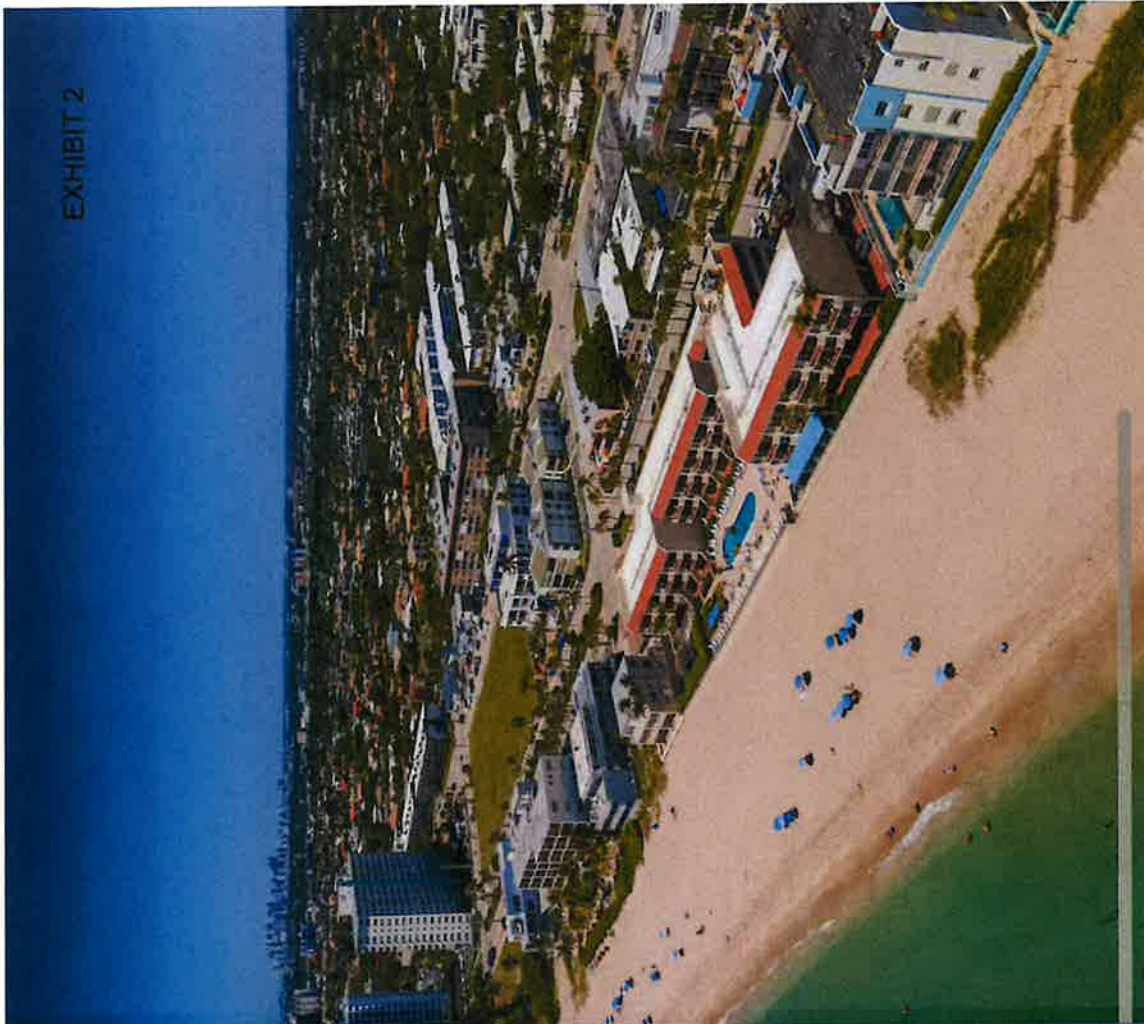
1460 S Palm Ave,
Pembroke Pines, FL 33025



THANK YOU

Buena Vista Hotel

EXHIBIT 2





Town of Lauderdale-by-the-Sea
Development Services Department

To: Planning and Zoning Board (the "Board")

From: Jhanelle Campbell, Development Services Director

Date: October 1, 2025

Project: Site Plan Modification (2025-LVL 2-SPM-02), Pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements and Review Procedures," Division 2 "Site Plan Procedures and Requirements," Section 30-123 "Modification of Approved Site Plan," of the Town's Code of Ordinances ("Town Code"), the Applicant is requesting a site plan modification to increase the permitted number of hotel units from 14 units to 19 units in order for the buildings' renovations to meet the Town's zoning and land use requirements for property located at 4217-4225 El Mar Drive (the "Property").



Figure 1. Subject Property

Purpose

The purpose of this memorandum is to provide Staff's findings and recommendations regarding the Site Plan Modification application (**Exhibit 1**), submitted to the Town of Lauderdale-By-The-Sea, Florida (the "Town") to permit an increase in the number of hotel rooms (without kitchens) at the Buena Vista Hotel property located at 4225 El Mar Drive (the "Property") (Figure 1). The Applicant proposes to convert interior space within the vacant 3-story hotel at 4225 El Mar Drive, increasing the unit count from 10 to 14 hotel units (without kitchens). The Applicant also owns the adjacent 2-story hotel at 4217 El Mar Drive, which contains 5 units; no changes are proposed for that building.

The Applicant seeks to maintain existing nonconformities documented in the survey and proposed plan. Since the code no longer requires minimum building separation, a unity of title will be required to be recorded to the Town's satisfaction so that internal side yard setback requirements between the two sites will not apply.

The Property has a Future Land Use classification of Multi-Family Residence (Medium-25 units/acre) and is zoned RM-25 – Apartments and lodging.

To consider the request, the following Town Code of Ordinances ("Town Code") provisions were reviewed:

- Article IV, Division 2 "Site Plan Procedures and Requirements" concerning the Level 2 Site Plan Amendment.

Background

The Property is composed of two developed parcels of land located within the RM-25 zoning district. The existing three (3) story structure located at 4225 El Mar Drive was originally constructed in the mid-1990's. The Applicant is proposing to increase the number of hotel units in the 4225 building by renovation of existing internal space not currently used for residence. The maximum number of units permitted on the 4225-4217 combined 0.4-acre site is 20, the Applicant is proposing a total of 19.

Only the 4225 El Mar Drive property currently has a driveway connection to El Mar Drive. The adjacent hotel at 4217 El Mar Drive provides three back-out parking spaces directly abutting El Mar Drive but has no dedicated driveway access. No previously approved site plans are available for either property. For purposes of this application, staff has determined that the survey covering both sites, together with the site plan data table, will be accepted as the existing site plan for the submittal.

Request

The Applicant is requesting approval of a site plan modification to permit an increase in the number of hotel rooms (without kitchens) at the Buena Vista Hotel property located at 4225 El Mar Drive. The proposal involves converting interior space within the vacant 3-story hotel building to increase the number of units from 10 to 14 hotel rooms (without kitchens).

In addition, the Applicant owns the adjacent 2-story hotel property located at 4217 El Mar Drive, which currently contains 5 units. No modifications are proposed at the 4217 El Mar site at this time.

Town Code Provisions

The request was submitted pursuant to Chapter 30 "Unified Land Development Regulations," Article IV "Development Permits – Applications, Requirements and Review Procedures," Division 2 "Site Plan Procedures and Requirements," Section 30-123 "Modification of Approved Site Plan," of the Town's Code.

Site Plan Amendment Application

Section 30-123 of the Town Code (**Exhibit 2**), which outlines the requirements for modification of an approved site plan, is the code provision that is applicable to the request. A survey, floor plan, and site plan were submitted as part of the application. No exterior changes are being proposed to the existing building. The parking requirements are outlined below.

Parking

The parking layout will require restriping to ensure compliance with the Town's dimensional standards. Standard parking spaces must be shown at a minimum depth of 18 feet, and compact spaces must be at least 15 feet deep

(Exhibit 3). All spaces will be restriped to reflect these requirements consistently, with one typical dimension provided on each side of the internal drive.

The minimum required number of parking spaces for the property with the existing hotel use and the proposed use is shown in **Table 1** below.

Table 1

ParkingSpace Types	Parking Required	Existing	Proposed
	1 Space/ Hotel Unit	15	19
Handicap	1	2	2
Standard		18	15
Compact	0	0	3
Total	15	20	20

Citizen Participation Meeting

On June 19, 2025, the Applicant conducted a Citizen Participation meeting in accordance with Section 30-114 of the Town Code and provided the Town with a summary of the meeting **(Exhibit 3)**.

Discussion

Recommendation and Conditions

Notification was posted on the Property, the Town's website, and mailed to affected parties within 300 feet as required by Section 30-139(d) of the Town Code **(Exhibit 4)**. The Town has not received any responses from the public in favor or in opposition to the proposed project.

The Department recommends approval of the:

- a. Level 2 Site Plan Modification Application to increase the permitted number of hotel units from 14 units to 19 units in order for the buildings' renovations to meet the Town's zoning and land use requirements for property located at 4217-4225 El Mar Drive; and

The Department recommends the following conditions:

1. The Applicant shall provide documentation, in a form acceptable to the Town Attorney, demonstrating that the properties located at 4217 El Mar Drive and 4225 El Mar Drive have been legally joined into a single unified lot of record prior to issuance of any Building Permits. No permits shall be issued until proof of lot combination is recorded in the public records of Broward County.
2. The Applicant shall secure a building permit, as defined in Section 30-121(e) of the Town Code for the project within twelve (12) months of the date of the development order approval and a certificate of occupancy for all structures within eighteen (18) months of obtaining the building permit. An extension to the deadline for completion of construction and compliance with the site plan development order may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code.
3. All construction shall be in accordance with the plans, incorporated into the approved Development Order **(Exhibit 5)**, which are listed in this report and in accordance with all modifications and conditions approved by the Town Commission. If changes occur as part of the building permit and/or architectural review process, the Applicant will be required to provide this information to Development Services Staff to determine if a modification of the Site Plan approval is required.

4. Prior to issuance of a building permit, the Finance Director shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.
5. The approved site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
6. All applicable state and federal permits shall be obtained before commencement of construction.
7. The construction shall be in accordance with submitted plans (**Exhibit 1**). Such plans are subject to revisions based on any necessary changes that may be required for issuance of a building permit pursuant to the Florida Building Code.

Recommendation: Staff recommends that the Board vote to recommend the Town Commission's approval of the request for site plan modification.

Exhibits:

1. Applications and plans
2. Section 30-123 – Site Plan Modification
3. Section 30-126 – Citizen Participation Summary
4. Section 30-139 - Public notice requirements
5. Development Order

SITE PLAN LEVEL 2 MODIFICATION CHECKLIST

**SITE PLAN LEVEL 2 MODIFICATION CHECKLIST**

In accordance with the Town of Lauderdale-By-The-Sea Unified Land Development Regulations Section 30-123 – Administrative Adjustment-Level 2, the following is a list of the required documentation required for development approval of an Site Plan Level 2 Modification application.

Items for Submittal:

- Fee for Site Plan Modification-Level 2 + Deposit (See Fee Schedule)
 - (1) copy of the PLANS only (at 11" x 17") in color (as applicable at final submittal)
 - Two (2) copies of the PLANS only signed, sealed and bounded at 24" x 36"
 - One (1) digital copies of the below referenced documents – via email, disk or thumb drive
- A completed Development Application signed and notarized (original needed)
- Proof of Ownership (Deed, Title Work)
- Copy of site plan previously approved by the Town (see specifications for site plan below)
- Copy of Development Order originally approved by the Town
- A letter addressed to the Town describing the changes to the previously approved site plan
- An exhibit showing the proposed modifications to the site plan (please show change to site plan at the same scale and paper size as previously approved site plan)
- Current survey current within 60 days and drawn to scale (as applicable)
- Revised rendering or perspectives of the modified development (as applicable)
- Revised landscape plans (as applicable)
- Revised elevations (as applicable)
- Traffic Study (as applicable)
- Photos of site and of adjacent properties (as applicable)
- Upon resubmittal of the plans, include a letter response to the Town comment. This is done by providing the comment received from the Town followed by a response by the applicant

Specifications for Site Plan: If the original site plan was not completed to the required specifications, please review the following information as the appropriate submittal package for a site plan:

- Cover sheet for the plan set describing project details (e.g. consultants, area map, project name)
- Survey. The survey must identify the following:
 - * Distance of structure from property line
 - * Distance between structures
 - * Identify property lines
 - * Existing setbacks
 - * Easements
 - * Adjacent right-of-way
- Detail Sheet
- Floor Plans
- Building Elevations
- Renderings or perspectives of the proposed development

o Landscape Plans

SITE PLAN PROJECT CHARACTERISTICS



Application #: _____

Project Name: Buena Vista Hotel

Acres (gross): 0.371 Acres (net): 0.371

Zoning District: X

EXISTING SITE CHARACTERISTICS:

Is this a modification to a previously approved site plan? Yes or ☒ No If yes, please provide the date and application number of the previous approval _____

Existing Land Use Plan Designation: 39-02 Hotel - limited service Proposed Land Use Designation: 39-02 Hotel - limited service

Existing Use of property: 39-02 Hotel - limited service without food Is the site presently vacant? Yes

How many units existing? 10 The date last occupied 04/30/2024

Will any units be demolished? No Number of units to remain 10 To be demolished 0

For Residential: Plot Size: _____ Density: _____ # of stories _____

For Non-Residential: Gross Floor Area 16,148 sqft Plot Size: _____ # of stories _____

Please describe the request being made under this application (a separate letter may be required as part of a Site Plan Level 2 application) Our plan involves the repurposing of existing space within the hotel to accommodate four additional units. Importantly, this project is designed to be minimally invasive, with no demolition of current units. Instead, we are focusing on optimizing and efficiently utilizing underused areas of the existing building to increase our accommodation capabilities.

Additional Information: _____

PROPOSED DEVELOPMENT: COMPLETE FOR RESIDENTIAL PROJECTS

UNIT TYPE	NUMBER OF UNITS	PLOT SIZE	DENSITY
Single-Family			
Duplex			
Townhouse			
Condominium			
Motel Unit			
Hotel Unit			
If site plan is being modified, describe changes to any of the above:			

PROPOSED DEVELOPMENT: COMPLETE FOR NON-RESIDENTIAL PROJECTS

LAND USE TYPE	GROSS FLOOR AREA	PLOT SIZE	NUMBER OF STORIES
Commercial	17,490 SF	17,490 SF	3
Office			
Restaurant			
Medical			
Other Uses:			
Other Accessory Uses:			
If site plan is being modified, describe changes to any of the above: N/A			

Administrative Use Only

Date Application Submitted: _____
 Pre-Application Meeting Date: _____

Date Found Complete: _____

Application #: _____
BTR#: _____



DEVELOPMENT APPLICATION

In accordance with Section 30.111-30.113 of the Town's Unified Land Development Regulations: Development applications are required to be provided before any development permit is issued. Please refer to the Town's website to obtain a copy of the corresponding Application Checklist. Please also refer to the Fee Schedule, updated annually by the Town, as provided on the website which will indicate the cost per application type. Please check the development approval being requested:

- | | | |
|---|--|---|
| ☐ Abandonment | ☐ Conditional Use-Sign | ☐ Preliminary Site Plan |
| ☐ Administrative Adjustment-Level 1 | ☐ Conditional Use-Transfer Fee | ☐ Sidewalk Cafe |
| ☐ Administrative Adjustment-Level 2 | ☐ Construction Time Extension | ☐ Sidewalk Cafe Modification |
| ☐ Architectural Review-Preliminary | ☐ Development Order Extension | ☐ Site Plan |
| ☐ Architectural Review-Final | ☐ Encroachment Application | ☐ Site Plan Modification-Level 1 |
| ☐ Bicycle Racks | ☐ Landscape Plan | ☒ Site Plan Modification-Level 2 |
| ☐ Conditional Use | ☐ Landscape Plan Amendment | ☐ Tree Removal |
| ☐ Conditional Use Amendment-Level 1 | ☐ Parking Reduction-Level 1 | ☐ Variance-Single Family |
| ☐ Conditional Use Amendment-Level 2 | ☐ Parking Reduction-Level 2 | ☐ Variance - Other |
| | | ☐ Other _____ |

Based on approval being requested, refer to the corresponding checklist and supplemental requirements.

Project Name: Buena Vista Folio Number(s): 494318011600

Street Address: 4225 EL MAR DRIVE LAUDERDALE BY THE SEA, 33308

Subdivision Name: Lauderdale By The Sea 6-2 B Block(s): 16 Lot(s): 18 & 19

Name of Property Owner: MP HOLDINGS LLC Address of Property Owner: 6520 SW 181 LN SOUTHWEST RANCHES, FL 33331

Property Owner's Phone Number: 305-586-5971 Property Owner's Email Address: deltoro@mpmd.us

Name of Applicant: Jose Del Toro Address of Applicant: 1460 S Palm Ave, Pembroke Pines 33025

Applicant Phone Number: 305-888-6959 Applicant Email Address: deltoro@mpmd.us

Name of Agent (e.g. Contractor) Representing the Project: Carlos Joubert

Agent's Address: 10970 SW 73RD STREET MIAMI FL 33173 Agent's Phone: 305-951-9452 Email Address: projectsjrcac@gmail.com

Land Use Plan Designation: Hotel Zoning District: X

Existing/Type of Use of the Subject Property: 39-02 Hotel - limited service without food

Proposed Use of the Subject Property: 39-02 Hotel - limited service without food

As applicable, answer the following:

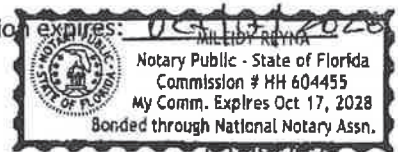
Existing Number of Units: 10 Proposed Number of Units: 14

Existing Square Footage: 17490 Proposed Square Footage: 17490

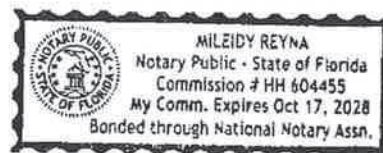
DEVELOPMENT APPLICATION SIGNATURE PAGE

Print Name of Property Owner: Jaynier MoyaDate: 3/28/2025

Signature of Property Owner: _____

State of Florida: ✓County: BrowardSWORN AND SUBSCRIBED before me this May day of 30, 2025.The person signing is _____ personally known to me or ✓ has produced identification Driver License.Print Notary Name: Mileidy ReynaNotary Signature: Mileidy ReynaMy Commission expires: Oct 17, 2028Print Name of Applicant: Jose Del ToroDate: 03/28/2025

Signature of Property Applicant: _____

State of Florida: ✓County: BrowardSWORN AND SUBSCRIBED before me this May day of 30, 2025.The person signing is _____ personally known to me or ✓ has produced identification Driver License.Print Notary Name: Mileidy ReynaMy Commission expires: Oct 17, 2028Notary Signature: Mileidy Reyna

FOR ADMINISTRATIVE USE ONLY:

Date Application submitted: _____

Date Application found complete: _____

Pre-Application meeting date: _____

Non-refundable Application Fee: _____

Cost Recovery Fee: _____

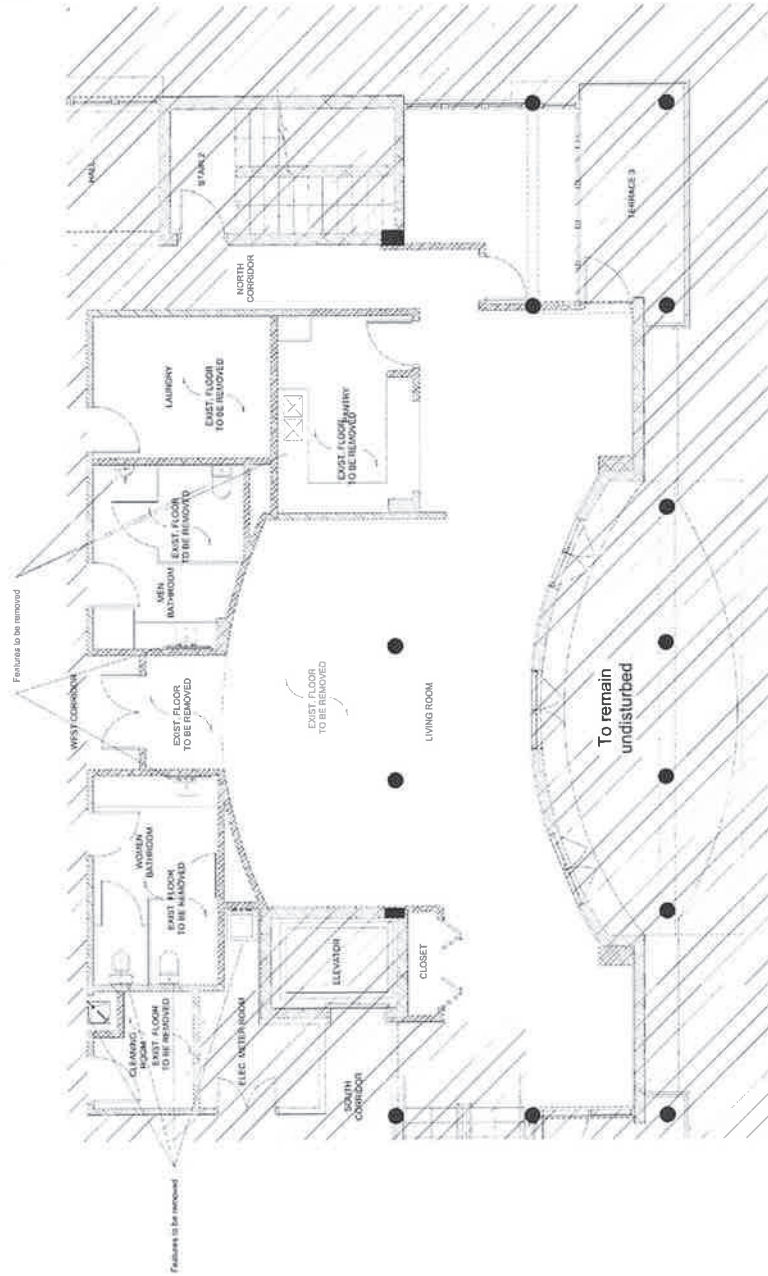
ASBESTOS NOTES:
As per F.B.C. 2023 8th edition
105 R Amendment

Demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner's or operator's responsibility to comply with the provisions of Section 469.003, Florida Statutes, and to notify the Department of Environmental Protection of its or her intentions to remove asbestos, when applicable, in accordance with Rule 62-260, Florida Administrative Code.

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SCOPE OF WORK

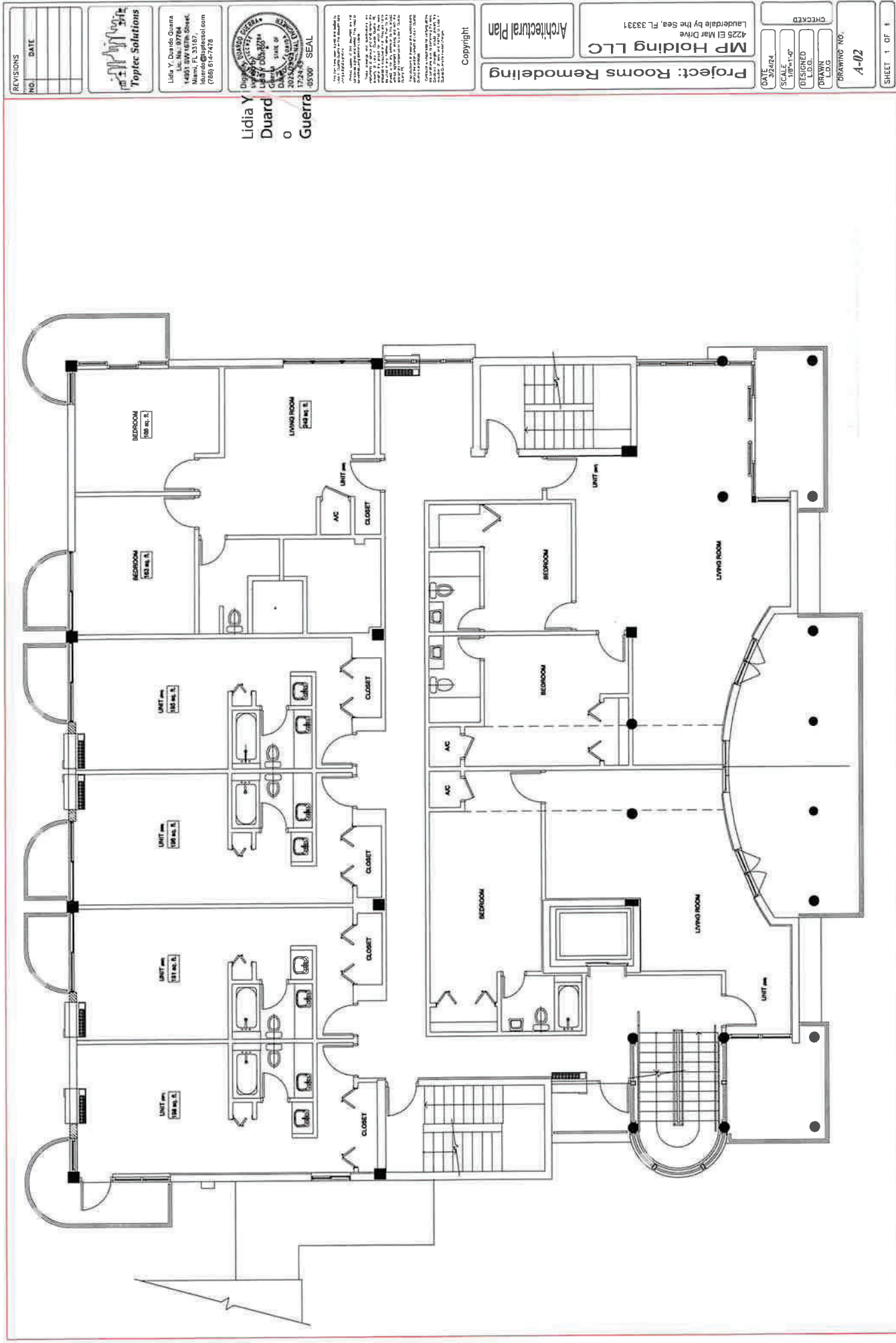
- 1 Remove partitions
- 2 Remove plumbing fixtures and associated connections
- 3 Remove electrical components attached to partitions to be removed
- 4 No mechanical work required



SECOND FLOOR DEMOLITION PLAN
SCALE 1/4"=1'

 Empty box
 Box with diagonal lines
 Box with horizontal lines
 Box with vertical lines
 Box with cross-hatch pattern
 Box with wavy lines





REVISIONS

NO.	DATE

Tiptec Solutions

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1400 SW 1st Ave. Suite 200
Miami, FL 33137
lduardo@tiptecsol.com
(786) 614-7478

Lidia Y. Duaró Guerra
Professional Engineer
State of Florida
No. 17247
Exp. 12/31/2023

Copyright

Architectural Plan

Project: Rooms Remodeling

MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

CHECKED

DATE 3/24/24

SCALE 1/8"=1'-0"

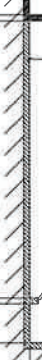
DESIGNED L.D.G.

DRAWN L.D.G.

DRAWING NO. 4-02

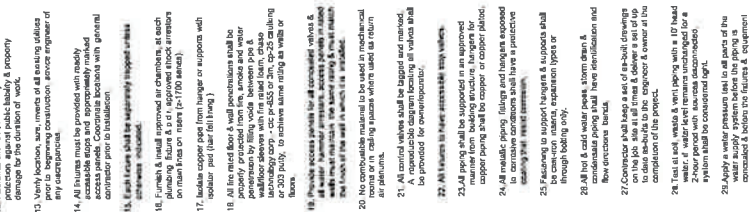
SHEET 1 OF 1

SHEET 1 OF 1



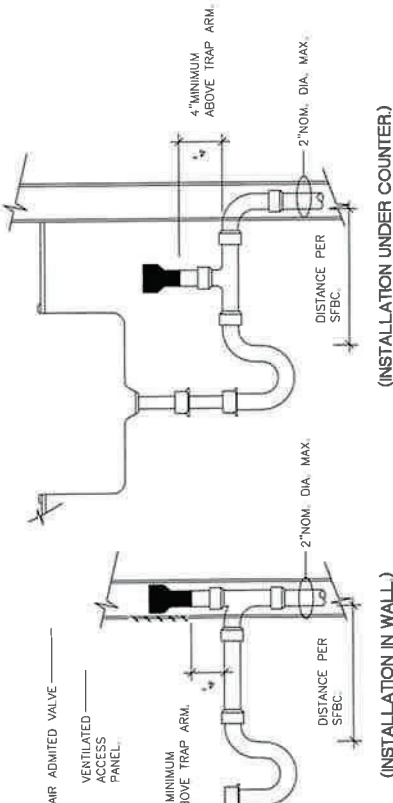
DATE 3/24/24	SCALE 1/8"=1'-0"	DESIGNED L.D.G.	DRAWN L.D.G.	CHECKED
DRAWING NO.				P-1

SHEET 1 OF 1

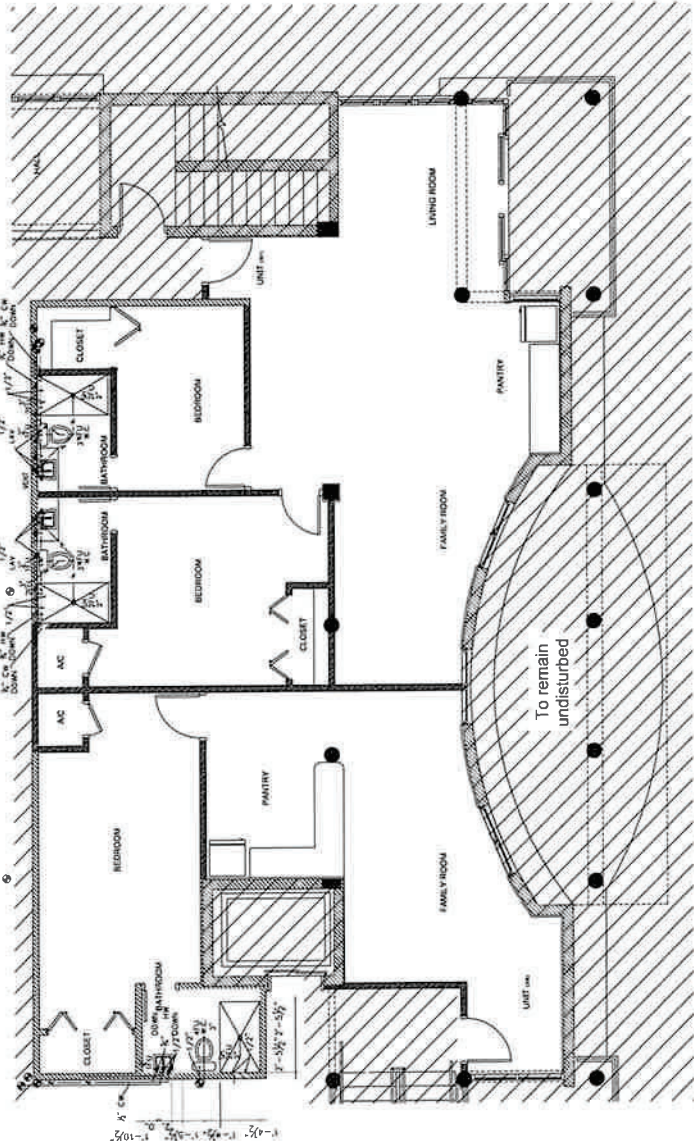
[illegible]

Plumbing Legend	
Symbol	Description
	Condensate Line (CL)
	Cold Water Line (CWL)
	Hot Water Line (HWL)
	Sewer Line (SL)
	Communication to Existing
	Flue/Chimney
	2 Way / Hot / Cold
	Wall / Ceiling
	Cave Wall
	Hot / Cold
	3" Trap
	Vent
	Open This Roof
	Connect to Adjacent Roof

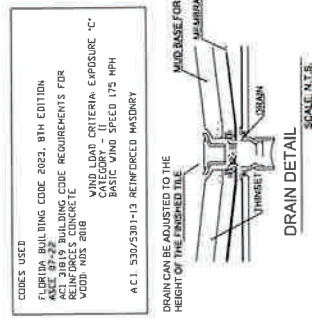
Page 222 of 266

[illegible]

AIR ADMITED VENT DETAIL:



Symbol	Description
	Continual Live (CD)
	Cold Water Live (CW)
	Hot Water Live (HW)
	Sanitary Live (SL)
	Connection to Earthing
	Floor Clearexit
	2 Way Floor Clearexit
	Wall Clearexit
	Gas Valve
	Probe Bubb
	1" Trip
	Valve
	Vent Thru Roof
	Connects to adjacent wall



A diagram of a bathroom layout showing clearances for a toilet, bathtub, and shower. The toilet is on the left, the bathtub is on the right, and the shower is at the bottom. Clearances are indicated by dimension lines and text: 24" MIN. CLEAR for the bathtub, 31" MIN. CLEAR for the toilet, and 31" MIN. CLEAR for the shower.

[illegible]

1. All areas shall comply with FBC 2023, Energy Conservation 8th Edition, Section C503.15

GFI= GROUND FAULT INTERRUPTER
VH= VERIFY PRIOR TO INSTALLATION
PB= PUSH BUTTON
VP= VAPOR PROOF
WP= WEATHER PROOF

FLORIDA BUILDING CODE 2023, 8TH EDITION
ASCE 07-22
ACI 318.19 BUILDING CODE REQUIREMENTS FOR
REINFORCED CONCRETE
WOOD: NDS 2018
WIND LOAD CRITERIA EXP
CATEGORY - II
BASIC WIND SPEED 175 MP
ACI 530/530.1-13 REINFORCED MASONRY

ACI 530/530.1-13 REINFORCED MASONRY



PROPOSED SECOND FLOOR PLAN

 **Taptec Solutions**

Lidia Y. Duardo Guerra
Lic. No. 97784
14951 SW 16th Street,
Miami, FL 33187
kduardo@taptecsol.com
(785) 614-7478

Lidia Y. Duardo Guerra
Llc No. 97784
14951 SW 167th Street,
Miami, FL 33187
kduardo@toplesol.com
(786) 614-7478

Lidia Y
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 Guerra

The sign will have signs are added by
1. Jan T. Gannon, Chairman of the National
along a long list of signatures.

Thyrses grows up tallflowers are
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Copyright

Electrical Plan

Project: Rooms Remodeling

DATE	3/24/24
SCALE	1/8"=1'-0"
DESIGNED	L.D.G.
DRAWN	L.D.G.

DRAWING NO.
E-1

HEET 1 OF 1

REVISIONS	NO.	DATE



Lidia Y. Duero Guerra
Lic. No. 97784
14951 SW 167th Street,
Miami, FL 33187.
lduero@loplacsol.com



Lidia Y
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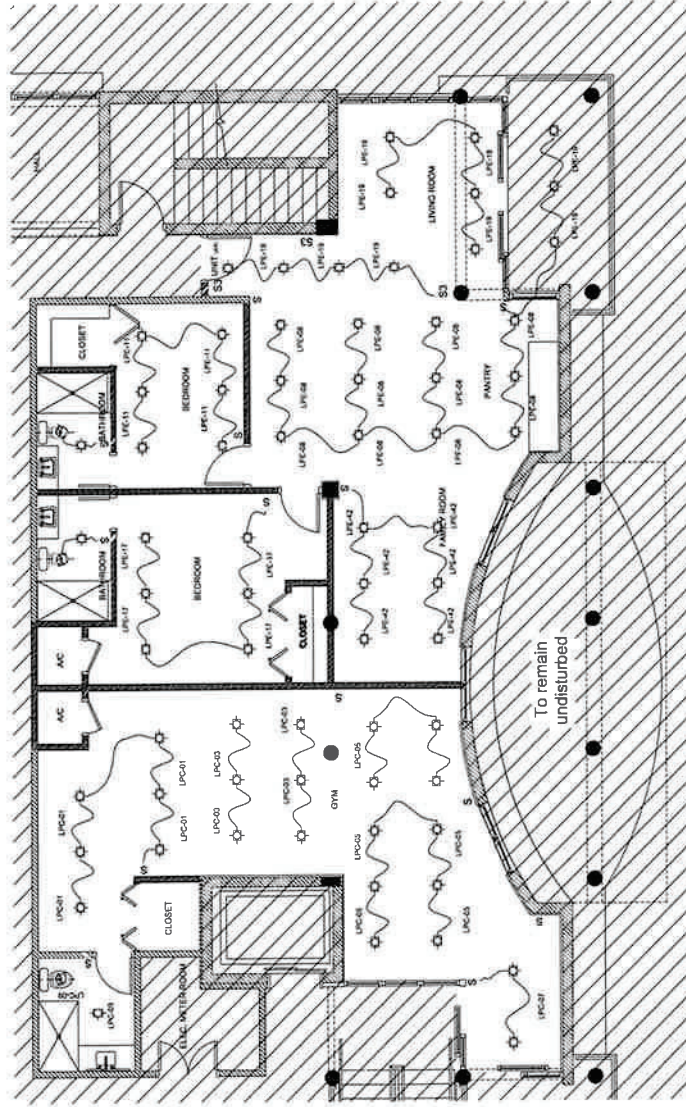
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Project: Rooms Remodeling
MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

DATE 3/24/24
SCALE 1/8"=1'-0"
DESIGNED L.D.G.
DRAWN L.D.G.
DRAWING NO. E-3
CHECKED

SHEET 1 OF 1

CODES USED
FLORIDA BUILDING CODE: 2023, 8TH EDITION
ASCE 07-22
ACI 318-19 BUILDING CODE REQUIREMENTS FOR
REINFORCED CONCRETE
WOOD: NDS 2018
WIND LOAD CRITERIA EXPOSURE "C",
CATEGORY - II
BASIC WIND SPEED 175 MPH
ACI 530/530.1-13 REINFORCED MASONRY



PROPOSED SECOND FLOOR PLAN

ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	EXHAUST FAN
	WALL MOUNTED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	TV OUTLET
	JUNCTION BOX
	GROUND MOUNTED SMOKE DETECTOR
	SEE ELECTRICAL NOTE BELOW PANEL SCHEDULE
	WALL SWITCH (SINGLE, DOUBLE)
	WALL SWITCH (3-WAY)
	SINGLE RECEPTACLE
	DUPLEX RECEPTACLE
	EXISTING DUPLEX RECEPTACLE
	DUPLEX RECEPTACLE GROUND FAULT INTERRUPTER
	EXIST. RECEPTACLE GROUND FAULT INTERRUPTER
	220 VOLT RECEPTACLE
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	ELECTRIC METER
ABBREVIATIONS ATTN= ATTENDING TO REMAIN A/F = ABOVE FINISH FLOOR UC= UNDER CABINET C= COUNTER TOP LEVEL BC= BELOW COUNTER GF= GROUND FAULT INTERRUPTER VH= VERIFY PRIOR TO INSTALLATION PB= PUSH BUTTON VP= VAPOR PROOF WP= WEATHER PROOF	

REVISIONS

NO.	DATE

Lidia Y. Duarte Guerra

14561 SW 16th Street,

Miami, FL 33187

lguerra@toplec.com

(786) 914-4278

MP Holding LLC

4225 El Mar Drive

Lauderdale by the Sea, FL 33331

Project: Rooms Remodeling

Demolition Plan

Copyright

CHECKED

DATE 3/24/24

SCALE 1/8"=1'-0"

DESIGNED L.D.G.

DRAWN L.D.G.

DRAWING NO. D-2

SHEET 1 OF 1

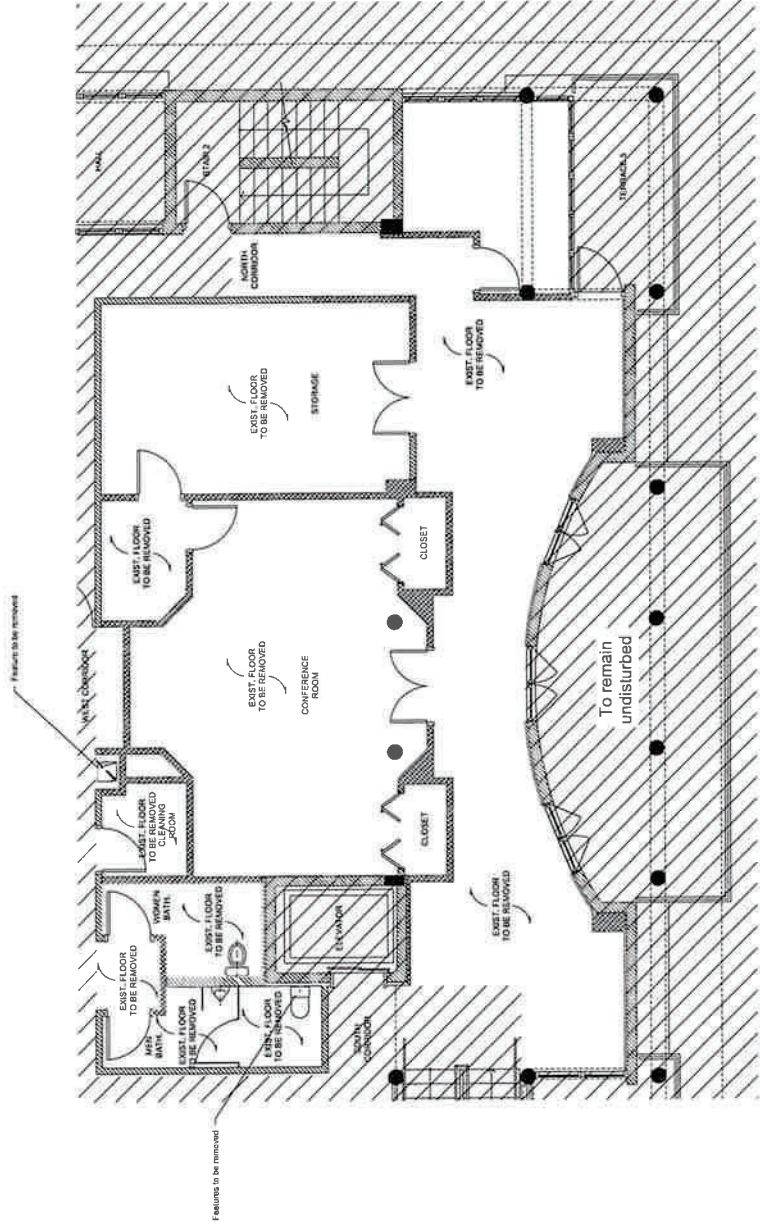
ASBESTOS NOTES:
As per F.B.C. 2023, 8th edition
105.9 Asbestos

Demolition or renovation of an existing structure to contain an asbestos notification statement which indicates the owner or sponsor is responsible to comply with the Environmental Protection Agency (EPA) and the Florida Department of Environmental Protection (FDEP) requirements for asbestos removal, when indicated, in accordance with state and local law.

CODES USED
FLORIDA BUILDING CODE 2023, 8TH EDITION
ASCE 07-22
ACI 308.1R-19 BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE
ACI 308.3R-19 BUILDING CODE REQUIREMENTS FOR MASONRY
ACI 308.4R-19 BUILDING CODE REQUIREMENTS FOR WOOD
ACI 308.5R-19 BUILDING CODE REQUIREMENTS FOR GLASS
ACI 308.6R-19 BUILDING CODE REQUIREMENTS FOR ALUMINUM
ACI 308.7R-19 BUILDING CODE REQUIREMENTS FOR STEEL
ACI 308.8R-19 BUILDING CODE REQUIREMENTS FOR COMPOSITE
ACI 308.9R-19 BUILDING CODE REQUIREMENTS FOR PRECAST
ACI 308.10R-19 BUILDING CODE REQUIREMENTS FOR CAST-IN-PLACE
ACI 308.11R-19 BUILDING CODE REQUIREMENTS FOR CONCRETE
ACI 308.12R-19 BUILDING CODE REQUIREMENTS FOR MASONRY
ACI 308.13R-19 BUILDING CODE REQUIREMENTS FOR REINFORCED MASONRY

SCOPE OF WORK

- Remove partitions
- Remove aluminum balustrade and aluminum connections
- Remove electrical components attached to partitions to be removed
- No structural work required



THIRD FLOOR DEMOLITION PLAN
SCALE: 1/8"=1'-0"

If an applicant's development plans change after previously receiving site plan approval, the applicant may file an application for modification of an approved site plan, pursuant to section 30-112, with the Department. Applications for modification of an approved site plan shall be classified as provided below.

- (a) *Level 1 - Administrative approval.* A Level 1 site plan modification will, as determined by the Town Manager, have:
 - (1) No adverse effect on the approved site and development plan;
 - (2) No adverse impact upon adjacent and nearby properties; and
 - (3) No adverse aesthetic impact when viewed from a public right-of-way.
- (b) *Level 2 - Town Commission approval.* A Level 2 site plan modification presents a significant change in intensity of use which, in turn, may have a significant impact upon facilities, concurrency, nearby and adjacent properties, or findings made at the time of approval of the site and development plan as determined by the Town Manager and which requires Town Commission review and approval.
- (c) *Modification Level Criterion.* In determining the level of review applicable to a modification, the Town Manager shall consider the following questions:
 - (1) Does the modification increase the buildable square footage of the development?
 - (2) Does the modification reduce the provided number of parking spaces below the required number of parking spaces?
 - (3) Does the modification cause the development to be below the development standards for the zoning district in which it is located or other applicable standards in the Land Development Regulations?
 - (4) Does the modification have an adverse effect on adjacent or nearby property or reduce required physical buffers, such as fences, trees, or hedges?
 - (5) Does the modification adversely affect the elevation design of the structure or reduce the overall design of the structure below the standards stated in article I, division 2, Architectural Review Requirements?
 - (6) Does the modified development meet the concurrency requirements of the Town of Lauderdale-By-The-Sea Comprehensive Plan?
 - (7) Does the modification alter the site layout so that the modified site plan does not resemble the approved site plan?
- (d) *Appeal.* When any determination of modification made by the Town Manager is challenged or contested by the applicant, an appeal may be taken to the Town Commission.
- (e) *Procedure.* All site plan modifications shall be processed as set forth in division 1, generally, of this article.
- (f) *Required information.* The following information must be presented with a request for a site plan modification:
 - (1) Development order approving the original site plan, if applicable.
 - (2) Site plan information as deemed necessary by the Department.
 - (3) Minor modification: A letter from the applicant that sets forth the requested changes, along with an exhibit showing that portion of the site plan which is to be changed in its present condition and an exhibit depicting the requested change.
- (g) *Time frame.*
 - (1) Upon approval of a Level 2 site plan modification by the Town Commission, the applicant shall have six months or until the expiration date of the original approval, whichever is later, to secure a building permit from the Department.
 - (2) If an applicant fails to secure a building permit in that time, all previous approvals shall become null and void and the applicant will be required to resubmit the plan for site plan review.
 - (3) At its discretion, the Town Commission may extend the approval of a major site plan modification for a six-month period.
 - (4) Level 1 - Administrative site plan modifications shall not extend the time limits of an approved site plan.
- (h) *Reporting.* The DSD shall prepare and provide to the Town Manager a quarterly report on Level 1 - Administrative approval site plan modifications, which shall be filed a minimum of quarterly with the Town Commission.

- (a) The minimum size (in feet) for parking stalls shall be as follows:

Compact space: 8 × 15

Handicap space: 12 × 18

Loading space: 10 × 25

Standard space: 9 × 18

Neighborhood/Low speed vehicle space: 8 × 11

Tandem Employee/valet space: 8½ × 18 for each vehicle with a maximum stacking of 2 vehicles (36 feet)

Parallel space: 8½ × 20

- (b) A maximum of 25 percent of all parking spaces can be compact spaces provided they are specifically designated and designed for "compact only" and the layout is approved by the Town Commission.
- (c) Parking layout and design criteria is provided in [section 30-122](#) (a)(1) of the Town Code.
- (d) Stalls shall be provided with bumper guards, wheel stops, or continuous curbing when necessary for safety or protection to adjacent structures or landscaped areas.
- (e) *Composition and amortization.*
- (1) Business and multi-family zoning districts. All parking areas, excluding RS4, RS5 and RD10 zoning districts shall be surfaced with brick, pervious brick, asphaltic, or concrete surfacing maintained in a smooth, well-graded condition according to the regulations of this chapter.
 - (2) Residential and duplex zoning districts. All parking areas (i.e. driveways) for RS-4, RS-5 and RD-10 zoning districts are regulated under [section 30-313](#) General provisions (k) Standards for driveways for single-family and two-family (duplex) dwellings.
 - (3) Amortization. All parking facilities in the B1 and B1A zoning districts shall comply with subsection (1) above no later than January 1, 2016.
- (f) *Drainage.* All off-street parking facilities shall be drained so as to not cause any nuisance on adjacent or public property. Such drainage facilities shall be arranged for convenient access and safety of pedestrians and vehicles with standards set forth according to the Land Development Code.
- (g) *Identification.* Each parking space required and provided pursuant to the provisions of these sections shall be distinguished and separated from adjoining parking spaces by means of three-inch painted stripes. It shall be the responsibility and obligation of the owner or operator of any building, structure or use affected by these sections to maintain such identification markings so that parking spaces at all times are distinguishable from one another.
- (h) *Back-out parking prohibited.* Parking facilities that require a motor vehicle to exit the parking space by backing-out onto State Road A1A shall be prohibited for all new development and re-development of any properties adjacent to State Road A1A. For purposes of this section, "new development" shall be defined as the construction of a building or parking lot upon a vacant or cleared lot. For purposes of this section, "redevelopment" shall be defined as alterations that result in the demolition of more than 50 percent of the total existing ground floor building area on the site.
- (i) *Lighting.* All off-street parking facilities serving multiple-family residential developments containing eight or more dwelling units and serving all non-residentially zoned or used properties shall be illuminated in accordance with the following standards.
- (1) For the purpose of this subsection, open-air parking areas shall include the parking surface of open parking lots and accessways thereto at grade level. Enclosed parking facilities shall include multi-level parking garages and enclosed grade level parking facilities.
 - (2) Intensity of illumination:

- a. Open-air parking areas shall provide an average illumination intensity of one footcandle equal to one lumen per square foot, and shall be well distributed on the pavement areas and pedestrian walkways; however, at no point shall illumination be less than one-quarter of a footcandle.
- b. Enclosed parking areas shall provide an average illumination intensity of 50 footcandles at the entrance, ten footcandles in traffic lanes and five footcandles in vehicle parking areas.
- c. Automatic teller machines (ATM) shall be provided with a maintained minimum of three footcandles of light measured at grade level. Parking areas that serve the ATM must also meet the three footcandle standard.
- d. The current edition of the IES Lighting Handbook, published by the Illuminating Engineers Society, 345 East 47 Street, New York, New York, 10017, is the standard to be used by the architect or engineer as a guide for the design and testing of parking area lighting.
- e. Overspill of lighting onto adjacent properties or rights-of-way shall not exceed three footcandles vertical and shall not exceed one footcandle horizontal illumination measured at grade level. All lighting must be shaded or screened and positioned in such a manner as to reflect the light away from any contiguous residential zoned property, and to minimize offensiveness to persons on all other neighboring properties and temporary blinding of drivers of vehicles passing illuminated property.
- f. All required illumination shall be controlled by automatic devices. The required illumination for open-air parking areas shall operate from dusk to dawn with one-half light levels permitted from midnight to dawn. Enclosed parking areas shall maintain the lighting levels specified in this section 24 hours a day either by operating lighting at all times, or at all such times as would be required to maintain the required lighting levels.
- g. Lighting shall comply with requirements of subsection 30-313(o) for the protection of sea turtle nesting areas.

(3) Compliance requirements:

- a. A conceptual parking facility lighting plan, showing the general location and type of lighting proposed, shall be submitted with any application for final site plan approval. Prior to the issuance of a development order for a building permit, a parking facility lighting plan prepared by a registered architect or engineer shall be submitted for new construction, additions to existing buildings, changes of use, or expansion or reconfiguration of parking areas. The lighting plan shall be certified by the registered architect or engineer as providing illumination in accordance with the minimum standards set forth in this subsection.
- b. Subsequent construction must comply with the lighting plan.
- c. As a prerequisite to the issuance of final approval of any parking facility and of the lighting installation, and further, prior to the lighting installation being placed in permanent use, a letter of compliance from a registered professional engineer shall be provided to the Director stating that the installation has been field checked and meets the requirements of this section.

(4) Maintenance requirements: All lighting installations required by this subsection shall be maintained in compliance with the minimum illumination requirements specified herein by the owners and occupants of the property.

(Ord. No. 361, 3-14-95; Ord. No. 438, § 2, 6-13-00; Ord. No. 2007-14, § 2(Exh. A), 9-25-07; Ord. No. 2011-02, § 2, 3-22-2011; Ord. No. 2014-13, § 2, 10-28-2014; Ord. No. 2017-12, § 2(Exh. A), 11-14-2017)

(a) *Generally.* When an application for development approval is subject to a public hearing, the DSD shall ensure that the necessary public hearing is scheduled for the decision-making body reviewing the application and that proper notice of the public hearing is provided, as set forth herein. All notices for public hearings shall include the following information:

- (1) Applicant's name;
- (2) The date, time, and place of the public hearing;
- (3) A description of the property involved by street address or by legal description, and area of the subject property. A map may be substituted for the legal description or as required by State law;
- (4) The nature, scope and purpose of the proposal being noticed;
- (5) The Town departments where the public may inspect the application, staff report and related materials during normal business hours;
- (6) A statement that affected parties may appear at the public hearing, be heard and submit evidence with respect to the application; and
- (7) Other information as may be required by law.

(b) *Mailed notice.*

- (1) Where mailed notice is required, pursuant to Table XXX, it shall be provided to all property owners within a 300 foot radius of the subject property, and shall include the subject property owner(s) and Town Development Services Department.
- (2) Distances for purposes of mailed notice requirements shall be measured from the perimeter of the property subject to development approval, except that where the owner of the subject property owns contiguous property, the distance shall be measured from the perimeter of the boundary of the contiguous property.
- (3) Property owners shall be determined by the ad valorem tax records of Broward County.
- (4) The DSD shall prepare the written notice and provide said notice to the Town Clerk who shall be responsible for mailing the notices, with the exception of public participation meetings which shall be the responsibility of the applicant as set forth in section 30-114 of this Code.
- (5) Mailed notice shall be deemed given when a notice has been properly addressed, stamped and deposited in a U.S. Postal depository or collected by an employee of the U.S. Postal Service.
- (6) Notice by mailing is a courtesy only and no action taken by the Town shall be voided by the failure of any individual property owner to receive such notice.

(c) *Published notice.* When the provisions of this chapter require published notice, the DSD shall provide that the notice be:

- (1) Published in the non-legal section of the local newspaper of general circulation that has been selected by the Town and in accordance with applicable Florida Statutes.
- (2) Follow the timelines and ad type established in Table XXX in this article.
- (3) For the purposes of this section and Table XXX:
 - a. "Display ad" shall be no less than two columns wide by ten inches long and the headline of the required notice shall be in a type no smaller than 18 point font size. If the ad is for a zoning map amendment, it shall also include a map pursuant to Florida Statutes 166.041(3)(c)2.
 - b. "Standard ad" shall be in the legal ad section of the classified ads of the newspaper and shall be in a type no smaller than 5 point font size.

(d) *Posted notice.* When the provisions of this chapter require that notice be posted on the property subject to the application, the DSD shall provide the required sign to the applicant who will be responsible for posting the property, as set forth below:

- (1) Signs shall be placed on the property that is the subject of the application in accordance with timelines prescribed in Table XXX in this article prior to a required or requested hearing.
- (2) If the subject property fronts on more than one right-of-way, then a sign shall be posted facing each right-of-way.

- (3) Signs shall be placed no more than five feet from the street or if there is a sidewalk, no more than two feet beyond the property side edge of the sidewalk, so that the lettering is visible from the street.
- (4) If the sign is destroyed or removed from the property, the applicant is responsible for obtaining another sign from the Town and posting the new sign on the property.
- (5) The sign shall remain on the property until final disposition of the application. This shall include any deferral, rehearing, appeal, or requirement for review or hearing by another body. The sign information shall be updated to include any additional public hearings or public hearing deferrals consistent with Table XXX.
- (6) No less than five days prior to the public hearing, the applicant shall execute and submit to the Department an affidavit of proof of the posting of the public notice sign in accordance with the provisions of this section. Updates as provided in (5) above shall also require such affidavit. If the applicant fails to submit the required affidavit, the DSD may postpone the application until the next public hearing after the affidavit has been supplied.
- (e) *Town Website Posting.* Notice of all development applications shall be provided on the Town's Website no later than ten days prior to any public hearing related to the application. Website Notice is a courtesy only and no action taken by the Town shall be voided by the failure of such notice to be posted.
- (f) *Re-noticing.* All costs of re-noticing the public hearing shall be borne by the party failing to comply with the applicable notice requirements, requesting the deferral or continuance, or whose actions are responsible for the deferral or continuance which may require re-noticing of the hearing. Continuances to a date certain, announced at the originally noticed meeting, shall not require re-notice of the new public hearing date. Continuances to unspecified dates, substantive changes to an application request during the period an application has been continued, or more than two continuances on the application, shall require re-noticing for the new public hearing date.
- (g) *Development applications requiring public hearing.* Public hearings on applications for development permit approvals other than rezoning, including, but not limited to administrative adjustments, appeals from administrative decisions, conditional uses, plats, site plans, vacations and variances shall be noticed as follows in accordance with Table XXX.
- (h) *Applicant bears burden of costs.* When the provisions of this chapter require that notice be provided, the costs of Town staff preparing the content of the notice and providing such notice shall be billed through cost recovery.
- (i) *Provisions of Florida Statutes to prevail.* Where provisions of the Florida Statutes conflict with provisions of this chapter, the Florida Statutes shall prevail except where this chapter contains supplementary requirements not in conflicting with the Florida Statutes.

Table XXX. Notice Requirements

Application type	Florida Statute reference	Public participation meeting	Board notice date (as applicable)	Commission notice date	Type of notice			
					Website	Posted	Mailed 300'	Published (ad type)
Administrative adjustments, appeals from administrative decisions, plats		n/a	10 days	10 days	X	X	X	n/a
Conditional uses for signs		10 days	n/a	10 days	X	X	X	n/a

A variance for a single family home		n/a	10 days	10 days	X	X	X	n/a
Conditional uses, site plans, Level 2 site plan modifications, variances		10 days	10 days	10 days	X	X	X	n/a
Right-of-way vacations		10 days	10 days	10 days	X			X (standard)
Architectural review, conditional use level 1 modification, site plan level 1 modification		n/a			n/a	n/a	n/a	n/a
Comprehensive plan—Text	163.3184	10 days	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
Comprehensive plan—Map	163.3184	10 days	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X	X	X	X (display)

Land Development Code—Text amendments changes to actual list of permitted, conditional, or prohibited uses within a zoning category	166.041(3) (c) 2	n/a	10 days	7 days— 1st public hrg and 5 days— 2nd public hrg	X			X (display)
Land Development Code—All other text amendments	166.041	n/a	10 days	10 days	X			X (standard)
Zoning map change (<u>chapter 30</u>)—Town (less than 10 contiguous acres)	166.041(3) (c) 1	10 days	10 days	30 days	X		X	X (standard)
Zoning map change (<u>chapter 30</u>)—Town (10 or more contiguous acres)	166.041(3) (c)2	10 days	10 days	7 days— 1st public hrg 5 days— 2nd public hrg	X	X	X *	X * (display, with map)
Zoning map change (<u>chapter 30</u>)—Owner	166.041(3) (a)	10 days	10 days	10 days	X	X	X	X (standard)

(Ord. No. 2014-08, § 3, 7-7-2014; Ord. No. 2022-05, § 3, 8-24-2022)



**LEVEL 2 SITE PLAN MODIFICATION DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
DEVELOPMENT ORDER 2025-LVL 2-SPM-02**

PROJECT NAME: Buena Vista Hotel

ADDRESS OF PROPERTY: 4217-4225 El Mar Drive

FOLIO #: 494318011600

PROPERTY OWNER: MP HOLDINGS LLC

APPLICANT: MP HOLDINGS LLC c/o Jose Del Toro

APPLICANT ADDRESS: 6520 SW 181 Lane Southwest Ranches, FL 33331

REQUEST: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 2 “Site Plan Procedures and Requirements,” Section 30-123 “Modification of Approved Site Plan,” of the Town’s Code of Ordinances (“Town Code”), the Applicant is requesting a site plan modification to increase the permitted number of hotel units from 14 units to 19 units in order for the buildings’ renovations to meet the Town’s zoning and land use requirements for property located at 4217-4225 El Mar Drive (the “Property”).

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE- BY-THE-SEA, Florida, on October 28, 2025, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the Applicant, and the recommendation of the TOWN Planning and Zoning Board and TOWN Staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve a Site Plan is hereby approved as shown on the Site Plan submitted by the Applicant, attached as **Exhibit 1**, except as modifications may be required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. The Applicant shall provide documentation, in a form acceptable to the Town Attorney, demonstrating that the properties located at 4217 El Mar Drive and 4225 El Mar Drive have been legally joined into a single unified lot of record prior to issuance of any Building Permits. No permits shall be issued until proof of lot combination is recorded in the public records of Broward County.
2. The Applicant shall secure a building permit, as defined in Section 30-121(e) of the Town Code for the project within twelve (12) months of the date of the development order approval and a certificate of occupancy for all structures within eighteen (18) months of obtaining the building permit. An extension to the deadline for completion of construction and compliance with the site plan development order may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code.
3. The construction shall be in accordance with submitted plans (**Exhibit A**). Such plans are subject to revisions based on any necessary changes that may be required for issuance of a building permit pursuant to the Florida Building Code. If changes occur as part of the building permit and/or architectural review process, the Applicant will be required to provide this information to Development Services Staff to determine if a modification of the Site Plan approval is required.
4. Prior to issuance of a building permit, the Finance Director shall certify that there are no outstanding fines, moneys, fees, taxes or other charges owed to the Town by the current or past owners or operators of the property in which the building permit is being issued. If fees are related to a code violation that requires a building permit to correct the violation, only the building permits required by the Town for correction of the violation may be issued. No other building permits will be issued until all outstanding debts to the Town are paid in full.
5. The approved site plan does not in any way create a right on the part of the Applicant to obtain a permit from a state or federal agency and does not create liability on the part of the Town for issuance of the approval if the Applicant fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes action that result in a violation of federal or state law.
6. All applicable state and federal permits shall be obtained before commencement of construction.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Development Order shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Development Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may

commence construction or operation, and that the foregoing approval in this Development Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-140(d)(11) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

APPROVED this ____ day of _____, 2025.

MAYOR EDMUND MALKOON

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney

Height Table		NWD	Final
Highway Crown of Road Adjacent to Building		10.78	10.78
15' Above Highest Crown of Road		12.28	12.28
Minimum permitted clearance for vehicles		8.11	11.58
Highest Base Level for Height Measurements (specify at grade)		NWD-48	-
Final Foot Level (4217)		11.14	16.58
Final Roof Level (4225)		11.58	11.58
Top of Roof Deck (4217)		22.10	22.10
Top of Roof Deck (4225)		28.83	28.83
Final Finish		N/A	N/A
Notes Adjacent to Footing Excavation			10.83 (2) (3) (4) (5) (6) (7) (8) (9) (10) (11) (12) (13) (14) (15) (16) (17) (18) (19) (20) (21) (22) (23) (24) (25) (26) (27) (28) (29) (30) (31) (32) (33) (34) (35) (36) (37) (38) (39) (40) (41) (42) (43) (44) (45) (46) (47) (48) (49) (50) (51) (52) (53) (54) (55) (56) (57) (58) (59) (60) (61) (62) (63) (64) (65) (66) (67) (68) (69) (70) (71) (72) (73) (74) (75) (76) (77) (78) (79) (80) (81) (82) (83) (84) (85) (86) (87) (88) (89) (90) (91) (92) (93) (94) (95) (96) (97) (98) (99) (100)

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LEGAL DESCRIPTION



**LEVEL 2 SITE PLAN MODIFICATION DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
DEVELOPMENT ORDER 2025-LVL 2-SPM-02**

PROJECT NAME: Buena Vista Hotel

ADDRESS OF PROPERTY: 4217-4225 El Mar Drive

FOLIO #: 494318011600

PROPERTY OWNER: MP HOLDINGS LLC

APPLICANT: MP HOLDINGS LLC c/o Jose Del Toro

APPLICANT ADDRESS: 6520 SW 181 Lane Southwest Ranches, FL 33331

REQUEST: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 2 “Site Plan Procedures and Requirements,” Section 30-123 “Modification of Approved Site Plan,” of the Town’s Code of Ordinances (“Town Code”), the Applicant is requesting a site plan modification to increase the permitted number of hotel units from 14 units to 19 units in order for the buildings’ renovations to meet the Town’s zoning and land use requirements for property located at 4217-4225 El Mar Drive (the “Property”).

SECTION 1. FINDINGS. THIS MATTER came before the TOWN Commission of the TOWN of LAUDERDALE- BY-THE-SEA, Florida, on October 28, 2025, following due public notice. The TOWN Commission having considered the public testimony, evidence in the record, the testimony of the Applicant, and the recommendation of the TOWN Planning and Zoning Board and TOWN Staff, finds that the application, as conditioned herein, is in compliance with the applicable standards and minimum requirements of Chapter 30 of the Town Code.

SECTION 2. APPROVAL. The request to approve a Site Plan is hereby approved as shown on the Site Plan submitted by the Applicant, attached as **Exhibit 1**, except as modifications may be required by this approval or the Building Official.

SECTION 3. CONDITIONS. The APPROVAL granted herein is subject to the following conditions:

1. The Applicant shall provide documentation, in a form acceptable to the Town Attorney, demonstrating that the properties located at 4217 El Mar Drive and 4225 El Mar Drive have been legally joined into a single unified lot of record prior to issuance of any Building Permits. No permits shall be issued until proof of lot combination is recorded in the public records of Broward County.
2. The Applicant shall secure a building permit, as defined in Section 30-121(e) of the Town Code for the project within twelve (12) months of the date of the development order approval and a certificate of occupancy for all structures within eighteen (18) months of obtaining the building permit. An extension to the deadline for completion of construction and compliance with the site plan development order may be granted by the Special Magistrate pursuant to the requirements of Section 6-12 of the Town Code.
3. The construction shall be in accordance with submitted plans (**Exhibit A**). Such plans are subject to revisions based on any necessary changes that may be required for issuance of a building permit pursuant to the Florida Building Code. If changes occur as part of the building permit and/or architectural review process, the Applicant will be required to provide this information to Development Services Staff to determine if a modification of the Site Plan approval is required.
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6. All applicable state and federal permits shall be obtained before commencement of construction.

SECTION 4. VIOLATION OF CONDITIONS. Failure to adhere to the terms and conditions of this Development Order shall be considered a violation of the Town Code and persons found violating the conditions shall be subject to the penalties prescribed by the Town Code, including but not limited to, the revocation of any of the approval(s) granted in this Development Order. The Applicant understands and acknowledges that it must comply with all other applicable requirements of the Town Code before it may

commence construction or operation, and that the foregoing approval in this Development Order may be revoked by the Town at any time upon a determination that the Applicant is in non-compliance with the Town Code or the conditions of this Approval.

SECTION 5. APPEAL. In accordance with Section 30-140(d)(11) of the Town Code, the Applicant, or any aggrieved property owner in the area, may appeal the decision of the Town Commission in the Circuit Court of Broward County, Florida, in accordance with the Florida Rules of Appellate Procedure.

SECTION 6. EFFECTIVE DATE. This Development Order shall become effective upon Approval by the Commission.

APPROVED this ____ day of _____, 2025.

MAYOR EDMUND MALKOON

ATTEST:

Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney



**LEVEL 2 SITE PLAN MODIFICATION DEVELOPMENT ORDER
TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA
DEVELOPMENT ORDER 2025-LVL 2-SPM-02**

PROJECT NAME: Buena Vista Hotel
ADDRESS OF PROPERTY: 4217-4225 El Mar Drive
FOLIO #: 494318011600
PROPERTY OWNER: MP HOLDINGS LLC
APPLICANT: MP HOLDINGS LLC c/o Jose Del Toro
APPLICANT ADDRESS: 6520 SW 181 Lane Southwest Ranches, FL 33331

REQUEST: Pursuant to Chapter 30 “Unified Land Development Regulations,” Article IV “Development Permits – Applications, Requirements and Review Procedures,” Division 2 “Site Plan Procedures and Requirements,” Section 30-123 “Modification of Approved Site Plan,” of the Town’s Code of Ordinances (“Town Code”), the Applicant is requesting a site plan modification to increase the permitted number of hotel units from 14 units to 19 units in order for the buildings’ renovations to meet the Town’s zoning and land use requirements for property located at 4217-4225 El Mar Drive (the “Property”).

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APPROVED this ____ day of _____, 2025.

MAYOR EDMUND MALKOON

ATTEST:

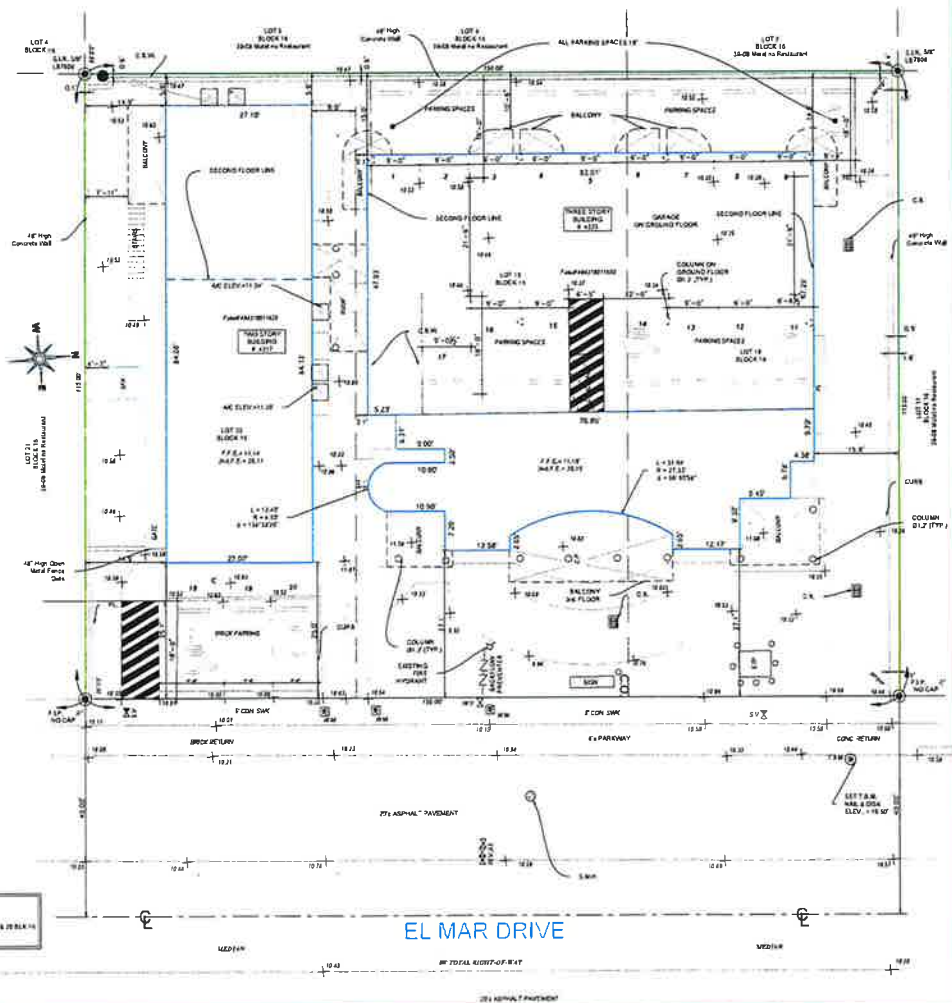
Katrina Adler, Town Clerk

Approved as to form:

Susan L. Trevarthen, Town Attorney

Height Table		
	NAD83	Feet
Highest Crown of Road Adjacent to Building	108.09	108.09'
10' Above Highest Crown of Road	118.09	118.09'
Minimums determined (Exception for applicable Electrical Code)	9.00	113.18'
Highest Base Level for Marginal Waterfront (usually at grade)	NAD83	-
First Floor Level (A115)	114.94	114.94'
First Floor Level (A255)	114.94	114.94'
Top of Road Level (A115)	118.09	118.09'
Top of Road Level (A255)	118.09	118.09'
Top of Road Level (A375)	121.83	121.83'
Top of Pierhead	None	None
Top of Pierhead and Top Structure	133.09' Seawall	138.09' Structure

LEGAL DESCRIPTION
LANDGRANT BY THE SEA-428 LOT 18 18 & 20 BLK 14



REVISIONS	
NO.	DATE



TopTee Solutions

Lela Y. Duarte Gentry
 Lic. No. 87784
 14551 SW 167th Street,
 Miami, FL 33187
 lduarte@topteesolutions.com
 (786) 916-1478



I, **LELA Y. DUARTE GENTRY**, a duly Licensed Professional Engineer in the State of Florida, License No. 87784, do hereby certify that I am the author of the design and drawings herein, and that I am a duly Licensed Professional Engineer in the State of Florida, License No. 87784, and that I am the author of the design and drawings herein, and that I am a duly Licensed Professional Engineer in the State of Florida, License No. 87784.

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Project: Building Remodeling

Site Plan

MP Holdings

4225 El Mer Drive
Lauderdale by the Sea, FL 33321

DATE: 07/08/25

SCALE: 1/8" = 1'-0"

DESIGNED: L.Y.D.

DRAWN: L.Y.D.

DRAWING NO.

A-100

CHECKED:

SHEET 3 OF 14

DATE: 07/08/25



Notes
Classification of Work as Alteration Level 2 (FBC 2023, Section 603.1)
Mechanical Work under different Permit (LBS24-015308)

LAUDERDALE BY THE SEA 6-2 B LOT 18 & 19 BLK 16



LEGEND:
 Remodied space
 Undisturbed Space

business:
Moya-Prida MD Inc. dba. Moya Medical
part of MP Holding LLC

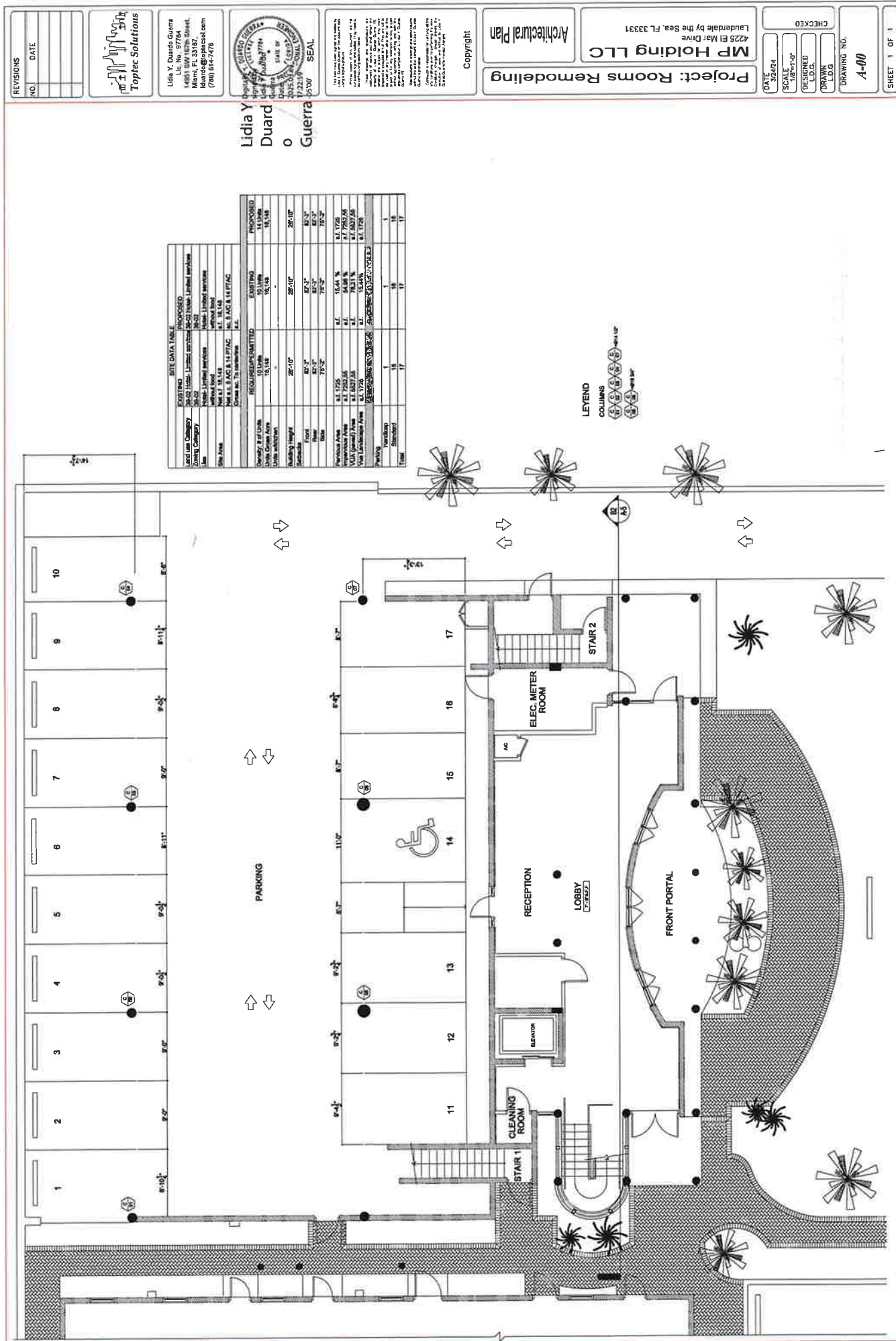
**Making Fire Protection Systems by:
Professional Fire Systems**
15617 FL SW 82nd Street,
Miami, FL 33183
Phone: (786) 360-9850

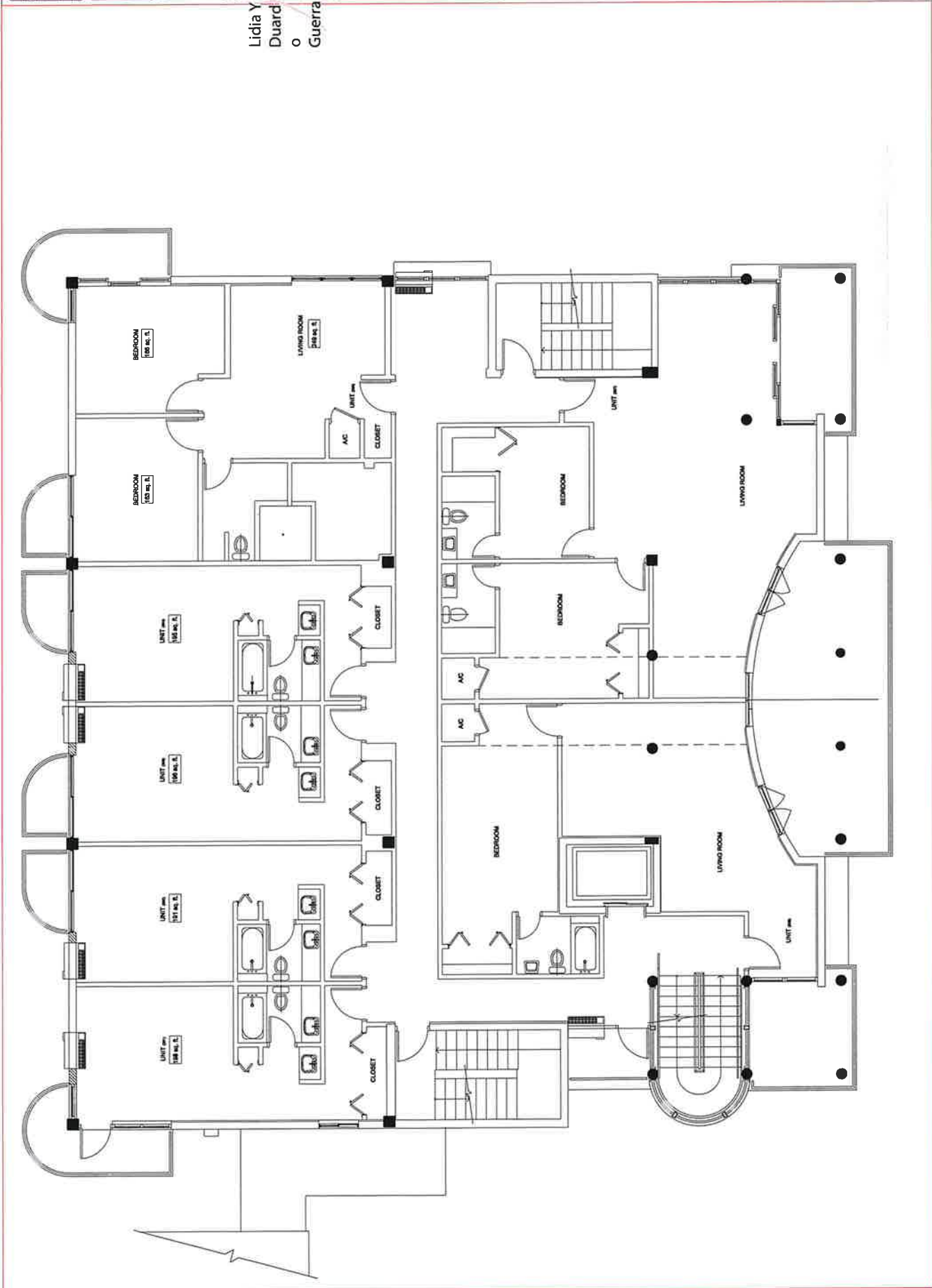
Making Fire Alarm Protection By:
Florida State Security, Inc.
3285 SW 11th Avenue,
Fort Lauderdale, FL 33315
Phone: (854) 987-7141

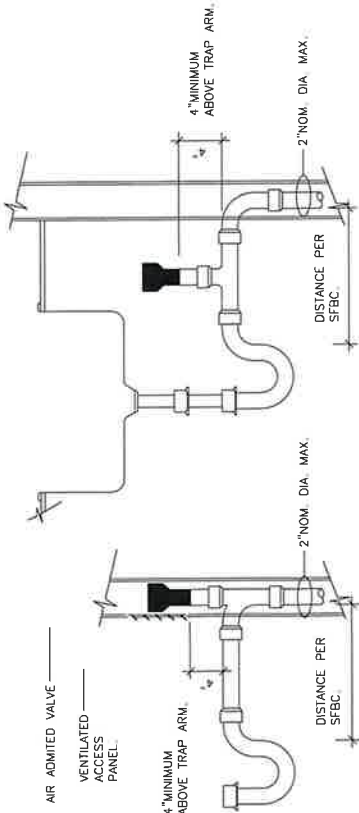
Property ID	1843 18 01 1600
Property Owner(s)	NP HOLDINGS LLC
Property Address	520 SW 181 LN SOUTHWEST RANCHES PL 33331
Parcel Address	LAUDERDALE BY THE SEA PL 33308
Property Use	B-2 Hold - Limited service without food
Mileage Code	011
Lat, Long, S.F.	614-14 Card/Penna
Effective Year	2007
Year Built	1995

ZONING :	RM-25
TYPE OF CONSTRUCTION (section 602.3)	TYPE III
ADJUSTED GROSS FLOOR AREA	11611 sq ft
LOT SIZE	11500 sq ft
TOTAL EXISTING PARKING	17 spaces

1. Design and installation of the fire alarm system shall comply with the Florida Fire Prevention Code (FFPC) with any amendments (2021) and Broward county local amendments, NFPA 70 - National Electrical Code (NEC 2023 edition), Florida Building Code 2023 (8th edition).
2. Review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with this code per NFPA 1, 1.1.1.
3. Separate fire alarm shall discharge complying with NFPA 72 (2022 ed) and permit to be provided by licensed certified fire alarm contractor.





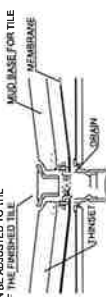
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ON IN WALL) (INSTALLATION)
AIR ADMITED VENT DETAIL.

NTS

ACI 530/S301-13 REINFORCED MASONRY

SCOPE OF WORK	
1. Bathroom feature to be relocated	
2. Add sink to Pantry Area	



DRAIN DETAIL

Symbol	Description
	Conventional Line (CL)
	Cold Water Line (CW)
	Hot Water Line (HW)
	Sanitary Line (SL)
	Connection to Existing
	Filter Chamber
	2 Way Floor Cleanout
	Wall Cleanout
	Cold Valve
	Hot Valve
	WV Trap
	WV
	WV Tru Roof




FIXTURE CLEARANCES
NTS

PROPOSED THIRD FLOOR PLAN
SCALE 1/8"=1'

REVISIONS <table><tr><th>NO.</th><th>DATE</th></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr><tr><td> </td><td> </td></tr></table>	NO.	DATE									 Tropic Solutions	Lidia Y. Durazo Guerra 14851 SW 167th Street, Miami, FL 33187, lduardo@tropsol.com (786) 914-4716	 State of FLORIDA PROFESSIONAL ENGINEER No. 97874 SEAL	Lidia Y. Durazo Guerra Digitally signed by Lidia Y. Durazo Guerra Date: 2023.03.05 18:50:22 -0500	The seal and stamp shall be used only by the registered professional engineer or architect for the purpose of attesting to the accuracy and truth of the information contained in the documents. There shall be no stamp or seal on any document that is not a drawing or specification. The seal and stamp shall be used only by the registered professional engineer or architect for the purpose of attesting to the accuracy and truth of the information contained in the documents. The seal and stamp shall be used only by the registered professional engineer or architect for the purpose of attesting to the accuracy and truth of the information contained in the documents. The seal and stamp shall be used only by the registered professional engineer or architect for the purpose of attesting to the accuracy and truth of the information contained in the documents.	Copyright Plumbing Plan	Project: Rooms Remodeling MP Holding LLC 4225 El Mar Drive Lauderdale by the Sea, FL 33331	CHECKED DATE 3/24/24 SCALE 1/8"=1'-0" DESIGNED L.O.G. DRAWN L.O.G.	DRAWING NO. P-2	SHEET 1 OF 1
	NO.	DATE																		

GENERAL ELECTRICAL NOTES:

1. General notes and specifications for materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
2. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
3. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
4. Code of electrical safety standards shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
5. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
6. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
7. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
8. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
9. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".
10. All materials and workmanship shall be in accordance with the Florida Building Code 2023, 8TH EDITION, ASCE 318.19 BUILDING CODE REQUIREMENTS FOR STRUCTURAL DESIGN, AND THE 2023 INTERNATIONAL RESIDENTIAL CODE. Wherever the word "shall" is used, it shall be interpreted as "mandatory".

ADDITIONAL ELECTRICAL NOTES:

1. All areas shall comply with NEC 2023, Emergency Communication Edition, Section 900.5

SYMBOL	DESCRIPTION
	EXHAUST FAN
	WALL MOUNTED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	TV OUTLET
	JUNCTION BOX
	CEILING MOUNTED SMOKE DETECTOR 150/7 INTERCONNECTED W/ BATT. BACKUP - SEE ELECTRICAL NOTE BELOW PANEL, SCHEDULE
	WALL SWITCH (SINGLE, DOUBLE)
	WALL SWITCH (3-WAY)
	SINGLE RECEPTACLE
	DUPLEX RECEPTACLE
	EXISTING DUPLEX RECEPTACLE
	DUPLEX RECEPTACLE GROUND FAULT INTERRUPTER
	EXIST. RECEPTACLE GROUND FAULT INTERRUPTER
	220 VOLT RECEPTACLE
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	ELECTRIC METER

ABBREVIATIONS:
 E= EXISTING
 GF= GROUND FAULT INTERRUPTER
 A.F.F. = ABOVE FINISH FLOOR
 V.F= VERIFY PRIOR TO INSTALLATION
 UC= UNDER CABINET
 PB= PUSH BUTTON
 C= COUNTER TOP LEVEL
 BC= BELOW COUNTER
 WP= WEATHER PROOF

CODES USED
 FLORIDA BUILDING CODE 2023, 8TH EDITION
 ASCE 318.19 BUILDING CODE REQUIREMENTS FOR
 STRUCTURAL DESIGN
 VSD: NDS 2018
 WIND LOAD CRITERIA: EXPOSURE 'C'
 BASIC WIND SPEED 175 MPH
 A.C.I. 308.3R-13 REINFORCED MASONRY

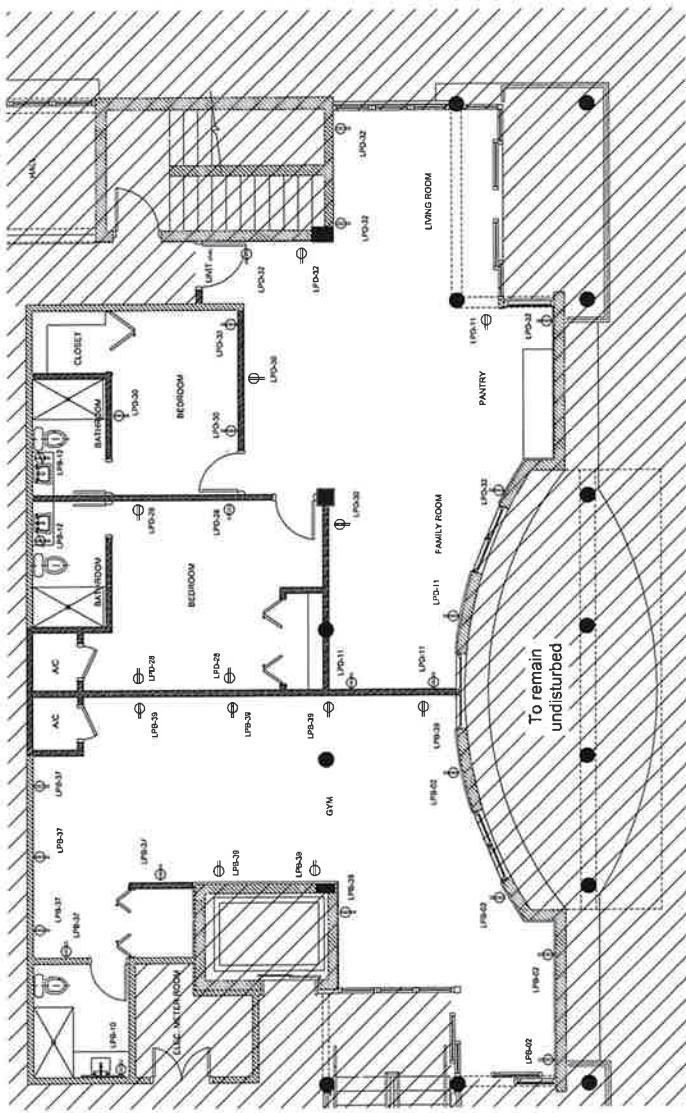
Lidia Y
 Duard
 Guerra

Digitally signed by Lidia Y Duard Guerra
 DN: cn=Lidia Y Duard Guerra, o=Guerra, email=Lidia.Y.Duard.Guerra@gmail.com, c=US
 Date: 2023.03.07 18:33:26 -0500
 SEAL

Copyright
 Electrical Plan

Project: Rooms Remodeling
 4225 El Mar Drive
 MP Holding LLC
 Lauderdale by the Sea, FL 33331

CHECKED
 SCALE: 1/8"=1'-0"
 DESIGNED
 DATE: 03/07/23
 DRAWN: D.G.
 DRAWING NO.: E-1
 SHEET 1 OF 1



PROPOSED SECOND FLOOR PLAN
 SCALE: 1/8"=1'-0"

REVISIONS

NO.	DATE

Toplec Solutions
Lidia Y. Guerra Guerra
Lic. No. 97784
14951 SW 167th Street,
Miami, FL 33187.
lguerra@toplec.com
(786) 614-7478

Lidia Y. Guerra
Digitally signed by Lidia Y. Guerra
DN: cn=Lidia Y. Guerra, o=Guerra, ou=Guerra, email=lguerra@toplec.com, c=US

DATE: 2024.03.05 18:57:25
SEAL: 0506

MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

Project: Rooms Remodeling

Electrical Plan

Copyright

CHECKED
DATE: 3/24/24
SCALE: 1/8"=1'-0"
DESIGNED
DATE: 3/24/24
DRAWN
DATE: 3/24/24

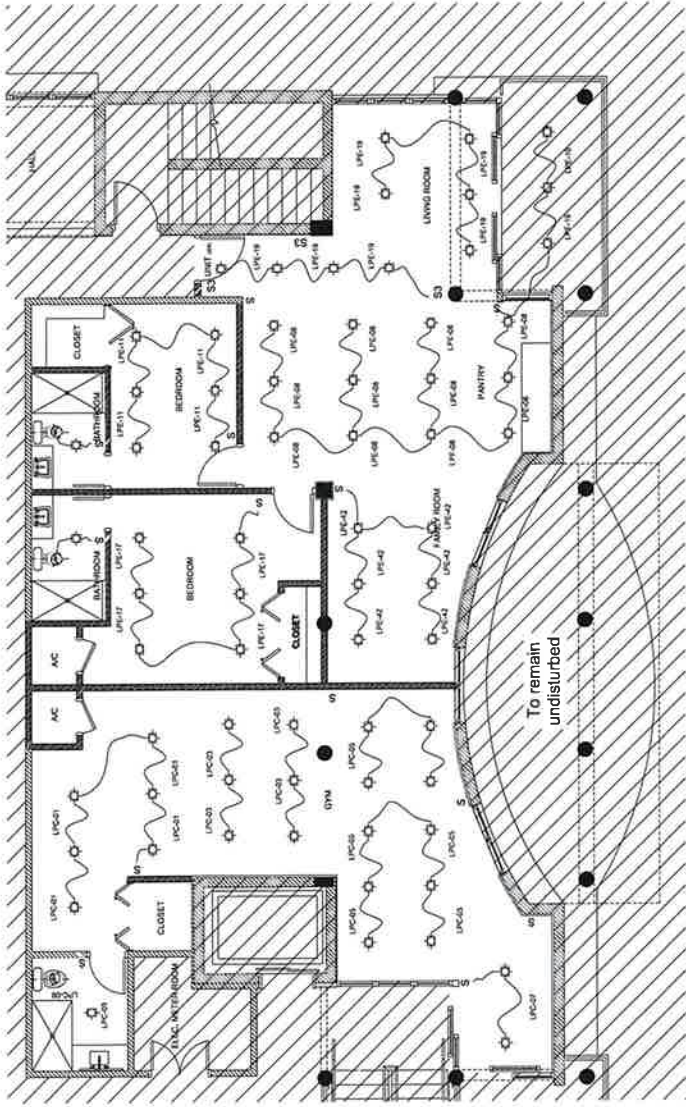
DRAWING NO.
E-3

SHEET 1 OF 1

CODES USED
FLORIDA BUILDING CODE 2023, 8TH EDITION
ASCE 7-16
ASTM A1019 BUILDING CODE REQUIREMENTS FOR
REINFORCED CONCRETE
VIBRO 101.2018
WIND LOAD CRITERIA EXPOSURE "C"
CATEGORY - II
BASIC WIND SPEED 175 MPH
ACI 308/309-13 REINFORCED MASONRY

Lidia Y. Guerra
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DATE: 2024.03.05 18:57:25
SEAL: 0506



PROPOSED SECOND FLOOR PLAN
SCALE: 1/8"=1'

ELECTRICAL LEGEND	
SYMBOL	DESCRIPTION
	EXHAUST FAN
	WALL MOUNTED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	TV OUTLET
	JUNCTION BOX
	GROUND MOUNTED SMART DETECTOR (120V INTERCONNECTED W/IRAT...)
	SINGLE SWITCH (SINGLE, DOUBLE)
	WALL SWITCH (3-WAY)
	DUPLEX RECEPTACLE
	EXISTING DUPLEX RECEPTACLE
	DUPLEX RECEPTACLE GROUND FAULT INTERRUPTER
	220 VOLT RECEPTACLE
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	ELECTRIC METER

ABBREVIATIONS

E= EXISTING TO REMAIN

A.F.F.= ABOVE FINISH FLOOR

UC= UNDER CABINET

BC= BELOW COUNTER

GFI= GROUND FAULT INTERRUPTER

WH= VERIFY PRIOR TO INSTALLATION

US= UNDER SINK

WP= WEATHER PROOF

WP= WEATHER PROOF

SHEET 1 OF 1

ELECTRIC LEGEND	
SYMBOL	DESCRIPTION
	EXHAUST FAN
	WALL MOUNTED LIGHT FIXTURE
	RECESSED LIGHT FIXTURE
	CEILING MOUNTED LIGHT FIXTURE
	TV OUTLET
	JUNCTION BOX
	GROUND MOUNTED SMOKE DETECTOR (NOT INTERCONNECTED W/ALARM)
	CEILING MOUNTED SMOKE DETECTOR (NOT INTERCONNECTED W/ALARM)
	WALL SWITCH (SINGLE, DOUBLE)
	WALL SWITCH (3-WAY)
	SINGLE RECEPTACLE
	DUPLEX RECEPTACLE
	EXISTING DUPLEX RECEPTACLE
	DUPLEX RECEPTACLE GROUND FAULT INTERRUPTER
	EXIST. RECEPTACLE GROUND FAULT INTERRUPTER
	220 VOLT RECEPTACLE
	ELECTRICAL PANEL
	DISCONNECT SWITCH
	ELECTRIC METER
 E= EXHAUSTING TO REMAIN A.F.F.= ABOVE FINISH FLOOR UC= UNDER CABINET C.= COUNTER TOP LEVEL BC.= BELOW COUNTER  GFI= GROUND FAULT INTERRUPTER VH= VERIFY PRIOR TO INSTALLATION PB= PUSH BUTTON VP= VAPOR PROOF WP= WEATHER PROOF	

[illegible]

1. 2nd and 3rd Floor Spitzas Remodeling

As per F.B.C. 2023, 8th edition
103.9 Amendments.

Remediated space
Undisturbed Space

FLORIDA BUILDING CODE 2023, 8TH EDITION
ASCE 07-12
NFPA70
NFPA72
NEC2023
ACT 31814 BUILDING CODE REQUIREMENTS FOR REINFORCES CONCRETE
WOOD: NPS 2018

1-54-0500
 6.03.05
 FLORIDA
 do GUERRA
 12/11/04
 12/11/04
 12/11/04



REVISIONS	
NO.	DATE

un

MP Holding LLC
4225 El Mar Drive
Lauderdale by the Sea, FL 33331

D-

SHEET 1 OF 1

PROPOSED SECOND FLOOR PLAN

EXISTING SECOND FLOOR PLAN

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