
P H C S A

Palm Harbor Community Services Agency, Inc.

Serving the Citizens of Palm Harbor and East Lake

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Founding Documents
Standard of Conduct

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P H C S A

Palm Harbor Community Services Agency, Inc.

The Palm Harbor Community Services Agency, Inc. was created in 1985 per Pinellas County Ordinance 85-28 to provide library and recreation services to the residents of the Palm Harbor Community Services District, a municipal services taxing unit. The ad valorem tax of 0.25 mills for library service and 0.25 mills for recreation services, is \$.50 for each \$1,000 of assessed valuation.

The Agency is governed by an eight-member board of directors, each appointed to a 2-year term. They meet on the third Wednesday of each month at 7:00 pm at either the Palm Harbor Library, the East Lake Community Library or the Centre CSA Palm Harbor.

The Agency is responsible for the management of all library and recreation department funds and hires the directors of the Palm Harbor Library, East Lake Community Library, East Lake Recreation, and CSA Palm Harbor.

Previous Meeting Minutes and Agendas are available on the PHCSA website:
www.phcsa.net.

Chapter 114 SPECIAL DISTRICTS¹

ARTICLE I. IN GENERAL

Sec. 114-1. Certain ordinances not affected by Code.

- (a) Nothing in this Code or the ordinance adopting this Code shall affect:
 - (1) Any ordinance establishing a streetlighting district not found in this Code.
 - (2) Laws of Fla. ch. 67-1919, pertaining to annexations by sanitary districts.
 - (3) Laws of Fla. ch. 69-1479, pertaining to sanitary districts.
- (b) All such provisions are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code.

Sec. 114-2. Abolishment of soil and water conservation district.

The Pinellas County soil and water conservation district, created pursuant to F.S. ch. 582, is hereby abolished.

(Laws of Fla. ch. 81-468, § 1)

Editor's note(s)—The act contained in the above section retains its status as a special act because it was enacted after the charter. The source of the section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. The catchline has been added to accurately reflect the contents of the section. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

¹Charter reference(s)—General powers of county, § 2.01.

Cross reference(s)—Administration, ch. 2; boards, commissions, councils and authorities, § 2-226 et seq.; fire prevention authority, § 62-26 et seq.; library services district, § 78-2; taxation, ch. 118; list of special districts, app. B.

State law reference(s)—Special districts generally, F.S. ch. 189; power of board of county commissioners relative to special districts, F.S. § 125.01(5).

Sec. 114-3. Authority to create MSTU within East Lake Tarpon Fire Control District.

- (a) (1) Notwithstanding any other provision of law, the board of county commissioners of Pinellas County may, by ordinance, create a municipal service taxing unit composed of the unincorporated territory situated within the boundaries of the East Lake Tarpon Fire Control District and may levy ad valorem taxes in the unit within the limits fixed for municipal purposes, as authorized by section 9(b) of article VII of the state constitution, but not more than 0.25 mill. The board of county commissioners may also impose, by ordinance, services charges and special assessments within the unit.
- (1) Any ad valorem taxes, services charges, or special assessments which are to be levied or imposed solely within the unit may only be levied or imposed to provide, within the unit, municipal services and facilities which are approved by a majority vote of the electors of the unit voting in a referendum called for that purpose; which are not provided by the East Lake Tarpon Fire Control District; and which are not provided by Pinellas County in the other unincorporated areas of the county.
- (2) The electors of the unit may petition the board of county commissioners to provide specific services or facilities. If any elector presents to the board of county commissioners a petition which requests specific services or facilities and which is signed by ten percent of the registered electors of the unit, the board of county commissioners shall submit a proposal to provide such services or facilities to the electors of the unit for approval or rejection at the next general election or at an earlier called special election.
- (a) The board of county commissioners of Pinellas County shall appoint an advisory committee composed of residents of the municipal service taxing unit to advise the board on whether the unit should provide services or facilities on its own or contract with other entities for the provision of services or facilities and to advise the board on any other matters relating to the unit.

(Laws of Fla. ch. 86-350, §§ 1, 2)

Editor's note(s)—The act contained in the above section retains its status as a special act because it was adopted after the charter. The source of the section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in the history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. The catchline has been added to accurately reflect the contents of the section. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Secs. 114-4—114-35. Reserved.***ARTICLE II. INDIAN ROCKS FIRE DISTRICT²***

²Editor's note(s)—The act contained in this article retains its status as a special act. See charter § 5.02 (the district originally created as the Indian Rocks Special Fire Control District). The source of each section is stated in the

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history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Cross reference(s)—Fire prevention and protection, ch. 62.

Sec. 114-36. Interpretation of terms.

As used in this article, the word "district" means the Indian Rocks Fire District; and the words "board of commissioners" mean the board of commissioners of the district, unless otherwise specified.

(Laws of Fla. ch. 29438(1953), § 16; Laws of Fla. ch. 89-405, § 1)

Sec. 114-37. Boundaries of district.

- (a) All of the lands hereinafter described shall be a special fire control district, a body corporate, having the powers and duties herein set forth under the name of "Indian Rocks Fire District." The district is composed of all lands and territory lying within the following boundaries:

Commencing at the intersection of the north line of the boundary between the City of Belleair Beach and the City of Clearwater with the east line of Section 25, Township 29 South, Range 14 East and the west line of Section 30, Township 29 South, Range 15 East and run thence east following said boundary between the Cities of Clearwater and Belleair Beach to the intersection with the centerline of the Government Intracoastal Waterway Channel in Clearwater Harbor, thence south along said centerline to the intersection of the south line of State Road 694, thence eastwardly along the southern boundary of said State Road 694 to the intersection with the centerline of Vonn Road which is also known as 131st St. N. and County Road Number 187 in Pinellas County, thence south along the centerline of said road to the intersection of the centerline of 94th Avenue N., thence west along the centerline of said road to the intersection with the eastern boundary of the subdivision known as Tamarac by the Gulf as recorded in Plat Book 63, page 12, of the Official Records of Pinellas County, thence north along lot 8 to the southeast corner of lot 1, thence west following the south lot lines of lot 1, lot 2, lot 3, and lot 4, all in block 4, extending west to the centerline of 141st St. N., thence northerly along said centerline to the intersection of the lot line of lots 29 and 30 extended, thence westerly on the line between lot 30 and lot 29 to the southwest corner of lot 29, block 4, thence northerly to the intersection with the half section line of Section 19, Township 30 South, Range 15 East, thence west along said half section line being the same as the centerline of 94th Avenue N. to the intersection with the southerly boundary of Harbor Green Yacht Club Estates Condo as recorded in Plat Book 52, page 82, of the Official Records of Pinellas County, thence follow said condo boundary westerly to the southwest corner, thence northerly to the intersection of the half section line, thence west along said line to the intersection of condominium Clearwater Cove Phase IV as recorded in Plat Book 84, page 54, of the Official Records of Pinellas County, thence southerly to the southern tip of said condominium lands, thence northwesterly to return to the half section line previously described, thence west to the intersection of condominium Clearwater Cove Phase I, thence northerly on the condominium boundary to the southeast corner of lot 2, thence southwesterly along the southern lot line of lot 2 to the southwest corner of lot 2, thence northwesterly along the westerly lot line of lot 2 past the southwest corner of lot 1 onto the intersection of the previously described half section line, thence west to the intersection with the east lot line of lot 9 of said condominium, thence south along the lot line to the southeast corner of lot 9, thence west along the south lot line of lot 9 to the southwest corner, thence south to return to the previously described half section line, thence west to the intersection with the centerline of the Government Intracoastal Waterway Channel, thence south to the intersection of the extension of the south line of the southeast corner of Park Bank Professional Office Building Condo as recorded in Plat Book 59, page 105, of the Official Records of Pinellas County, thence westward along the southern boundaries of the condominium to the intersection with the eastern edge of Gulf Blvd., officially State Road 699, thence southerly along the eastern edge of S.R. 699 to the intersection with the centerline of 183rd Terr. W., thence westerly along said centerline to the southeast corner of Clamon's Point Condo as recorded in Plat Book 67, page 22, of the Official Records of Pinellas County, thence continue westerly to a point 50 feet west of the surf line into the Gulf of Mexico, thence northerly paralleling the surf line staying west of any platted condominium or

subdivision until reaching the east boundary line of Section 36, Township 29 South, Range 14 East, the same being the west boundary line of Section 31, Township 29 South, Range 15 East, thence north along said range line to the intersection of the north boundary of the City of Belleair Beach and the south boundary of the City of Clearwater at the point of beginning.

- (b) The Indian Rocks Fire District shall exist until dissolved by law. Any territory annexed within the corporate limits of any municipality outside the boundaries of this district as of January 1, 1989, is excluded from the boundaries of the district.
- (c) Municipalities within the district are: The City of Belleair Beach, the Town of Belleair Shore, the City of Indian Rocks Beach, the Town of Indian Shores.

(Laws of Fla. ch. 29438(1953), § 1; Laws of Fla. ch. 89-405, § 1)

Sec. 114-38. Extension of boundaries.

The corporate limits [of the district] may be extended and enlarged from time to time as follows:

- (1) a. A definitely described tract of land lying contiguous to the boundaries of the district described in section 114-37, or as the same may from time to time exist, or one or more tracts of land lying contiguous to the boundaries, or one or more tracts of land lying contiguous to each other with one of the tracts lying contiguous to the boundaries of the district, may be annexed when a written petition for annexation signed and sworn to by a majority of the owners of the real property within the tract or tracts to be annexed has been presented to the board of commissioners, the proposal has been approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting, and the proposed annexation is approved by a majority of the electors within the tract or tracts to be annexed voting in a referendum on the proposed annexation called and held by the board of commissioners.
 - b. If a tract to be annexed is not situated in an unincorporated area of Pinellas County at the time of annexation, the petition for annexation must be approved by the affirmative vote of a majority of the members of the governing body of the municipality within which the tract is situated before it is presented to the board of commissioners for their approval.
 - c. The petition must contain the legal description of the property sought to be annexed and the names and addresses of the owners of the property and must be accompanied by a certificate from an authorized title company doing business in Pinellas County setting forth the names of all persons, firms, or corporations owning any interest in the property.
- (2) If a proposal to annex an area defined in subsection (1) [of this section] is approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting and at the referendum, the board of commissioners shall thereafter adopt a resolution describing the lands to be annexed to the district and shall cause such resolution to be duly enrolled in the record of the meeting and a certified copy of the resolution to be recorded in the office of the clerk of the circuit court in Pinellas County. When the resolution has been enrolled and recorded, the annexed territory and the inhabitants thereof shall enjoy all the privileges and be subject to all of the liabilities pertaining to inclusion in the district.

(Laws of Fla. ch. 29438(1953), § 17-A; Laws of Fla. ch. 89-405, § 1)

Sec. 114-39. Board of commissioners—Elections; officers; salary; bond; division of district.

The business and affairs of the district shall be conducted and administered by a board of five commissioners, who, upon their election and qualification, and annually, shall organize by electing from their number a chairman, a vice-chairman, and a secretary-treasurer. The commissioners may receive monthly compensation in an amount determined by resolution but not to exceed \$200.00. Each commissioner shall, before he enters upon his duties as commissioner, execute to the governor of the State of Florida for the benefit of the district, a good and sufficient bond, to be approved by the clerk of the circuit court of Pinellas County, in the sum of \$1,000.00, with a qualified corporate surety, conditioned to faithfully perform his duties as commissioner and to account for all funds that come into his hands as commissioner. All premiums for such surety on all such bonds shall be paid from the funds of the district. Within 90 days after the effective date of this article, and after each decennial census, the board of commissioners shall divide the district into four subdistricts of contiguous territory as nearly equal in population as practicable. To the extent possible, one subdistrict shall include Belleair Beach and Belleair Shore, one subdistrict shall include Indian Rocks Beach, one subdistrict shall include Indian Shores, and one subdistrict shall include the portion of the district located on the mainland.

(Laws of Fla. ch. 29438(1953), § 2; Laws of Fla. ch. 89-405, § 1)

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 114-40. Same—Elections; term; residency; qualifications; election expenses.

- (a) Each commissioner shall be elected to serve for a term of four years by majority vote of the electors voting to fill such office. Elections for commissioner shall be held at the same time as regular county elections. Any commissioner may succeed himself.
- (b) One commissioner, who must be a resident of the subdistrict, shall be elected from that subdistrict by the electors who reside in that subdistrict. The remaining commissioner must be a resident of any part of the district and shall be elected districtwide. If a commissioner who is required to reside in a subdistrict ceases to reside in that subdistrict, but continues to reside at some other point within the district, he shall continue to serve for the remainder of his term of office. But if any commissioner ceases to reside anywhere within the district, his office shall be declared vacant, he shall be disqualified from further service, and the remaining commissioners shall elect, to fill the unexpired term, a successor who resides in that part of the district where the disqualified commissioner was required to reside.
- (c) Each commissioner shall hold office until his successor is elected and qualified, unless he ceases to be qualified, resigns, or is removed from office.
- (d) All candidates must qualify for election in the same manner as required of candidates for county offices. In addition, each must submit written endorsement of his candidacy by 20 electors of the district. The names of all candidates qualifying for election as commissioners shall be included on the ballot. Any additional expenses of holding elections for commissioners at the regular county elections shall be paid out of the funds of the district if required by proper authority.

(Laws of Fla. ch. 29438(1953), § 3; Laws of Fla. ch. 89-405, § 1)

Cross reference(s)—Elections, ch. 50.

Sec. 114-41. Levy of special assessments—Fixing rate; preparation of roll; protests.

- (a) The district may levy special assessments against the assessable real estate situated in the district to provide funds for the purposes of the district. The rate of such assessments shall be fixed by a resolution of the board

of commissioners on or subsequent to February 1 each year. At any time the board of commissioners changes the rate of assessments in any way from the rate of assessments which had been collected prior to the date of such resolution, such resolution together with a list of the assessments shall be submitted to the electors in the district for approval by referendum at a special election of the electors of the district which shall first be called by and held under the supervision of the board of county commissioners and the supervisor of elections of Pinellas County in the manner provided by law for regular county elections; and if a majority of the electors voting at such election approve, the assessment rates shall be put into effect for the next special assessment roll completed by the board of commissioners after the results of the special election have been certified by the county canvassing board.

- (b) A special assessment roll showing the assessment rate shall be prepared and completed by the board of commissioners of the district on or before September 10 of each year.
- (c) The board may in any year change the date on which the assessment rate is fixed and change the date on which the final assessment roll will be adopted, by resolution, provided that, in the event of such change of dates, the board shall cause a notice thereof to be published in a newspaper in Pinellas County, one time, at least ten days prior to the date on which it is proposed to fix the rate of assessment.
- (d) Any property owner in the district may, during the period within 20 days subsequent to the date of the mailing of the assessment notices in any year, file a protest in writing with the board of commissioners against the assessment paid by him and appear before the board in support of such protest; and the board shall hold a meeting or meetings following such period to consider such protest and to make such adjustment, refund, or denial as it determines to be fair, equitable, and proper.

(Laws of Fla. ch. 29438(1953), § 4; Laws of Fla. ch. 89-405, § 1)

Sec. 114-42. Same—Delivery of roll; duty of tax collector.

- (a) The board of commissioners, upon the adoption of the resolution fixing the rate of assessment, shall prepare an assessment and collection roll setting forth a description of each lot or parcel of land subject to taxation in the district together with the amount of assessment against the lot or parcel of land and attach thereto a certified copy of the resolution fixing the rate of assessment, and it shall, before September 15 each year, deliver the roll to the county tax collector of Pinellas County, for collection of the assessments. All assessments shall be made against the land subject to assessment, and the roll shall set forth the names of the respective owners of such lands.
- (b) It is the duty of the county tax collector to collect the assessments according to the assessment roll and deliver the whole of such proceeds of such collection, less the costs of collection, monthly to the board of commissioners, taking its receipt for such funds. The tax collector shall, upon delivery of such funds to the board of commissioners, furnish it with a description of the lands for which payments are made.

(Laws of Fla. ch. 29438(1953), § 5; Laws of Fla. ch. 89-405, § 1)

Sec. 114-43. Same—Lien.

- (a) Such special assessments shall be a lien upon the lands so assessed prior in dignity to all other liens and assessments against the lands, except for liens for county taxes, until paid. The assessment shall become a lien from January 1 of the year for which the assessment is made, and shall be payable on and after November 1 of the same year without discounts to the tax collector, unless authorized by the board of commissioners, but shall not become delinquent unless unpaid on April 1 of the following year.
- (b) The county tax collector shall, upon payment of the county taxes against any property subject to such special assessments, collect therewith the special assessments unless such special assessment has been sooner paid.

(Laws of Fla. ch. 29438(1953), § 6; Laws of Fla. ch. 89-405, § 1)

Sec. 114-44. Same—Collection.

Special assessments levied by the district may be collected in the manner provided by general law.

(Laws of Fla. ch. 29438(1953), § 6-A; Laws of Fla. ch. 89-405, § 1)

Sec. 114-45. Delinquent assessments; procedure for collection.

- (a) If a special assessment is not paid on or before April 1 of the year following that for which the assessment is made, the tax collector shall retain the assessment and collection roll in his possession until he delivers to the person appointed by law the books and records showing delinquent and unpaid county taxes during which time the tax collector may receive payments of the special assessments. When the tax collector delivers to the person provided by law the records of unpaid and delinquent county taxes, he shall deliver to the same person the assessment and collection roll for special assessments, and it is the duty of such person, upon payment or assignment of delinquent county taxes against any of such lands subject to special assessments, to collect therewith such special assessments together with the penalties hereinafter provided, unless they have been paid theretofore, and deliver the proceeds of the collection of such assessments, less the costs of collection, monthly to the board of commissioners in like manner as is required of payment by the county tax collector. The person charged by law with the collection of delinquent county taxes shall, on payment of such delinquent county taxes against any property subject to special assessments, collect therewith such special assessments, unless they have been sooner paid. Such delinquent special assessments and the lien thereof may be assigned in like manner as the assignment of tax and sales certificates for unpaid county taxes.
- (b) If any special assessment is not paid before April 1 of the year following that for which the special assessment was made, there shall be collected with such special assessment after April 1 of the year following that for which the assessment was made interest from that date at the same rate per annum provided by law upon county taxes until paid. The special assessment may be foreclosed in like manner as provided by law for the foreclosures of county sales certificates or as provided by law for the foreclosure of mortgages or other liens. Any one or more of such delinquent assessments and liens may be foreclosed in one suit, and such suit may be instituted and maintained by the district or any assignee of such assessment or lien. In the event of the institution of a suit for foreclosure, the attorney for the complainant shall be entitled to a reasonable fee for his services, which shall be deemed part of the cost of the cause, and the holder of such delinquent assessment and lien shall have a lien upon the property for the amount of the fee to be allowed by the court.

(Laws of Fla. ch. 29438(1953), § 7; Laws of Fla. ch. 89-405, § 1)

Sec. 114-46. Depository for funds; loans.

- (a) The proceeds of the assessment and the funds of the district shall be deposited in the name of the district in an authorized depository of the state designated by resolution of the board of commissioners.
- (b) The board of commissioners may borrow money for the purposes of acquisition of land, vehicles, and equipment or for other capital purposes. The board of commissioners may pledge for the payment thereof collections on the tax roll not to exceed 70 percent of the anticipated revenues and give tax anticipation notes. Neither the district nor the commissioners nor any of them shall be personally or individually liable as such for the loan or any part thereof, and in event of such pledge it shall be the duty of the board of commissioners upon collection of the assessment roll so pledged to apply the first proceeds thereof to the

payment of the loan for which such assessment or lien was pledged until full payment of the loan; however, except as provided in this subsection, the board of commissioners shall not create indebtedness or incur obligations for any sum or amount which it is unable to pay out of district funds then in its hands.

(Laws of Fla. ch. 29438(1953), § 8; Laws of Fla. ch. 89-405, § 1)

Sec. 114-47. Ad valorem tax authorized.

In addition to or in lieu of levying special assessments pursuant to section 114-41, the board of commissioners may levy an ad valorem tax of not more than three mills against the taxable property within the district.

(Laws of Fla. ch. 29438(1953), § 8-A; Laws of Fla. ch. 89-405, § 2)

Editor's note(s)—The county has advised that the above section was approved by the voters at referendum.

Sec. 114-48. Use of funds restricted; contracts.

- (a) No funds of the district shall be used for any purpose other than:
 - (1) The administration of the affairs and business of the district relating to fire prevention and control, fire code adoption and enforcement, emergency medical services, and services associated with fire prevention and control;
 - (2) The construction, care, maintenance, upkeep, operation, lease, and purchase of fire stations and equipment;
 - (3) The payment of public utilities such as electric service and water; or
 - (4) The payment of salaries and benefits to a fire chief and other personnel.
- (b) The powers of the district may be exercised only for the purpose of providing services, equipment, and facilities within the district, and no expenditure may be made by the district that does not relate to that purpose. However, the district may enter into contracts to furnish district personnel and facilities for the purpose of providing additional services when such contracts provide that the reasonable cost of furnishing such personnel and facilities will be paid by the other contracting party.

(Laws of Fla. ch. 29438(1953), § 9; Laws of Fla. ch. 89-405, § 1)

Sec. 114-49. Equipment; fire chief and personnel.

- (a) The board of commissioners may acquire by gift, lease, or purchase such firefighting equipment as is deemed necessary for the protection of the district, and it may make and enter into contracts relating to any and all purposes of the district.
- (b) The board of commissioners may hire a fire chief and such other personnel as are required to operate firefighting equipment, inspect property, or provide administrative support.

(Laws of Fla. ch. 29438(1953), § 10; Laws of Fla. ch. 89-405, § 1)

Sec. 114-50. General duties of commissioners; records; rules and regulations.

- (a) The officers of the board of commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of the board of commissioners, and in

such meetings the concurrence of a majority of the commissioners is necessary to any affirmative action by the board.

- (b) The board of commissioners may adopt such rules and regulations as it deems necessary to transact its business and carry out the provisions of this article.

(Laws of Fla. ch. 29438(1953), § 11; Laws of Fla. ch. 89-405, § 1)

Sec. 114-51. Fire marshal; fire code.

- (a) The board of commissioners shall appoint a fire marshal, who shall work with and cooperate with all local and state governmental bodies within the district to prevent fires of all types. He shall have the power to issue orders and citations for code violations in the same manner as the state fire marshal pursuant to F.S. ch. 633. He must inspect, no less frequently than annually: places of assembly; educational facilities; residential structures, other than detached one-family or two-family residences; motels and hotels; dormitories and lodging or rooming houses; commercial and business structures; industrial facilities; and storage facilities.
- (b) The fire chief shall report the activities of the fire marshal to the board of commissioners annually.
- (c) The board of commissioners shall adopt a fire code for the district.

(Laws of Fla. ch. 29438(1953), § 12; Laws of Fla. ch. 89-405, § 1)

Cross reference(s)—Fire prevention code, § 62-56 et seq.

Sec. 114-52. Annual report.

The board of commissioners shall, on or before February 1, make an annual report of its actions and accounting of its funds as of September 30 of each year, and shall file the report in the office of the board of county commissioners of Pinellas County, who [which] shall receive and file the report and hold and keep it as a public record.

(Laws of Fla. ch. 29438(1953), § 13; Laws of Fla. ch. 89-405, § 1)

Sec. 114-53. Effect of annexations.

If any municipality or other fire control district annexes any land included in the district, the district shall continue as the sole taxing, enforcing, and service-providing authority for district purposes in the annexed land.

(Laws of Fla. ch. 29438(1953), § 14; Laws of Fla. ch. 89-405, § 1)

Sec. 114-54. Impact fees for new construction.

- (a) It is hereby declared that the cost of new facilities for services within the district should be borne by new users of district services, to the extent that new construction requires new facilities. It is the legislative intent to transfer to the new users of the district's services a fair share of the costs that they impose on the district for new facilities.
- (b) The district may impose impact fees on new construction within the district. The board of commissioners shall set the amount of such fees by resolution.

- (c) A person may not obtain a certificate of occupancy for new residential dwelling units or new commercial or industrial structures within the district, or obtain construction plan approval for a new mobile home development located within the district, until the developer thereof has paid any applicable impact fee to the district.
- (d) The impact fees collected by the district pursuant to this section shall be kept separate from other revenue of the district and shall be used exclusively for the acquisition, purchase, or construction of new facilities or portions thereof required to provide the services of the district to new construction. "New facilities" means buildings and capital equipment, including, but not limited to, fire vehicles and radio-telemetry equipment. Such fees may not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event, regardless of growth within the district. The board of commissioners shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities.

(Laws of Fla. ch. 29438(1953), § 17-B; Laws of Fla. ch. 89-405, § 1)

Cross reference(s)—Impact fees, ch. 150.

Secs. 114-55—114-80. Reserved.

ARTICLE III. PALM HARBOR SPECIAL FIRE CONTROL DISTRICT³

Sec. 114-81. Interpretation of terms.

For purposes of this article, unless the context clearly requires otherwise, the word "district" means the Palm Harbor Special Fire Control District hereby established; and the terms "board," "commissioners," and "board of commissioners" mean the board of commissioners of the Palm Harbor Special Fire Control District as created and organized in this article.

(Laws of Fla. ch. 61-2661, § 15; Laws of Fla. ch. 82-369, § 1)

³Editor's note(s)—The acts contained in this article retain their status as special acts. See charter § 5.02 (district as originally created being the Ozone-Palm Harbor-Crystal Beach Special Fire Control District). The source of each section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Cross reference(s)—Fire prevention and protection, ch. 62.

Sec. 114-82. Formation; boundaries.

All of the lands hereinafter described shall be incorporated into a special fire control district, which shall be a public municipal corporation, having the powers and duties herein set forth, under the name of "Palm Harbor Special Fire Control District," hereinafter referred to as the "district." The lands so incorporated are described as follows:

All lands and territory lying within the boundaries as set forth below:

Begin at the intersection of the centerline of the Intercoastal Waterway and the westerly extension of the centerline of Klosterman Road; thence run east by the centerline of Klosterman Road and the westerly extension thereof to the west $\frac{1}{4}$ corner of Section 19, Township 27 South, Range 16 East; thence S. $0^{\circ} 14' 32''$ E. along the west line of said Section 19, 1333.85 feet to the southwest corner of lot 56, Tampa and Tarpon Springs Land Company Sub. as recorded in Plat Book H1, page 116, of the official records of Hillsborough County, of which Pinellas County was formerly a part; thence S. $87^{\circ} 48' 12''$ E. along the south line of lots 56 and 52 of said subdivision, 1740.84 feet; thence N. $0^{\circ} 33' 31''$ W. along the southerly extension of the east line of lot 51 of said subdivision and the east line of lot 51, 1385.80 feet to the east and est. centerline of said Section 19, said centerline also being the centerline of Klosterman Road; thence run east by the centerline of Klosterman Road and the easterly extension thereof to the center of Lake Tarpon; thence southeasterly through the waters of Lake Tarpon and the Lake Tarpon Outfall Canal to the centerline of Curlew Rd. (S.R. 586); thence west by the centerline of Curlew Rd. (S.R. 586) to a point on the north-south centerline of the northwest $\frac{1}{4}$ of Section 14, Township 28 South, Range 15 East; thence north by the north-south centerline of the northwest $\frac{1}{4}$ of said Section 14 to the north section line of said Section 14; thence west on said section line and continuing west on the north section line of Section 15, Township 28 South, Range 15 East to the centerline of the Intercoastal Waterway; thence north on said centerline of the Intercoastal Waterway to the point of beginning, less and except lots 51, 53, 54, 55, 56, and part of lot 52, Tampa and Tarpon Springs Land Company, Section 19, Township 27 South, Range 16 East, Pinellas County, Florida, described as follows:

Plat Book 1, page 116, Public Records of Pinellas County, commencing at the west $\frac{1}{4}$ corner of Section 19, Township 27 South, Range 16 East; thence S. $0^{\circ} 14' 32''$ E. along west line of Section 19, Township 27 South, Range 16 East, 1333.85 feet to south line of lot 56; thence S. $87^{\circ} 48' 12''$ E. along south line of lots 56 and 52, 1740.84 feet; thence N. $0^{\circ} 33' 31''$ W. along the southerly extension of east line of lot 51 and the east line of lot 51, 1385.80 feet to east and west $\frac{1}{4}$ line of Section 19, Township 27 South, Range 16 East; thence N. $89^{\circ} 30' 34''$ W. along east and west $\frac{1}{4}$ line 1731.75 feet to P.O.B. less north 50 feet for Klosterman Road and west 15 feet for easement right-of-way containing 51.74 acres.

And also less and except those portions of the above-stated territory which are now within the corporate limits of the City of Dunedin.

(Laws of Fla. ch. 61-2661, § 1; Laws of Fla. ch. 82-369, § 1; Laws of Fla. ch. 88-477, § 1)

Sec. 114-83. Extension of boundaries.

The corporate limits [of the district] may be extended and enlarged from time to time as follows, to wit:

- (1) A definitely described tract of land lying contiguous to the boundaries of the district as hereinabove described, or as the same may from time to time exist, or one or more tracts of land lying contiguous to said boundaries, or one or more tracts of land lying contiguous to each other with one of said tracts lying contiguous to the boundaries of the district, when written petition for annexation, signed by and sworn to by all of the owners of the real property within said tract or tracts to be annexed, has been presented to the board of commissioners and the proposal has been approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting. All tracts of land

so annexed shall be situated in an unincorporated area in Pinellas County at the time of annexation. The petition shall contain the legal description of the property sought to be annexed and the names and addresses of the owners of said property, and shall be accompanied by a certificate of title from an authorized title company doing business in Pinellas County, setting forth the names of all persons, firms or corporations owning any interest in said property.

- (2) Should a proposal to annex a definitely described unincorporated area, as defined in subsection (1) [of this section], be approved by the affirmative vote of no fewer than three members of the board of commissioners at a regular meeting, the board of commissioners shall thereafter pass a resolution describing the lands to be annexed to the district and shall cause such resolution to be duly enrolled in the record of the meeting and a certified copy of same to be recorded in the office of the clerk of the circuit court in Pinellas County. When such resolution has been so enrolled and recorded, the territory so annexed to the district, and the inhabitants thereof, shall enjoy all the privileges and be subject to all of the liabilities pertaining thereto.

(Laws of Fla. ch. 61-2661, § 2; Laws of Fla. ch. 82-369, § 1)

Sec. 114-84. Board of commissioners—Officers; bond; compensation.

- (a) The business and affairs of the district shall be conducted and administered by the board of commissioners of the Palm Harbor Special Fire Control District, which is established as a board of five commissioners who, upon their election and qualification and annually thereafter, shall organize by electing from their number a chairman, a vice-chairman, and a secretary-treasurer. The office of each commissioner comprising the board of commissioners of the Palm Harbor Special Fire Control District is hereby designated as being a seat on the commission, distinguished from each of the other seats by a numeral: 1, 2, 3, 4, or 5. The seat number of each of the commissioners is defined in terms of the board of commissioners of the Palm Harbor Special Fire Control District existing in January of 1984, as follows:
 - Seat 1—Norman Atherton or his successors.
 - Seat 2—William Gardiner or his successors.
 - Seat 3—William Walton or his successors.
 - Seat 4—Leon Doyen or his successors.
 - Seat 5—Sharon Nauman or her successors.
- (b) Each commissioner, before he enters his duties as commissioner, shall execute with a qualified corporate surety a good and sufficient bond to be approved by the clerk of the circuit court of Pinellas County, in the sum of \$1,000.00, payable to the governor of the State of Florida for the benefit of the district, conditioned upon the faithful performance of his duties as a commissioner and upon the accounting for all funds to come into his hands as commissioner. All premiums for each surety on all such bonds shall be paid from the funds of the district.
- (c) Effective upon the second Tuesday following the next regular county election at which a board of commissioners is elected, each commissioner shall receive from the funds of the district compensation for his services in the amount of \$200.00 per month.

(Laws of Fla. ch. 61-2661, § 3; Laws of Fla. ch. 82-369, § 1; Laws of Fla. ch. 84-512, § 1; Laws of Fla. ch. 88-477, § 2)

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 114-85. Same—Terms; election; qualifications; certification of single candidate.

- (a) Each of the five commissioners shall hold his or her respective seat on the board of commissioners of the Palm Harbor Special Fire Control District for a term of four years and, except as provided in subsection (h) [of this section], shall be elected by majority vote of the qualified electors of the district voting at a general county election, provided that the commissioners holding seats on the effective date of this article shall continue to hold their respective seats for the remainder of their terms or until their successors are elected and qualified, whichever occurs first. Any commissioner may be a candidate to succeed himself. Vacancies shall be filled as provided in paragraph (c)(2) [of this section].
- (b) Voting for commissioners shall be districtwide and nonpartisan.
- (c) [Residency requirements for commissioners shall be as follows:]
 - (1) All commissioners must be qualified electors within the district and must reside within the district.
 - (2) If any commissioner ceases to reside anywhere within the district, resigns his seat, or is removed from office, his seat shall be declared vacant; he shall be disqualified from further service for the remainder of his unexpired term; and the remaining commissioners, even though they be less than a quorum, shall elect a successor to fill the unexpired term of the seat vacated, pursuant to the time requirements of F.S. § 114.04.
- (d) Each commissioner, whenever elected, shall begin his term of office on the second Tuesday following his election, pursuant to F.S. § 100.041(4), and shall hold his seat until his successor is elected and qualified, unless he ceases to be qualified, resigns or is removed from office. Any resignation by a commissioner of his seat shall be accepted.
- (e) All candidates shall qualify for election in the same manner as required of candidates for county offices. In addition, each candidate shall submit written endorsement of his candidacy by at least 20 qualified electors of the district, and all candidates must indicate the seat on the board of commissioners of the Palm Harbor Special Fire Control District for which he or she is qualifying.
- (f) The names of all candidates qualifying for election to a seat on the board of commissioners shall be included, in such a way as to clearly indicate the respective seat for which each qualified candidate is running, on the ballot or voting machines provided for use in the district along with the candidates for county office at each regular county election.
- (g) Any expenses of holding elections for commission seats at the regular county elections shall be paid for out of the funds of the district if required by proper authority.
- (h) Beginning with the regular county election in 1984, in the event only one candidate for any one particular seat on the board of commissioners has qualified for election by the deadline for qualifying, the board of commissioners shall forthwith by resolution declare such a candidate to have been duly elected to fill the respective seat or seats without the necessity of holding an election as otherwise provided in this section.

(Laws of Fla. ch. 61-2661, § 4; Laws of Fla. ch. 82-369, § 1; Laws of Fla. ch. 84-512, § 2; Laws of Fla. ch. 88-477, § 3)

Cross reference(s)—Elections, ch. 50.

Sec. 114-86. Depositories; borrowing by district; limitation on debt, exception.

- (a) The revenue and funds of the district shall be deposited in the name of the district in a bank or banks authorized to receive deposits of county funds, which bank or banks shall be designated by resolution of the board of commissioners. The designation of such bank or banks and the deposit of funds therein shall be by

the exercise of due care and diligence on the part of the board of commissioners for the safekeeping of said funds. No funds of the district shall be paid out or disbursed except by check.

- (b) (1) The board of commissioners shall have the power and authority to borrow money for the purposes of the district, not to exceed 50 percent of the total ad valorem tax roll, and may pledge as security for the payment of such loan collections on said roll and pursuant thereto shall have the power and authority to give tax anticipation notes, which shall be the sole security for any such loan, except where real property is purchased and a mortgage is given, subject to referendum approval where required by the constitution, to secure the purchase.
- (2) Neither the district nor the commissioners shall be collectively or individually liable for any such loan, or any part thereof; and in the event of such pledge, it shall be the duty of the commissioners, upon collection of the ad valorem tax roll so pledged, to apply the first proceeds thereof to the payment of the loan for which such ad valorem tax roll or lien was pledged until full payment of the loan is made.
- (3) Except as provided in paragraph (b)(1) [of this section], the commissioners shall not create indebtedness or incur obligations for any sum or amount which the board is unable to pay out of district funds then in its hands; provided, however, that this paragraph shall not be construed to prohibit the purchasing of essential equipment and apparatus under rental-purchase or retain title contracts in which the equipment or apparatus, and/or tax anticipation certificates, constitute the sole security for the remaining balance due on the purchase price thereof.

(Laws of Fla. ch. 61-2661, § 9; Laws of Fla. ch. 82-369, § 1; Laws of Fla. ch. 88-477, § 4)

Sec. 114-87. Limitation on use of district funds.

No funds of the district shall be used for any purpose other than the following, as the board may determine to be in the best interests of the district:

- (1) The administration of the affairs and business of the district relating to fire control and emergency medical services;
- (2) The construction, care, maintenance, upkeep, operation, lease, and purchase of stations and equipment;
- (3) The installation of fire hydrants and waterlines;
- (4) The payment of public utilities, such as electric lights and water; and
- (5) The payment of salaries to commissioners, a fire chief, and one or more personnel to perform the duties of the district, the payment of expenses as approved by the board of commissioners, and the exercise of the powers of the district shall be exercised only for the purposes of providing services, equipment, and facilities for the fire protection and control within the district as defined herein and amended by interlocal agreement, and no expenditures by the district shall be made except as shall relate to such purpose.

Notwithstanding the foregoing, the district may enter into contracts with the Pinellas County Emergency Medical Services Authority for the furnishing of district personnel and facilities for the purpose of providing emergency medical services where such contracts provide the reasonable cost of furnishing such personnel and facilities shall be fully paid by the Pinellas County Emergency Medical Services Authority, provided that no such contract shall provide for the district to expend funds for capital outlay purposes.

(Laws of Fla. ch. 61-2661, § 10; Laws of Fla. ch. 82-369, § 1; Laws of Fla. ch. 84-512, § 6; Laws of Fla. ch. 88-477, § 5)

Sec. 114-88. Power to acquire equipment, enter into contracts, hire personnel.

The board of commissioners shall have the power and authority to:

- (1) Acquire by gift, lease, trade or purchase such land, space, equipment or service as is deemed necessary for the protection of the district;
- (2) Make and enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the district; and
- (3) Hire a fire chief and one or more personnel to perform the duties of the district.

(Laws of Fla. ch. 61-2661, § 11; Laws of Fla. ch. 82-369, § 1; Laws of Fla. ch. 84-512, § 7)

Sec. 114-89. Duties of district officers; record; rules and regulations; power to enact fire prevention ordinance; ordinance procedures; civil penalties.

- (a) The officers of the board of commissioners shall have the duties usually pertaining to, vested in, and incumbent upon like officers. A record shall be kept of all meetings of the board of commissioners, and in such meetings the concurrence of a majority of the commissioners in attendance shall be necessary to any affirmative action by the board, provided that no action shall be taken by the board of commissioners unless a quorum of commissioners is present, a quorum being defined as three or more commissioners.
- (b) The board of commissioners may adopt such rules, regulations, and ordinances as it may deem necessary to carry out the transaction of its business and the provisions of this article. The board shall have the right, power, and authority to enact and enforce a fire prevention ordinance in the same manner that other ordinances of the district are adopted.
- (c) The board of commissioners shall adopt uniform ordinance procedures. Ordinances shall be signed and dated, recorded with the clerk of the court of Pinellas County, and published as provided by Florida law. Ordinances shall be effective after publication, which constitutes legal notice of same.
- (d) The board may specify, by rule, civil penalties for violations of such ordinances and a maximum daily fine of \$1,000.00.
- (e) In any civil action brought by the Palm Harbor Special Fire Control District to enforce the provisions of its charter or its duly enacted ordinances, including, but not limited to, actions brought to collect fees, taxes, or other moneys owed to the Palm Harbor Special Fire Control District, the party in whose favor a judgment or decree has been rendered may recover reasonable court costs and attorney's fees from the nonprevailing party.

(Laws of Fla. ch. 61-2661, § 12; Laws of Fla. ch. 82-369, § 1; Laws of Fla. ch. 88-477, § 6)

Sec. 114-90. Annual report.

The board of commissioners shall make an annual report of its actions and accounting of its funds each year and shall file said report as required by F.S. ch. 189.

(Laws of Fla. ch. 61-2661, § 13; Laws of Fla. ch. 82-369, § 1)

Sec. 114-91. Dissolution of district; effect of annexations.

The special fire control district shall exist until dissolved by law. Should any municipality, city, village, town, or other fire control district, or any other municipal corporation, annex or cause to be annexed to its territorial limits any part or portion of land included in the district, said fire control district shall continue as the sole taxing authority for fire control purposes. However, this shall not preclude an interlocal agreement between the entity initiating the annexation and the district, as it relates to fire control.

(Laws of Fla. ch. 61-2661, § 14; Laws of Fla. ch. 82-369, § 1)

Sec. 114-92. Annexation of territory by municipalities; ad valorem tax authorized.

- (a) Notwithstanding any other provision of law, no municipality in Pinellas County may annex any unincorporated territory situated on the effective date of this section within the boundaries of the Palm Harbor Special Fire Control District unless the annexation of such territory by the municipality is first approved by the board of county commissioners of Pinellas County or unless annexation proceedings were commenced prior to the effective date of this section.
- (b) (1) Notwithstanding any other provision of law, the board of county commissioners of Pinellas County may, by ordinance, create a municipal service taxing unit composed of the unincorporated territory situated within the boundaries of the Palm Harbor Special Fire Control District and may levy ad valorem taxes in the unit within the limits fixed for municipal purposes, as authorized by section 9(b) of article VII of the state constitution. The board of county commissioners may also impose, by ordinance, service charges and special assessments within the unit.
- (2) Any ad valorem taxes, service charges, or special assessments which are to be levied or imposed solely within the unit may only be levied or imposed to provide, within the unit, municipal services and facilities which are approved by a majority vote of the electors of the unit voting in a referendum called for that purpose; which are not provided by the Palm Harbor Special Fire Control District; and which are not provided in the other unincorporated areas of the county.
- (3) The electors of the unit may petition the board of county commissioners to provide specific services or facilities. If any elector presents to the board of county commissioners a petition which requests specific services or facilities and which is signed by ten percent of the registered electors of the unit, the board of county commissioners shall submit a proposal to provide such services or facilities to the electors of the unit for approval or rejection at the next general election.

(Laws of Fla. ch. 85-489, §§ 1, 2)

Sec. 114-93. Impact fees for new construction.

- (a) It is hereby declared that the cost of new facilities for fire protection service within the Palm Harbor Special Fire Control District, as created by Laws of Fla. ch. 61-2661, as amended by Laws of Fla. chs. 77-643, 81-469, 82-369, and 84-512, should be borne by new users of the district services to the extent new construction requires new facilities, but only to that extent. It is the legislative intent of this section to transfer to the new user of the district's services a fair share of the costs that new users impose on the district for new facilities.
- (b) The district is authorized to impose impact fees for new construction within the district. The board of commissioners of the district shall set the amount of such fees by resolution.
- (c) No person shall issue or obtain a building permit for new residential dwelling units or new commercial or industrial structures within the district, or issue or obtain construction plan approval for new mobile home

developments located within the district, until the developer thereof has paid any applicable impact fee to the district or its authorized representative; however, under no circumstances shall a failure to collect said fees before issuance of a building permit be construed as a waiver of said fees by the district.

- (d) The impact fees collected by the district pursuant to this section shall be kept as a separate fund from other revenues of the district and shall be used exclusively for the acquisition, purchase, or construction of new facilities or portions thereof required to provide fire protection services to new construction. "New facilities" means buildings and capital equipment, including, but not limited to, fire vehicles and radio-telemetry equipment. Said fees shall not be used for the acquisition, purchase, or construction of facilities which must be obtained in any event, regardless of growth within the district. The board of commissioners shall maintain adequate records to ensure that impact fees are expended only for permissible new facilities.

(Laws of Fla. ch. 86-441, § 1; Laws of Fla. ch. 88-477, § 8)

Cross reference(s)—Impact fees, ch. 150.

Sec. 114-94. Levy of taxes to provide funds for district purposes; rate.

- (a) The board of commissioners of the Palm Harbor Special Fire Control District shall have the authority to levy ad valorem taxes against all taxable property within the district to provide funds for the purposes of the district.
- (b) The levy of ad valorem taxes shall proceed pursuant to general law. The rate of taxation shall be fixed annually by resolution of the board and shall not exceed 1.5 mills.

(Laws of Fla. ch. 86-441, § 2; Laws of Fla. ch. 88-477, § 9)

Editor's note(s)—The county has advised that the above tax was approved by the voters at referendum.

Secs. 114-95—114-130. Reserved.

ARTICLE IV. PINELLAS PARK WATER MANAGEMENT DISTRICT⁴

⁴Editor's note(s)—The act contained in this article retains its status as a special act. See charter § 5.02. The source of each section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Draft

Cross reference(s)—Environment, ch. 58; natural resources, ch. 82; environmental and natural resource protection, ch. 166.

Sec. 114-131. Short title.

This article shall be known and may be cited as the "Pinellas Park Water Management District Law."

(Laws of Fla. ch. 75-491, § 1)

Sec. 114-132. Definitions.

As used in this article and unless the context clearly indicates otherwise:

- (1) *Authority* means the body politic and corporate, an agency of the county, created by this article.
- (2) *Members* means the governing body of the authority and "member" means one of the individuals constituting such governing body.
- (3) *Pinellas Park Water Management District* means initially the municipality of Pinellas Park and the unincorporated areas of Pinellas County surrounding the city limits of Pinellas Park located in the district.
- (4) *Municipality* means any city, village, borough or town.
- (5) *County* means the County of Pinellas.
- (6) *Storm drainage* means storm water run-off.
- (7) *[Number; person.]* Words importing singular number shall include the plural number in each case and vice versa, and the words importing persons shall include firms and corporations.

(Laws of Fla. ch. 75-491, § 2)

Cross reference(s)—Definitions generally, § 1-2.

Sec. 114-133. District authority—Created; appointments; qualifications; officers; quorum; engineer, other employees; compensation of members; record.

- (a) There is hereby created and established a body politic and corporate, an agency of the county, to be known as the Pinellas Park Water Management District Authority, hereinafter referred to as "authority."
- (b) The governing body of the authority shall consist initially of three members, serving and selected as provided herein. Two members shall be appointed by the city council of Pinellas Park to serve for three years, except that for the terms beginning in 1990 one of these shall serve for a term of four years; and one member appointed by the Pinellas County commission to serve for two years. Thereafter, the term of each appointed member shall be for three years. Each appointed member shall hold office until his successor has been appointed and qualified. A vacancy occurring during a term shall be filled only for the balance of the unexpired term. The first member shall be selected as provided herein within 60 days after the occurrence of the vacancy or before expiration of the term; whichever is applicable. If any selection is not made by the municipality as provided herein, the county commissioners shall appoint an eligible person to the authority with like effect as if the selection were made by the municipality. Any member of the authority shall be eligible for reappointment.
- (c) Each appointed member of the authority shall be a person who is a qualified elector of the district with an outstanding reputation for civic pride, interest, integrity, responsibility and business ability. No person who is an officer or employee of any city or of the county in any capacity, except elected officials, shall be an appointed member of the authority.

- (d) The authority shall elect one of its members as chairman of the authority and one as a vice-chairman, to serve for one year in that capacity or until their successors are elected. At the same time, a secretary and treasurer shall be elected who may or may not be members of the authority, and they shall serve at the will of the authority. The treasurer shall post a good and sufficient surety bond in an amount approved by the board of county commissioners. Two members shall constitute a quorum and the vote of two members shall be necessary for any action taken by the authority. No vacancy in the authority shall impair the right of a quorum of the authority to exercise all of the rights and perform all of the duties of the authority. Upon the effective date of his appointment, or as soon thereafter as possible, each appointed member of the authority shall enter upon his duties.
- (e) The district shall appoint an engineer who shall be a person of recognized ability and experience to serve at the pleasure of the authority. The district may also appoint or employ such employees as may be necessary for the proper performance of its duties and functions, and may determine the qualifications and fix the compensation of such persons; also, the authority may contract for the services of attorneys, engineers, consultants and agents for any purpose of the authority, including engineering, management, feasibility, and other studies concerning the acquisition, construction, extension, operation, maintenance, regulation, consolidation and financing of the system in the area.
- (f) Members of the authority shall be entitled to receive from the authority their traveling and other necessary expenses incurred in connection with the business of the authority, as provided in F.S. § 112.061, but they shall receive no salaries or other compensation. During the unexpired term of any member of the authority, that member may be removed for misconduct, malfeasance, misfeasance or nonfeasance in office by a two-thirds vote of both appointing governing bodies.
- (g) The authority shall give reasonable notice of all its meetings. The authority shall keep a record of its meetings, and the record must be available for public inspection.

(Laws of Fla. ch. 75-491, § 3; Laws of Fla. ch. 90-448, §§ 1, 4)

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 114-134. Same—Purposes and powers.

- (a) The authority created and established by the provisions of this article is hereby granted and shall have the right and power to purchase, own, and maintain storm drainage facilities; to contract for construction of facilities; to exercise power of eminent domain; to conduct studies; and to contract with other governmental agencies, private companies and individuals.
- (b) The authority is hereby granted, and shall have and may exercise, all powers necessary, appurtenant, convenient or incidental to the carrying out of the aforesaid purposes, including, but without being limited to, the following rights and powers:
 - (1) To sue and be sued, implead and be impleaded, complain and defend in all courts.
 - (2) To adopt, use and alter at will a corporate seal.
 - (3) To acquire, purchase, hold, lease as a lessee and use any franchise, property, real, personal or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the authority, and to sell, lease as lessor, transfer and dispose of any property or interest therein at any time acquired by it. Any sale, lease or transfer of any property or interest shall be upon competitive bid.
 - (4) To regulate the construction of storm drainage facilities, to establish rules and regulations with respect to storm drainage systems in said area.

- (5) To make contracts of every name and nature and to execute all instruments necessary or convenient for the carrying on of its business.
- (6) To enter into management contracts with any person or persons for the management of the district controlled by the authority for such period or periods of time, and under such compensation and other terms and conditions, as shall be deemed advisable by the authority.
- (7) Without limitation, to borrow money and accept gifts or grants or loans of money or other property and to enter into contracts, leases or other transactions with any federal agency, the state, any agency of the state, the County of Pinellas or with any other public body of the state.
- (8) To do all acts and things necessary or convenient for the conduct of its business and the general welfare of the authority in order to carry out the powers granted to it by this article or any other law.
- (9) To prescribe and promulgate rules and regulations as it deems necessary for the purposes of this article.

(Laws of Fla. ch. 75-491, § 4)

Sec. 114-135. Finances.

The budget of the authority is not subject to approval by the board of county commissioners of Pinellas County. For planning and budget purposes, the fiscal year of the authority shall commence on October 1 of each year and end on September 30 of the succeeding year. The debts of the authority are the sole responsibility of the authority. The authority shall comply with financial disclosure and reporting requirements imposed by general law, including F.S. ch. 189.

(Laws of Fla. ch. 75-491, § 4A; Laws of Fla. ch. 90-448, § 3)

Sec. 114-136. Boundaries.

The Pinellas Park Water Management District shall consist of the major outfall ditches, nos. 1, 2, 3, 4, and 5, located in certain unincorporated areas adjacent to the City of Pinellas Park, and all those areas in the City of Pinellas Park, all located within Pinellas County, Florida, and more specifically defined as follows:

Beginning at the intersection of Joe's Creek and the Cross Bayou Canal, in the southeast $\frac{1}{4}$ of Section 25-30-15; thence proceeding in a general northeasterly direction along the centerline of Cross Bayou Canal to its intersection with the north side of Section 19-30-16, which is also the centerline of 102nd Avenue; thence running east along the centerline of 102nd Avenue and the north section line of Section 19; thence along the north line of Section 20 of the northeast corner thereof; thence northerly along the west boundary of Section 16 for 2000 feet MOL; thence easterly 2000 feet MOL to the westerly R/W line of U.S. 19; thence southeasterly along the westerly R/W line of U.S. 19 to the centerline of 102nd Avenue; thence easterly along the north centerline of Sections 21, 22, and 23, to the west R/W line of I-75; thence southerly along the westerly R/W line of I-75, which is located MOL on the east line of Sections 23 and 26; thence proceeding in a southerly direction to east $\frac{1}{4}$ corner [of] Section 26; thence in a southwesterly direction 3000 feet MOL to the northeast corner of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 26-30-16; thence turning and running west along the north side of the southeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 26-30-16 a distance of 330 feet; thence running south along a line 330 feet west of and parallel to the $\frac{1}{2}$ section line to the south line of Section 26-30-16; thence turning and running west along the south line of Section 26-30-16 a distance of 660 feet to a point 990 feet west of the $\frac{1}{2}$ section line; thence turning and running south along a line 990 feet west of the $\frac{1}{2}$ section line of Section 35-30-16 to a point on the south line of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 35-30-16, thence turning and running east along the south line of the northeast $\frac{1}{4}$ of the southwest $\frac{1}{4}$ of Section 35-30-16 to the $\frac{1}{2}$ section line of the northeast corner of the southeast $\frac{1}{4}$ of the

southwest $\frac{1}{4}$ of section; thence turning and running south along the $\frac{1}{2}$ section line to the south line of Section 35-30-16 and the center of 54th Avenue North; thence turning and running west along south line of Sections 35, 34, and 33-30-16, and the centerline of 54th Avenue to the northeast corner of Section 5-31-16; thence turning and running southwest on a line to the southwest corner of northwest $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 5-31-16 and continuing southwesterly as an extension of the line to a point of intersection with the waterline of Joe's Creek; thence following the centerline of Joe's Creek R/W in the northwesterly direction to the intersection of Joe's Creek and Cross Bayou Canal and the POB.

Excepting therefrom and thereto, the triangular portion within Kenneth City in the southwesterly portion of the hereinbefore described parcel more specifically described as follows:

Beginning at the intersection of the centerline of 54th Avenue at the northeast corner of Section 5-31-16 and running west along said centerline of 54th Avenue a distance of 900 feet more or less to a point opposite the dividing line between lots 43 and 44 of Kenneth City of Unit 9 Replat 47-31; thence south 550 feet more or less along said dividing line and the extension thereof to its intersection with a line running from the northeast corner of Section 5-31-16 southwesterly to the southwest corner of the northeast $\frac{1}{4}$ of the northwest $\frac{1}{4}$ of Section 5-31-16; thence northeasterly 1065 feet more or less along said previously described course to the northeast corner of Section 5-31-16, the point or place of beginning.

(Laws of Fla. ch. 75-491, § 5; Laws of Fla. ch. 77-641, § 1; Laws of Fla. ch. 78-597, § 1)

Sec. 114-137. Expansion of area.

Upon a resolution adopted by the governing body of municipalities adjoining the present water management district area or by the board of county commissioners for adjoining unincorporated areas, the authority may include such areas in the Pinellas Park Water Management District area subject to approval of electors in the added area for tax purposes as provided herein.

(Laws of Fla. ch. 75-491, § 8; Laws of Fla. ch. 77-641, § 2)

Sec. 114-138. Independent special district taxation.

The Pinellas Park Water Management District shall be deemed an independent special district and is authorized to levy ad valorem tax on the taxable real property in the district at a rate sufficient to produce an amount that may be necessary for the purposes of this article not to exceed three mills, provided such millage limit is approved by a vote of the electors who are not wholly exempt from taxation. Property taxes determined and levied under this section shall be certified by the authority to the county auditor, extended, assessed and collected in like manner as provided by law for regular property taxes for the county or municipalities. The proceeds under this section shall be remitted by the tax collector to the treasurer of the authority, who shall credit them to the funds of the authority for use of the purposes of this article. At any time after making a tax levy under this section and certifying the same to the county, the authority may issue tax anticipation notes of indebtedness in anticipation of the collection of such taxes. In the event that over 50 percent of a taxable property is certified by the authority to drain outside of the herein described district area, then the authority shall notify the county auditor, property appraiser, and tax collector that said property shall be deleted from the tax rolls of said district and that any taxes previously levied and collected on said property pursuant to the provisions of this section shall be forthwith remitted to the owner of said property.

(Laws of Fla. ch. 75-491, § 7; Laws of Fla. ch. 78-597, § 2; Laws of Fla. ch. 90-448, § 2)

Sec. 114-139. Exemption from taxation.

Notwithstanding of [sic] any other law to the contrary, the property, monies, and other assets of the authority and all revenues or other income of the authority shall be exempt from all taxation, licenses, fees or other charges of any kind imposed by the state or by the county or by any municipality, political subdivision, taxing district or other public agency or body of the state.

(Laws of Fla. ch. 75-491, § 6)

Sec. 114-140. Dissolution of district upon establishment of countywide drainage district.

Upon the establishment of a countywide drainage district by the county, the district created under this article shall be dissolved and shall be incorporated within the countywide district.

(Laws of Fla. ch. 75-491, § 9)

Secs. 114-141—114-170. Reserved.***ARTICLE V. GREATER SEMINOLE AREA SPECIAL RECREATION DISTRICT⁵*****Sec. 114-171. Interpretation of terms.**

The word "district" shall mean the special recreational district hereby organized, and the words "board" and "board of commissioners" shall mean the board of commissioners of and for the special recreational district hereby created when used in this article, unless otherwise specified.

(Laws of Fla. ch. 80-584, § 13)

⁵Editor's note(s)—The act contained in this article retains its status as a special act, as it was established after the charter. The source of each section is stated in the history note following the section. Unless stated otherwise, the presence of more than one act in a history note indicates that the section is derived from the first listed act as amended by the other acts listed in the history note. Obvious misspellings and punctuation errors have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines, capitalization, citations to state statutes and session laws, and expression of numbers in text has been used. Catchlines have been added or adjusted as necessary to accurately reflect the contents of the sections. Textual references to other sections of the same act or to other acts found in this Code are altered so as to reference this Code. The internal numbering or lettering scheme within sections has been made consistent with the scheme used in this Code; however, deleted paragraphs are reserved to maintain sequence. Sections providing for legal status (i.e., severability sections, repealers and effective dates) have been deleted. Additions for clarity are indicated by brackets.

Laws of Fla. ch. 80-584 was approved at referendum on Oct. 7, 1980.

Cross reference(s)—Parks and recreation, ch. 90.

Sec. 114-172. Formation of district; boundaries.

Upon the filing with the clerk of the board of county commissioners of Pinellas County, Florida, of a certificate by the clerk of the canvassing board of Pinellas County, Florida, that a majority of the voters of said district voting at a special election have approved this article, all of the lands hereinafter described shall become and are hereby created as a special recreational district, which shall become a public corporation, having the powers and duties herein set forth under the name of Greater Seminole Area Special Recreation District, the land so as to be incorporated being described as follows:

All lands and territory lying within the boundaries as set forth below:

From a point at the intersection of the centerlines of County Road 595A, a/k/a 113th Street N. and Duhme Road, and Florida 694, a/k/a Walsingham Road, as a POB (point of beginning), run westerly along said centerline of Florida 694, a/k/a Walsingham Road, to the centerline of Boca Ciega Bay; thence run south and southeasterly along a said centerline of Boca Ciega Bay to a point where, if extended, the centerline of 54th Avenue N. would intersect with the centerline of Boca Ciega Bay; thence run easterly to a point where, if extended, the centerline of 54th Avenue N. would intersect with the centerline of Long Bayou; thence run northwesterly and north along the centerline of Long Bayou and Lake Seminole to a point where, if extended, the centerline of 122nd Avenue North would intersect with the centerline of Lake Seminole; thence westerly along the centerline of 122nd Avenue North until its intersection with the centerline of County Road 595A, a/k/a 113th Street North and Duhme Road; thence southerly along the centerline of County Road 595A, a/k/a 113th Street North and Duhme Road, to the POB or the point where the centerline of the County Road 595A, a/k/a 113th Street North and Duhme Road, intersects with the centerline of Florida 694, a/k/a Walsingham Road, all in Pinellas County, Florida. However, any portion of [within] the current boundaries of the City of Largo are excluded.

(Laws of Fla. ch. 80-584, § 1; Laws of Fla. ch. 84-516, § 1)

Editor's note(s)—Laws of Fla. ch. 84-516, § 1 was approved at an election held Sept. 4, 1984.

Sec. 114-173. Board of commissioners—Created.

The business and affairs of said district shall be conducted and administered by a board of five commissioners who, upon their election and qualification, shall serve for a period of four years. From the effective date of this article, the following named individuals residing within the district shall constitute the board of commissioners and shall serve as a board of commissioners for the initial term of four years: George Jendrusiak, Richard Johnson, Joseph Alberti, Emil Schmoultz, and a fifth commissioner to be picked from a consensus of the other four members.

(Laws of Fla. ch. 80-584, § 2)

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 114-174. Same—Elections.

Said five commissioners shall serve for terms of four years each and shall be elected by a majority vote of the voters of said district voting at regular election. The first regular election for a board of commissioners shall be held at the expiration of the initial four-year term of the abovementioned board of commissioners. At such election the two commissioners receiving the highest popular vote shall serve for a four-year period. The remaining three commissioners shall serve for two years. Elections shall be held at regular local elections every two years. Any commissioner may be a candidate to succeed himself. Voting for commissioners shall be districtwide and by voters of the district only. Candidates shall meet the following qualifications: All commissioners

shall be freeholders within the district and shall reside within the district. If any commissioner shall cease to reside anywhere within the district, his office shall be declared vacant; he shall be disqualified from further service; and the remaining commissioners shall elect a successor to fill the unexpired term.

(Laws of Fla. ch. 80-584, § 3)

Cross reference(s)—Elections, ch. 50.

Sec. 114-175. Management contracts.

Upon the effective date of this article, the district, by and through the above-named commissioners designated in section 114-173 above, may enter into a management contract with the Seminole Youth Athletic Association or its successor, Seminole Junior Warhawks or its successor, or any other association or organization, or its successor, whose programs are intended to serve the recreational needs of both adults and youths residing within the district. Said Seminole Youth Athletic Association or its successor, Seminole Junior Warhawks Athletic Association or its successor, or any other association or organization or its successor shall have the authority to establish reasonable rules and regulations in the operation of their respective programs.

(Laws of Fla. ch. 80-584, § 4)

Sec. 114-176. Ad valorem tax authorized.

Subject to referendum approval by the voters of said district, said district shall have the right, power and authority to levy ad valorem taxes not to exceed one-half mill against the taxable real estate situated in said district. Said levy shall be for three years only. Property taxes determined and levied under this section shall be certified to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities. The proceeds under this section shall be remitted by the county tax collector to the board of commissioners of said district for use in accomplishing the purposes of this article.

(Laws of Fla. ch. 80-584, § 5)

Sec. 114-177. Property right.

Said district shall have the right, power and authority to acquire and to hold title to real property within said district.

(Laws of Fla. ch. 80-584, § 6)

Sec. 114-178. Use of funds—General purpose.

All funds derived from the tax described herein shall be used, except as provided for in section 114-180, solely for the purchase of that parcel of real estate described in section 114-179, including any legal or other expenses incident thereto. In the event that there should be a surplus of funds after the purchase of said parcel of land, no funds of said district shall be used for any purposes other than the administration of the affairs and business of said district, including the construction, care, maintenance, upkeep and operation of any recreational land and facilities as the board may determine to be in the best interest of the district. The board of commissioners shall not influence the finances of any existing recreational organization or association.

(Laws of Fla. ch. 80-584, § 10)

Sec. 114-179. Same—Purchase of specific property.

The funds derived from the tax provided herein shall be used for the purchase of that parcel of real property currently owned by the Board of Public Instruction of Pinellas County, Florida, and leased by the Seminole Youth Athletic Association or its successor and further described as Parcel No. 606, Pinellas Farms, located in the south ½, [Section] 21-30-15, Pinellas County, Florida, and further described as follows:

The south ½ of northeast ¼ of southwest ¼ of Section 21, Township 30 South, Range 15 East, less the east 60 feet thereof conveyed to Tampa and Gulf Coast Railroad Company for railroad right-of-way, Pinellas County, Florida.

(Laws of Fla. ch. 80-584, § 7)

Sec. 114-180. Same—Optional purchase.

In the event that said district is unable to purchase or in the event that the Board of Public Instruction [school board] of Pinellas County, Florida, is unable or unwilling to sell that parcel of real estate above described in section 114-179 to said district, then in that event, the district shall be authorized to expend the funds collected by the tax for the purchase of a like parcel of land within said district to be utilized for and to provide recreational programs and facilities.

(Laws of Fla. ch. 80-584, § 8)

Sec. 114-181. Disposition of proceeds.

The proceeds of said tax and the funds of said district shall be deposited in the name of the district in a bank authorized to receive deposits of county funds, which bank shall be designated by a resolution of the board of commissioners. Such designation of such bank and deposit of funds therein shall be by the exercise of due care and diligence on the part of said commissioners for the safekeeping of said funds. No funds of the district shall be paid out or disbursed save and except by check. The board of commissioners, as mentioned above, shall have the power and authority to borrow money for the purposes of the district not to exceed 50 percent of the total assessment roll and to pledge for the payment thereof collections on said roll and give tax anticipation notes, which shall be the sole security for such loan; and neither the said district nor the commissioner nor any of them shall be personally or individually liable as such for said loan or any part thereof, and in the event of such pledge, it shall be the duty of the commissioners, upon completion of the assessment roll so pledged, to apply the first proceeds thereof to the payment of said loan for which such tax was pledged until full payment of said loan.

(Laws of Fla. ch. 80-584, § 9)

Sec. 114-182. Board duties; record; meetings; rules and regulations.

The board shall handle duties usually pertaining to, vested in and encumbered upon like officers. A record shall be kept of all meetings of said board, and in such meetings the concurrence of a majority of said board members shall be necessary to any affirmative action by said board. The board may adopt such rules and regulations as it may deem necessary in and about the transaction of its business and in carrying out the provisions of this article.

(Laws of Fla. ch. 80-584, § 11)

Sec. 114-183. Length of existence of district.

Said special recreational district shall exist until dissolved by law.

(Laws of Fla. ch. 80-584, § 12)

Secs. 114-184—114-210. Reserved.***ARTICLE VI. PALM HARBOR COMMUNITY SERVICES DISTRICT⁶*****Sec. 114-211. Established.**

There is hereby established a municipal servicing taxing unit under the name of "Palm Harbor Community Services District." The district shall exist until dissolved by law.

(Ord. No. 85-28, § 1, 9-10-85)

Sec. 114-212. Boundaries.

All of the lands as described in this section shall be incorporated into a municipal service taxing unit under the name of Palm Harbor Community Services District. The land so incorporated is described as all unincorporated lands and territory lying within the boundaries set forth in the legal description included in Laws of Fla. ch. 82-369, § 1 (compiled in section 114-82 of this Code) as amended, pursuant to law prior to the effective date of this section.

(Ord. No. 85-28, § 2, 9-10-85)

Sec. 114-213. Governing body; program management.

The board of county commissioners shall be the governing body of the district. The board of county commissioners shall contract with a nonprofit corporation created for the purposes set forth in this article for the administration and operation of the business and affairs of the district within a reasonable time after the effective date of sections 114-216 or 114-217 of this article. The articles of the nonprofit corporation referenced above shall provide:

- (1) For a board of directors, to be comprised of the following:
 - a. One director who is an officer or director of, and appointed by, the Palm Harbor Friends of the Library, Inc., who is a qualified Pinellas County elector and resides in the Palm Harbor Community Services District;
 - b. One director who is an officer or director of, and appointed by, the Palm Harbor Recreation League, Inc., who is a qualified Pinellas County elector and resides in the Palm Harbor Community Services District;

⁶State law reference(s)—Municipal service taxing units, F.S. § 125.01(1)(q), (2).

- c. One director who is an officer or director of, and appointed by, the East Lake Community Library Advisory Board, Inc., who is a qualified Pinellas County elector and resides in the East Lake Library Services District;
 - d. One director who is an officer or director of, and appointed by, the East Lake Youth Sports Association, Inc., who is a qualified Pinellas County elector and resides in the East Lake Recreation Services District; and
 - e. Four directors appointed by the board of county commissioners, each of whom is a qualified Pinellas County elector and resides in the Palm Harbor Community Services District, the East Lake Library Services District, or the East Lake Recreation Services District. Each county commissioner representing the three at-large districts shall nominate one director each and the county commissioner representing District 4 shall nominate one director.
- (2) The terms of office of the board of directors shall be for two years each from the date of their appointment. A director may serve no more than four successive two-year terms. A director who has served four successive terms may be reappointed to the board of directors following a separation of service of no less than a complete two-year term. If any director ceases to reside within the required municipal services taxing unit, resigns from office, or is removed for cause from office, the director's office shall be declared vacant, the director shall be disqualified from further service for that term, and an interim director shall be appointed as provided in subsection (1) of this section to fill the unexpired term of office. An interim appointment shall not be deemed a regular term of appointment and the unexpired term shall not be considered in calculating term limits. Except in cases of a vacancy as described herein, each director shall hold office until a successor is appointed and qualified.
- (3) A record shall be kept of all meetings of such corporation, and in such meetings the concurrence of a majority of such directors shall be necessary to any affirmative action by such corporation; provided however, the director appointed by the Palm Harbor Friends of the Library, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to recreation programs or the East Lake Library; and the director appointed by the Palm Harbor Recreation League, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to the Palm Harbor Library or East Lake Library programs, the director appointed by the East Lake Community Library Advisory Board, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to recreation programs or the Palm Harbor Library; and the director appointed by the East Lake Youth Sports Association, Inc. shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to library services or the Palm Harbor Recreation programs. The board of directors may adopt such rules and regulations as it may deem necessary regarding the transaction of its business and in carrying out the provisions of this article, subject to approval by the board of county commissioners.
- (4) The board of directors shall, within 30 days of their qualification and appointment, and annually thereafter, elect from their number a chair, a vice-chair, and a secretary-treasurer.
- (5) That directors shall receive no compensation for their services, but shall be entitled to reasonable per diem and travel expenses incurred in furtherance of authorized business of the district subject to the limitations provided in F.S. § 112.061, and subject to approval by the board of directors.
- (Ord. No. 85-28, § 3, 9-10-85; Ord. No. 00-58, § 1, 8-1-00; Ord. No. 05-88, § 1, 12-6-05; Ord. No. 13-24, § 1, 9-17-13; Ord. No. 14-36, § 1, 9-11-14; Ord. No. 17-25, § 1, 8-1-17)

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 114-214. Limitations on funding.

- (a) Subject to referendum approval as provided in section 114-216, funds derived from the levy of ad valorem taxes shall be utilized only to provide public library facilities and related land acquisitions for library and other community services and programs. No funds derived from the tax provided in section 114-216, shall be used for any purposes other than the administration and operation of the affairs and business of the district pertaining to the purposes set forth in this subsection (a), including the construction, care, maintenance, upkeep, acquisition or lease of real property, and operation of a public library facility and related land acquisitions for library and other community service programs as the board of directors may determine to be in the best interest of the district and pursuant to its contract with the board of county commissioners.
- (b) Subject to referendum approval as provided in section 114-217, funds derived from the levy of ad valorem taxes shall be utilized only to provide recreational facilities, programs and related land acquisitions. No funds derived from the tax provided in section 114-217, shall be used for any purposes other than the administration and operation of the affairs and business of the district pertaining to the purposes set forth in this subsection (b), including the construction, care, maintenance, upkeep, acquisition or lease of real property, and operation of recreational programs, facilities, and related land acquisitions as the board of directors may determine to be in the best interest of the director and pursuant to its contract with the board of county commissioners.

(Ord. No. 85-28, § 4, 9-10-85; Ord. No. 00-58, § 2, 8-1-00; Ord. No. 05-88, § 2, 12-6-05)

Cross reference(s)—Libraries, ch. 78.

Sec. 114-215. Powers and duties of board of commissioners.

- (a) The board of county commissioners shall have the power and authority to:
 - (1) Establish, by resolution, reasonable rules and regulations for the operation of the program authorized by this article and funded pursuant to sections 114-216 and 114-217;
 - (2) Acquire by gift, lease or purchase such equipment and real property within the district as deemed necessary for the operation of programs authorized by this article and funded pursuant to sections 114-216 and 114-217;
 - (3) Employ such personnel as are deemed necessary to implement and operate programs authorized by this article and funded pursuant to sections 114-216 and 114-217;
 - (4) Make or enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the district authorized by this article and funded pursuant to sections 114-216 and 114-217;
 - (5) Borrow money for the purposes of the district authorized by this article and funded pursuant to sections 114-216 and 114-217, not to exceed the total assessment roll certified pursuant to sections 114-216 and 114-217, and to pledge for the payment thereof collections on such roll and give tax anticipation notes, which shall be the sole security for such loans; provided, however, that in no event shall the funds derived from the tax provided in sections 114-216 and 114-217 be pledged or expended or otherwise committed other than for those purposes provided in such respective sections.
- (b) Except as provided in subsection (a)(5) of this section, the board of county commissioners shall not create indebtedness or incur obligations for any sum or amount which the board of county commissioners is unable to pay out of district funds authorized for such purposes and in its possession; provided, however, that this subsection should not be construed to prohibit the purchase of essential equipment and apparatus under

rental-purchase or retain title contracts in which the equipment or apparatus, or tax anticipation certificates, constitute the sole security for the remaining balance due on the purchase price thereof.

- (c) The board of county commissioners shall require an annual report of the district's actions and an accounting of funds each year, and shall file such report as required by law.
- (d) The board of county commissioners shall require the preparation and submittal of separate annual budgets for funds derived pursuant to sections 114-216 and 114-217. No annual budget of the district shall be deemed final, and no expenditure shall be made pursuant thereto, unless and until approved by a majority vote of the board of county commissioners.

(Ord. No. 85-28, § 5, 9-10-85; Ord. No. 00-58, § 3, 8-1-00; Ord. No. 05-88, § 3, 12-6-05)

Sec. 114-216. Ad valorem tax levy—Library.

Within the limits fixed for municipal purposes as authorized by section 9(b), article VII of the state constitution, the board of county commissioners shall be authorized to levy ad valorem taxes not to exceed one-fourth mill within the district created by this article for the purpose of funding a public library facility and related land acquisitions which shall be used for library and other community services. Property taxes determined and levied under this section shall be certified to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities located therein. The proceeds of the tax collected pursuant to this section shall be remitted by the county tax collector, less any fee authorized by law, to the board of county commissioners.

(Ord. No. 85-28, § 6, 9-10-85)

Editor's note(s)—The county has advised that the levy of the tax provided for in the above section was approved by the voters on Oct. 15, 1985.

Sec. 114-217. Same—Recreation.

Within the limits fixed for municipal purposes as authorized by section 9(b), article VII of the state constitution, the board of county commissioners shall be authorized to levy ad valorem taxes not to exceed one-fourth mill within the district created by this article for the purpose of funding recreational facilities, programs and related land acquisitions. Property taxes determined and levied under this section shall be certified to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities located therein. The proceeds of the tax collected pursuant to this section shall be remitted by the county tax collector, less any fee authorized by law, to the board of county commissioners.

(Ord. No. 85-28, § 7, 9-10-85)

Editor's note(s)—The county has advised that the levy of the tax provided for in the above section was approved by the voters on Oct. 15, 1985.

Sec. 114-218. Reserved.

Editor's note(s)—Ord. No. 05-88, § 6, adopted Dec. 6, 2005, repealed § 114-218, which pertained to funding senior recreational facilities and derived from Ord. No. 00-58, § 4, adopted Aug. 1, 2000.

Secs. 114-219—114-240. Reserved.

ARTICLE VII. TIERRA VERDE FIRE CONTROL DISTRICT⁷

Sec. 114-241. Established.

There is hereby established a municipal service taxing unit under the name of "Tierra Verde Fire Control District." The district shall exist until dissolved by law.

(Ord. No. 88-30, § 1, 10-4-88)

Sec. 114-242. Boundaries.

All of the lands as described in this section shall be incorporated into a municipal service taxing unit under the name of Tierra Verde Fire Control District (referred to in this article as the "district"). The land so incorporated is described as all unincorporated lands and territory lying within that area described in the legal description attached to Ordinance No. 88-30 as exhibit A and by this reference incorporated in this article.

(Ord. No. 88-30, § 2, 10-4-88)

Sec. 114-243. Governing body.

The board of county commissioners shall be the governing body of the district.

(Ord. No. 88-30, § 3, 10-4-88)

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 114-244. Limitations on funding.

Funds derived from the levy of ad valorem taxes shall be utilized only to provide fire control and protection services within the district, including acquisition of land, facilities and equipment for the provision of such services. No funds derived from the tax provided in section 114-246 shall be used for any purposes other than the administration and operation of the affairs and business of the district pertaining to the purposes set forth in this section, including the construction, care, maintenance, upkeep, acquisition or lease of real property, as the board of county commissioners may determine to be in the best interest of the district.

(Ord. No. 88-30, § 4, 10-4-88)

⁷Editor's note(s)—The county has advised that Ord. No. 88-30, from which this article is derived, was approved by the voters at referendum on Nov. 8, 1988.

Cross reference(s)—Fire prevention and protection, ch. 62.

State law reference(s)—Municipal service taxing units, F.S. § 125.01(1)(q), (2).

Sec. 114-245. Powers and duties of board of commissioners.

- (a) The board of county commissioners shall have the power and authority to:
 - (1) Establish, by resolution, reasonable rules, regulations and procedures for the provision of services authorized by this article and funded pursuant to section 114-246.
 - (2) Acquire by gift, lease, or purchase such equipment and real property within the district as deemed necessary for the provision of services authorized by this article and funded pursuant to section 114-246.
 - (3) Employ such personnel as are deemed necessary to implement and operate programs authorized by this article and funded pursuant to section 114-246.
 - (4) Make or enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the district authorized by this article and funded pursuant to section 114-246.
 - (5) Borrow money for the purposes of the district authorized by this article and funded pursuant to section 114-246, not to exceed the total assessment roll certified pursuant to section 114-246, and to pledge for the payment thereof collections on such roll and give tax anticipation notes, which shall be the sole security for such loans; provided, however, that in no event shall the funds derived from the tax provided in section 114-246 be pledged or expended or otherwise committed other than for those purposes provided in such respective sections.
- (b) Except as provided in subsection (a)(5) of this section, the board of county commissioners shall not create indebtedness or incur obligations for any sum or amount which the board of county commissioners is unable to pay out of district funds authorized for such purposes and in its possession; provided, however, that this subsection should not be construed to prohibit the purchase of essential equipment and apparatus under rental-purchase or retain title contracts in which the equipment or apparatus, or tax anticipation certificates, constitute the sole security for the remaining balance due on the purchase price thereof.
- (c) The board of county commissioners shall provide for an annual report of the district's actions and an accounting of funds each year, and shall file such report as required by law.
- (d) The board of county commissioners shall provide for the preparation of an annual budget for funds derived pursuant to section 114-246. No annual budget of the district shall be deemed final, and no expenditure shall be made pursuant thereto, unless and until approved by a majority vote of the board of county commissioners.

(Ord. No. 88-30, § 5, 10-4-88)

Sec. 114-246. Ad valorem tax levy authorized.

Within the limits fixed for municipal purposes as authorized by section 9(b), article VII, of the state constitution, the board of county commissioners shall be authorized to levy ad valorem taxes not to exceed 3.0 mills within the district created by this article for the purpose of providing fire control and protection services within the district. Property taxes determined and levied under this section shall be certified to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities located therein. The proceeds of the tax collected pursuant to this section shall be remitted by the county tax collector, less any fee authorized by law, to the board of county commissioners.

(Ord. No. 88-30, § 6, 10-4-88; Ord. No. 10-33, § 1, 6-15-10)

Sec. 114-247. Non-ad valorem levy authorized.

Notwithstanding any other provision contained herein, the board of county commissioners may, pursuant to F.S. § 192.3631, et. seq., or as otherwise provided by law, levy a non-ad valorem assessment for the purpose of providing funds for the acquisition, maintenance or repair of capital assets to be used for the benefit of the municipal services taxing unit and which are intended to be used for providing fire protection and suppression services. The non-ad valorem assessment may be levied by resolution as provided for by law and any such levy shall be for a specific purpose.

(Ord. No. 10-07, § 1, 2-2-10)

Secs. 114-248—114-275. Reserved.***ARTICLE VIII. FEATHER SOUND MUNICIPAL SERVICES TAXING UNIT⁸*****Sec. 114-276. Established.**

There is hereby established a municipal service taxing unit under the name of "Feather Sound Municipal Services Taxing Unit," which shall exist until dissolved by law.

(Ord. No. 90-25, § 1, 3-20-90)

Sec. 114-277. Boundaries.

All of the lands as described in this section shall be incorporated into a municipal service taxing unit under the name of Feather Sound Municipal Services Taxing Unit, referred to in this article as the "unit". The land so incorporated is described as all unincorporated lands and territory lying within the boundaries set forth in the legal description attached to Ordinance No. 90-25 as exhibit A.

(Ord. No. 90-25, § 2, 3-20-90)

Sec. 114-278. Governing body.

The board of county commissioners shall be the governing body of the unit. The board of county commissioners shall contract with a nonprofit corporation created for the purposes set forth in this article for the administration and operation of the business and affairs of the unit within a reasonable time after the effective date of this article. The charter of such nonprofit corporation shall provide:

- (1) For a board of directors to be comprised of seven persons, one each nominated by each member of the board of county commissioners and appointed by the board of county commissioners.
- (2) The term of office of the board of directors shall be one year each from the date of their appointment. A director may serve successive terms. Each director shall be a qualified elector of and reside within the unit. If any director ceases to reside anywhere within the unit, resigns from office, or is removed for cause from office, his office shall be declared vacant, he shall be disqualified from further service, and a new director shall be appointed in subsection (1) of this section to fill the unexpired term of

⁸State law reference(s)—Municipal service taxing units, F.S. § 125.01(1)(q), (2).

office. Each director shall hold office until his successor is appointed and qualified. Any resignation by a director shall be accepted.

- (3) A record shall be kept of all meetings of the corporation, and in such meetings the concurrence of a majority of the directors shall be necessary to any affirmative action by such corporation. The board of directors may adopt such rules and regulations as it may deem necessary regarding the transaction of its business and in carrying out the provisions of this article, subject to approval of the board of county commissioners.
- (4) The board of directors shall, within 30 days of their qualification and appointment, and annually thereafter, elect from their number a chairman, a vice-chairman, and a secretary-treasurer.
- (5) Directors shall receive no compensation for their services, but shall be entitled to reasonable per diem and travel expenses incurred in furtherance of authorized business of the unit subject to the limitations provided in F.S. § 112.061, and subject to approval by the board of directors and the board of county commissioners.

(Ord. No. 90-25, § 3, 3-20-90; Ord. No. 00-84, § 1, 10-10-00)

Cross reference(s)—Boards, commissions, councils and authorities, § 2-226 et seq.

Sec. 114-279. Limitations of funding.

Subject to referendum approval as provided in section 114-281, funds derived from the levy of ad valorem taxes shall be utilized only for street lighting and to acquire, develop and maintain recreational areas/greenspace. No funds derived from the tax provided in section 114-281 shall be used for any purposes other than the administration and operation of the affairs and business of the unit pertaining to the purposes set forth in this article, as the board of directors may determine to be in the best interest of the unit and pursuant to its contract with the board of county commissioners.

(Ord. No. 90-25, § 4, 3-20-90)

Sec. 114-280. Powers and duties of board of commissioners.

- (a) The board of county commissioners shall have the power and authority to:
 - (1) Establish, by resolution, reasonable rules and regulations for the operation of programs authorized by this article and funded pursuant to this article.
 - (2) Acquire by gift, lease, or purchase such equipment and real property within the unit as deemed necessary for the operation of programs authorized by this article and funded pursuant to this article.
 - (3) Employ such personnel as are deemed necessary to implement and operate programs authorized by this article and funded pursuant to this article.
 - (4) Make or enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the unit authorized by this article and funded pursuant to this article.
 - (5) Borrow money for the purposes of the unit authorized by this article and funded pursuant to this article, not to exceed the total assessment roll certified pursuant to this article, and to pledge for the payment thereof collections on such roll and give tax anticipation notes, which shall be the sole security for such loans.
- (b) Except as provided in subsection (a)(5) of this section, the board of county commissioners shall not create indebtedness or incur obligations for any sum or amount which the board of county commissioners is unable

to pay out of unit funds authorized for such purposes and in its possession; provided, however, that this subsection should not be construed to prohibit the purchase of essential equipment and apparatus under rental-purchase or retain title contracts in which the equipment or apparatus, or tax anticipation notes, constitute the sole security for the remaining balance due on the purchase price thereof.

- (c) The board of county commissioners shall require an annual report of the unit's actions and an accounting of funds each year, and shall file such report as required by law. The board of county commissioners shall have the right to audit the records of the unit as well as those of any nonprofit entity contracted with pursuant to this section.
- (d) The board of county commissioners shall require the preparation and submittal of an annual budget for funds derived pursuant to this article. No annual budget of the unit shall be deemed final, and no expenditure shall be made pursuant thereto, unless and until approved by a majority vote of the board of county commissioners.

(Ord. No. 90-25, § 5, 3-20-90)

Sec. 114-281. Ad valorem tax levy.

Within the limits fixed for municipal purposes as authorized by section 9(b), article VII, of the state constitution, the board of county commissioners shall be authorized to levy ad valorem taxes on taxable property located within the unit not to exceed one mill for the purposes of street lighting and the acquisition, development and maintenance of recreational areas/greenspace. Property taxes determined and levied under this section shall be certified to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities located therein. The proceeds of the tax collected pursuant to this section shall be remitted by the county tax collector, less any fee authorized by law, to the board of county commissioners.

(Ord. No. 90-25, § 6, 3-20-90)

Editor's note(s)—The county has advised that the tax provided for in the above section was approved by the voters at referendum.

Sec. 114-282. Territory embraced.

All territory within the unincorporated area of the Feather Sound Municipal Services Taxing Unit as legally described in exhibit A attached to Ordinance No. 90-25 shall be embraced by the provisions of this article.

(Ord. No. 90-25, § 9, 3-20-90)

Secs. 114-283—114-295. Reserved.

ARTICLE IX. RESERVED⁹

⁹Editor's note(s)—Ord. No. 96-63, §§ 1—9, adopted July 30, 1996, established the East Lake Community Municipal Service Taxing Unit. Section 10 of said ordinance stated "This ordinance shall be deemed to automatically be repealed in the event the referendum called for in Section 7 results in rejection by a majority of those voting." On November 5, 1996, the proposed creation of the East Lake Community Municipal Service Taxing

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Unit was rejected by the voters. At the direction of the county §§ 114-296—114-302 have been removed from this Code.

Secs. 114-296—114-325. Reserved.

**ARTICLE X. PINELLAS COUNTY UNINCORPORATED AREA MUNICIPAL SERVICE
TAXING UNIT**

Sec. 114-326. Ratification of unit.

The establishment of a municipal service taxing unit under the name of Pinellas County Unincorporated Area Municipal Service Taxing Unit" (the "unit") pursuant to Resolution 75-351 of the board of county commissioners is hereby ratified and said unit shall continue to exist until dissolved by law.

(Ord. No. 01-78, § 1, 11-13-01)

Sec. 114-327. Territory embraced.

The unit embraces and shall continue to embrace all unincorporated lands and territory lying within Pinellas County and shall include all property not situated within an incorporated municipality.

(Ord. No. 01-78, § 2, 11-13-01)

Sec. 114-328. Governing body.

The board of county commissioners is and shall continue to be the governing body of the unit ("governing body").

(Ord. No. 01-78, § 3, 11-13-01)

Sec. 114-329. Funding.

The unit is and shall continue to be funded through the levy of an ad valorem tax millage not in excess of ten mills on the dollar of assessed value of all property within the unit without the necessity of a referendum, as provided in F.S. § 125.01, and through other revenues as appropriate.

(Ord. No. 01-78, § 4, 11-13-01)

Sec. 114-330. Powers.

- (a) The board of county commissioners shall have the power and authority to:
- (1) Establish by resolution, reasonable rules and regulations for the operation of programs authorized by this article and funded pursuant to this article;
 - (2) Acquire by gift, lease, or purchase such equipment and real property within said unit as deemed necessary for the operation of programs authorized by this article and funded pursuant to this article;
 - (3) Employ such personnel as are deemed necessary to implement and operate programs authorized by this article and funded pursuant to this article;

- (4) Make or enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the unit authorized by this article and funded pursuant to this article; and
 - (5) Borrow and spend money for the purposes of the unit, issue bonds, revenue certificates and other obligations of indebtedness, all as provided by law.
- (b) The board of county commissioners shall adopt an annual budget for the unit and shall have the power to provide municipal services, directly or by contract or service agreement, in the unincorporated area of the county, including but not limited to fire protection, law enforcement, beach erosion control, recreation service and facilities, water, streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation and other essential facilities and municipal services from charges and special assessments as well as ad valorem taxes and other revenues provided for above.
- (c) Except as provided in subsection (a)(5), the board of county commissioners shall not create indebtedness or incur obligations for any sum or amount which the board of county commissioners is unable to pay out of unit funds authorized for such purposes and in its possession; provided, however, that this subsection should not be construed to prohibit the purchase of essential equipment and apparatus under rental-purchase or retain title contracts in which the equipment or apparatus, or tax anticipation notes constitute the sole security for the remaining balance due on the purchase price thereof.

(Ord. No. 01-78, § 5, 11-13-01)

Secs. 114-331—14-350. Reserved.

ARTICLE XI. LEALMAN SOLID WASTE COLLECTION AND DISPOSAL DISTRICT

Sec. 114-351. Definitions.

For the purposes of this article:

Biological waste means those wastes that cause or have the capability of causing disease or infection and includes, but is not limited to, biomedical waste, diseased or dead animals, and other waste capable of transmitting pathogens to humans or animals.

Bulky waste includes furniture, appliances, C&D debris, and other similar bulky objects, but excluding extraordinary wastes such as abandoned automobiles, boats, individual tree branches or stumps greater than four feet in length, and C&D debris in excess of two cubic yards.

Commercial mobile home park means any improved real property divided into ten or more spaces for the erection and maintenance of residential mobile homes, modular homes, recreational vehicles, or trailers in which the individual spaces are not individually owned.

Construction and demolition (C&D) debris means materials generally considered to be not water soluble and nonhazardous in nature resulting from construction, destruction, or renovation of a structure, including but not limited to steel, glass, brick, concrete, asphalt roofing material, pipe, gypsum, and wallboard.

County representative means the county administrator or the person designated by the county administrator to oversee residential waste services.

Curbside means that portion of the right-of-way within five feet of a roadway.

Franchisee means a hauler of residential waste operating under a currently valid franchise granted by the board of county commissioners pursuant to this article.

Garbage includes every waste accumulation of animal or vegetable matter which attends the preparation, use, cleaning, processing, handling or storing of foodstuffs, and other putrescible waste.

Hazardous waste means solid waste, or a combination of solid wastes, which because of its quantity, concentration, physical, or chemical characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed, treated, or otherwise managed, and any material or substance identified in the Florida Administrative Code Rule 62-730 and 40 Code of Federal Regulations, Part 261.

Residential unit means any single-family, duplex, triplex, or quadplex dwelling unit with kitchen facilities for which a certificate of occupancy has been issued by the Pinellas County Building Department, and except as provided in section 114-359, including mobile homes, modular homes, recreational vehicles, or trailers that have residential permanent license tags.

Residential waste means garbage, trash, yard waste, and bulky waste generated by residential households, but excluding biological waste and hazardous waste.

Special assessment means the non ad valorem assessment levied upon residential real property to provide funding for the collection and disposal of residential waste.

Trash includes paper, cans, bottles, rags, yard waste, and other nonputrescible waste, but does not include bulky waste as defined herein.

Yard waste means grass clippings, leaves, shrubbery cuttings, and tree limbs not over four feet in length or four inches in diameter.

Vacant or vacancy means a residential unit which is unhabitated or lawfully utilized for a nonresidential purpose.

(Ord. No. 05-89, § 1, 12-6-05; Ord. No. 08-22, § I, 4-8-08)

Sec. 114-352. Creation of municipal service benefit unit.

There is hereby created, pursuant to the authority of F.S. § 125.01, a municipal service benefit unit within the unincorporated area of the county known as Lealman for the purpose of providing residential waste collection and disposal. The name of the municipal service benefit unit shall be the "The Lealman Solid Waste Collection and Disposal District" (referred to in this article as "MSBU"). Lealman, the territory included within the MSBU, is more particularly described in the legal description and map attached to Ordinance No. 05-89 labeled Exhibit A.

(Ord. No. 05-89, § 2, 12-6-05)

Sec. 114-353. Purpose.

The purpose of the MSBU is to promote the common interest of the people of Lealman to put into effect residential waste collection and disposal services through the levy of a special assessment against residential units for the provision of such services, and to promote the health, welfare, and safety of the citizens and residents of the MSBU by providing adequate residential waste collection and disposal through the regulated services of a franchisee(s) chosen because of demonstrated qualifications to provide such services to the citizens of the MSBU by the most economical means.

(Ord. No. 05-89, § 3, 12-6-05)

Sec. 114-354. Governing body.

The board of county commissioners shall be the governing body of the MSBU (referred to in this article as the "governing body").

(Ord. No. 05-89, § 4, 12-6-05)

Sec. 114-355. Administration.

The county administrator, acting in behalf of the board of county commissioners as governing body of the unit, shall ex officio be the chief executive officer of the MSBU. He shall keep separate records of all expenses incurred on behalf of the unit and charge all such expenses to the MSBU. He may employ and pay the wages of such personnel as he may deem necessary, and discipline and discharge such personnel in the same manner and subject to the same procedures by which county employees are employed, compensated, disciplined, and discharged.

(Ord. No. 05-89, § 5, 12-6-05)

Sec. 114-356. Powers.

The MSBU shall have all of the powers granted by law to the county for providing residential waste collection and disposal, including without limiting the generality of the foregoing power.

- (1) To sue and be sued, implead and be impleaded, and complain and defend in all courts in its own name;
- (2) To acquire for the purposes of the MSBU by grant, purchase, gift, devise, exchange, or in any other lawful manner all property, real or personal or any estate or interest therein, upon such terms and conditions as the governing body shall determine, and to own all such property in its own name;
- (3) To make contractual arrangements with any public, private, or municipal firm, person, or corporation for the furnishing of residential waste collection and disposal within the MSBU, or for any matter proper to effectuate the purposes of the MSBU. The term "contractual arrangements" includes the power to grant exclusive franchises for residential waste collection;
- (4) To make and adopt, by resolution of the governing body, rules and regulations governing the collection and disposal of residential waste within the MSBU;
- (5) To borrow and expend money and issue bonds, revenue certificates, and other obligations of indebtedness in such manner and subject to such limitation as may be provided by law;
- (6) To establish, levy and collect, by appropriate resolution, a special assessment for the collection and disposal of residential waste generated within the boundaries of the MSBU;
- (7) To provide by resolution for the collection of a special assessment utilizing the uniform method of collection of non-ad valorem special assessments found in F.S. § 197.3632;
- (8) To make and enter into all contracts and agreements as the governing body, in its discretion, may determine to be necessary or incidental to the performance of its duties and to the execution of its powers under this article. All such expenses shall be payable from funds made available under the provisions of this article; and
- (9) To do all acts necessary or convenient to carry out the powers expressly granted in this article.

(Ord. No. 05-89, § 6, 12-6-05)

Sec. 114-357. Special assessments.

- (a) The fiscal year of the MSBU for the purposes of residential special assessments shall commence on January 1 of each year and end on December 31 of each year.
- (b) Except as described in subsection 114-357(f)(2) herein, the county shall comply with the provisions of F.S. § 197.3632 for the levy, collection and enforcement of special assessments related hereto.
- (c) All special assessments shall constitute a lien upon the property so assessed from the date of confirmation of the resolution to the same extent as a lien for general county taxes and shall be collectible in the same manner and at the same time as ad valorem taxes are as may be collectible with the same discounts, attorney's fees, interest, and penalties, and under the same provisions as to forfeiture and the right of the county to purchase the property assessed as are or may be provided by law in the case of county ad valorem taxes.
- (d) All special assessments shall be set aside in a specified account to fund the costs for providing and administering the residential waste collection and disposal services in the MSBU, including, but not limited to, the collection, transport, and disposal of residential waste; fees paid to the county tax collector and property appraiser; and administrative and oversight fees incurred by the department of solid waste operations.
- (e) All special assessments and other charges levied and collected herein shall be distributed to the governing body of the MSBU. For services performed during the pervious month, the governing body shall distribute to each franchisee an amount equal to one-twelfth of the approved annual service fee per residential unit, plus adjustments for residential units added subsequent to the establishment of the approved annual payment and corrections in errors or omissions in the tax roll.
- (f) The Pinellas County Building Department shall not issue a certificate of occupancy for residential real property, whether new construction or a change in the use of property from another category to residential real property, until the following circumstances have been met:
 - (1) The subject property is listed on the then current special assessment roll for residential waste collection and disposal; or
 - (2) If the property is not on the then current special assessment roll, upon payment in full to the county administrator or his designee of an amount equal to the pro rata portion of the current annual assessment plus an additional 12 months for each residential unit on the residential real property. The department of solid waste operations shall compute and publish a schedule reflecting the pro rata payment in effect for each month of the current fiscal year.

(Ord. No. 05-89, § 7, 12-6-05)

Sec. 114-358. Description of services.

- (a) All residential properties in the MSBU containing residential units shall be subject to mandatory residential waste collection and disposal services. All residential waste generated and accumulated by residential units in the MSBU, except as otherwise provided in this article, shall be collected, conveyed, and disposed of by a collector holding a valid franchise for such activity. All other properties not specifically covered by this article, are responsible for obtaining all necessary and proper waste collection in accordance with applicable law.
- (b) The governing body shall be responsible for providing within the MSBU, through agreement(s) with franchisee(s), collection and disposal services for properly prepared residential waste.

- (c) Residential waste shall be placed curbside prior to the time designated for collection. Garbage and trash shall be in containers with lids or tied bags not exceeding 45 gallons or 50 pounds each. Yard waste to be collected with garbage and trash must be containerized, bagged, or piled loose, but cannot exceed four feet in length and four inches in diameter. Containers and bags shall be placed curbside no more than 12 hours prior to a collection day, and containers shall be removed from the curb by 11:59 p.m. of the day on which collection is provided.
- (d) Any accumulation of residential waste for more than seven days is hereby declared to be a public nuisance and a violation of this Code. After such time, the franchisee shall notify the county representative of residential units that have not properly prepared residential waste for collection. The county representative shall promptly investigate each such report, make a determination as to whether the terms of this article are being violated and if a violation is found, notify the owner, occupant, or other entity in control of a residential unit of the nature and extent of such violation, action to be taken for the correction thereof, and the time allowed for the taking of such action. If such violation is not corrected within the time allowed, the county representative shall forthwith take such legal action as may be necessary to enforce the terms of this article without further authorization or instruction, including but not limited to the processes found in Pinellas County Code section 1-8.
- (e) The following materials are exempt from the mandatory provisions of this article and may be collected or delivered for disposal or processing by the owner or occupant of the residential unit, or the owner's or occupant's representative at the owner's or occupant's expense:
 - (1) Recyclable materials, provided such materials are properly recycled; and
 - (2) Waste not considered residential waste, as defined in this article.

(Ord. No. 05-89, § 8, 12-6-05)

Sec. 114-359. Collection service exemptions.

Modular homes, mobile homes, recreational vehicles or trailers located in a commercial mobile home park whose owner documents to the county representative that the complex receives adequate residential waste collection service through an existing commercial contract may be exempted from the provisions of this article subject to the following conditions:

- (1) The commercial mobile home park is serviced using commercial containers, such as dumpsters, rather than receiving curbside collection of waste;
- (2) The owner, manager, or association representing the commercial mobile home park provides a copy of a current contract for waste collection;
- (3) Such contract includes at least weekly collection of waste; and
- (4) The container size and frequency of service are deemed adequate, as determined by the county representative, to service the number of units located within the park.

(Ord. No. 05-89, § 9, 12-6-05)

Sec. 114-360. Collection of assessments by the uniform method, creation of liens, and assessment on public property.

- (a) After proper public hearing and adoption of a resolution by the board, the annual non-ad valorem assessments on all properties in the MSBU shall be levied, collected, and enforced pursuant to the uniform method set forth in F.S. § 197.3632, as it may be amended from time to time. The assessments shall have the

same priority rights, discounts, and be subject to the same delinquent interest and penalties, and be treated the same as taxes of the county. The assessments shall be deposited in such revolving fund as set forth in section 114-357 of this article and applied accordingly. The board shall enter into respective agreements with the tax collector for reimbursement of the tax collector's administrative costs and commission, in accordance with F.S. §§ 197.3632(2) and 192.091(2)(b), as they may be amended from time to time, and with the property appraiser for reimbursement of necessary administrative costs pursuant to F.S. § 197.3632(2), as it may be amended from time to time.

- (b) The assessment shall become a lien upon the property assessed within the MSBU on January 1 of each calendar year, commencing with calendar year 2006, and shall be collected on the respective tax bills for the tax year corresponding with the calendar year of the lien. The amount of the MSBU special assessment roll shall become final with the confirmation and approval of the board, pursuant to F.S. § 197.3632(4), as it may be amended from time to time.
- (c) Except as may otherwise be provided in state law, Pinellas County and any school district or other political subdivision owning property within a MSBU shall be subject to the same duties and liabilities with respect to assessment affecting their real property that private owners of real property possess or are subject to hereunder.

(Ord. No. 05-89, § 10, 12-6-05)

Sec. 114-361. Refunds for vacancy.

- (a) A residential unit which has been vacant for the entire fiscal year, January 1 through December 31, may apply for a refund of the special assessment paid, provided that the residential unit has generated no residential waste during the period of vacancy.
- (b) An owner who seeks a refund pursuant to subsection (a) shall file an application supplied by the county no later than March 31 of the following year for which the refund is sought. Such application shall be notarized and filed by the owner with the county administrator or his designee and shall be under oath. Failure to file the application within the time permitted shall be deemed to be a waiver of the right to seek a refund pursuant to this section. The application shall contain the following:
 - (1) The name and address of the owner;
 - (2) The address and legal description of the residential unit for which the refund is sought;
 - (3) Certification that the person or entity seeking the refund was the owner of the residential unit for the entirety of the fiscal year for which refund is sought;
 - (4) Proof of payment of the special assessment for the fiscal year for which the refund is sought and the amount of such payment including any applicable discounts;
 - (5) The period for which the residential unit was vacant;
 - (6) Certification that the residential unit is not claimed as homestead on the applicable tax roll;
 - (7) Such objective evidence as would indicate in the sole determination of the county administrator or, his designee that such residential unit was vacant; and
 - (8) That no residential waste was generated from such residential unit during the period of vacancy.
- (c) For the purposes of subsection (b) above, "objective evidence" requires, at a minimum, confirmation from the electrical utility serving the area of electrical service for the residential unit of low electrical use typically averaging less than 400 kwh per month.

- (d) The submittal of an application for refund of the special assessment pursuant to this section constitutes consent for county inspectors to enter the property and inspect the interior and exterior of the Residential Unit to the extent reasonably necessary to determine the veracity of representations made in the application. Refusal to admit county inspectors upon reasonable notice, for the foregoing purposes, shall result in the denial of the application with prejudice.
- (e) County inspectors may enter and inspect residential units, interior and exterior, and perform other investigation, including but not limited to interviews with neighbors or review of utility records, to verify the statements made in applications for refund as may be necessary in the sole judgment of the county administrator.
- (f) If the application meets the requirements of this section, inspections may be performed pursuant to this section. The district shall refund from district funds to the owner an amount equal to the special assessment, net of any applicable discount, paid for the fiscal year for which the residential unit was vacant.

(Ord. No. 08-22, § II, 4-8-08)

Secs. 114-362—114-385. Reserved.

ARTICLE XII. EAST LAKE LIBRARY SERVICES DISTRICT

Sec. 114-386. Established.

There is hereby established a municipal service taxing unit under the name of East Lake Library Services District ("district"). The district shall exist until dissolved by law.

(Ord. No. 13-11, § 1, 5-21-13)

Sec. 114-387. Boundaries.

All of the lands hereinafter described shall be incorporated into a municipal service taxing unit under the name of East Lake Library Services District. The land so incorporated shall include all of the unincorporated area of Pinellas County within the district that constitutes the East Lake Tarpon Special Fire Control District, as of the effective date of this ordinance [Ordinance No. 13-11]. In the event that the East Lake Tarpon Special Fire Control District ceases to exist, or has a change to its boundaries, after the effective date of this ordinance [Ordinance No. 13-11], such event shall have no effect on the boundaries of the East Lake Library Services District.

(Ord. No. 13-11, § 1, 5-21-13)

Sec. 114-388. Limits.

All of the unincorporated area of Pinellas County within the district shall cease to be part of the Pinellas County Library Services District established in section 78-2 of the Pinellas County Code effective upon the date that the ad valorem tax authorized by this ordinance [Ordinance No. 13-11] becomes effective as a lien upon the properties of the district.

(Ord. No. 13-11, § 1, 5-21-13)

Sec. 114-389. Governing body.

The board of county commissioners shall be the governing board of the district.

(Ord. No. 13-11, § 1, 5-21-13)

Sec. 114-390. Ad valorem tax levy.

Within the limits fixed for municipal purposes as authorized by Section 9(b), Article VII, of the Florida Constitution, the board of county commissioners shall be authorized to levy ad valorem taxes not exceeding one-quarter mill within the district created by this article for the purposes of providing library services and facilities within the district, commencing with the 2013 tax levy.

(Ord. No. 13-11, § 1, 5-21-13)

ARTICLE XIII. EAST LAKE RECREATION SERVICES DISTRICT**Sec. 114-391. [Established.]**

There is hereby established a municipal service taxing unit under the name of East Lake Recreation Services District ("district"). The district shall exist until dissolved by law.

(Ord. No. 14-30, § 1, 6-24-14)

Sec. 114-392. [Boundaries.]

All of the lands hereinafter described shall be incorporated into a municipal service taxing unit under the name of East Lake Recreation Services District. The land so incorporated shall include all of the unincorporated area of Pinellas County within the district that constitutes the East Lake Tarpon Special Fire Control District.

(Ord. No. 14-30, § 1, 6-24-14)

Sec. 114-393. [Governing body.]

The board of county commissioners shall be the governing board of the district.

(Ord. No. 14-30, § 1, 6-24-14)

Sec. 114-394. [Ad valorem tax levy.]

Within the limits fixed for municipal purposes as authorized by Section 9(b), Article VII, of the Florida Constitution, the board of county commissioners shall be authorized to levy ad valorem taxes not exceeding one-quarter mill within the district created by this article for the purposes of providing recreation services and facilities within the district.

(Ord. No. 14-30, § 1, 6-24-14)

Secs. 114-395—114-399. Reserved.

ARTICLE XIV. UNINCORPORATED SEMINOLE SPORTS DISTRICT

Sec. 114-400. Established.

There is hereby established a municipal servicing taxing unit under the name of "Unincorporated Seminole Sports District." The district will exist until dissolved by law.

(Ord. No. 23-33, § 1, 12-12-23)

Sec. 114-401. Boundaries.

All of the lands hereinafter described will be part of a municipal services taxing unit recreational district having the powers and duties set forth under the name of Unincorporated Seminole Sports District. The land so to be incorporated into such district being described as follows:

All lands and territory lying within the boundaries as set forth below:

From the Northeast corner the Southeast ¼ of the Southeast 1/4 of Section 11, Township 30, Range 15 East, thence run S 0°35'14" West a distance of 1,323.54 feet along the centerline of Starkey Road, to the point of beginning; thence run S 0°07'47" West a distance of 22,678.01 feet; thence run N 89°04'47" West a distance of 14,739.12 feet; thence run N 46°15'40" West a distance of 5,704.39 feet; thence run N 77°11'45" West a distance of 2,995.96 feet; thence run N 80°58'50" West a distance of 941.19 feet; thence run N 49°14'11" West a distance of 564.94 feet; thence run N 29°50'45" West a distance of 1,037.67 feet; thence run N 37°51'39" West a distance of 1,316.62 feet; thence run N 2°36'09" West a distance of 1,418.05 feet; thence run N 34°54'09" West a distance of 1,688.02 feet; thence run N 8°58'21" West a distance of 1,857.86 feet; thence run N 14°55'53" West a distance of 2,998.82 feet; thence run N 22°46'13" West a distance of 2,828.24 feet; thence run N 19°58'59" West a distance of 1,130.51 feet; thence run N 3°56'43" West a distance of 1,871.76 feet; thence run N 14°02'11" East a distance of 1,061.95 feet; thence run N 44°48'29" East a distance of 1,744.71 feet; thence run N 89°55'05" East a distance of 26,728.72 feet to the point of beginning, all in Pinellas County, Florida, less any incorporated areas.

(Ord. No. 23-33, § 1, 12-12-23)

Sec. 114-402. Governing body; program management.

The board of county commissioners is the governing body of the district. The board of county commissioners may contract with a nonprofit corporation created for the purposes set forth in this article for the administration and operation of the business and affairs of the district within a reasonable time after the effective date of sections 114-405 of this article. The articles of the nonprofit corporation referenced above must provide:

- (1) For a board of directors, to be comprised of the following:
 - a. One director who is nominated by the Cross Bayou Athletic Association Board of Directors, and appointed by the Board of County Commissioners, who is a qualified Pinellas County elector;
 - b. One director who is nominated by the Seminole Junior Warhawks Athletic Association Board of Directors, and appointed by the Board of County Commissioners, who is a qualified Pinellas County elector.

- c. One director who is nominated by the Seminole Youth Athletic Association Board of Directors, and appointed by the Board of County Commissioners, who is a qualified Pinellas County elector.
 - d. Four at-large directors appointed by the Board of County Commissioners, each of whom is a qualified Pinellas County elector and resides within the Unincorporated Seminole Youth Sports District and are not associated as board members with the Cross Bayou Athletic Association, Seminole Youth Athletic Association, or Seminole Junior Warhawks Athletic Association.
- (2) Each director will serve at the pleasure of the Board of County Commissioners. The terms of office of the board of directors will be for two years each from the date of their appointment. A director may serve no more than four successive two-year terms. Notwithstanding the foregoing, the initial directors appointed to the board of directors pursuant to section 1(a), 1(b) and 1(c) will serve an initial term of one year. A director who has served four successive terms may be reappointed to the board of directors following a separation of service of no less than a complete two-year term. If any director ceases to reside within the required municipal services taxing unit, resigns from office, or is removed for cause from office, the director's office will be declared vacant, the director will be disqualified from further service for that term, and an interim director must be appointed as provided in subsection (1) of this section to fill the unexpired term of office. An interim appointment will not be deemed a regular term of appointment and the unexpired term will not be considered in calculating term limits. Except in cases of a vacancy as described herein, each director will hold office until a successor is appointed and qualified.
- (3) A record must be kept of all meetings of such corporation, and in such meetings the concurrence of a majority of such directors will be necessary to any affirmative action by such corporation. The board of directors may adopt such rules and regulations as it may deem necessary regarding the transaction of its business and in carrying out the provisions of this article, subject to approval by the board of county commissioners.
- (4) The board of directors must, within 30 days of their qualification and appointment, and annually thereafter, elect from their number a chair, a vice-chair, and a secretary-treasurer.
- (5) That directors will receive no compensation for their services but will be entitled to reasonable per diem and travel expenses incurred in furtherance of authorized business of the district subject to the limitations provided in F.S. § 112.061, and subject to approval by the board of directors.

(Ord. No. 23-33, § 1, 12-12-23)

Sec. 114-403. Limitations on uses of funding.

Funds derived from the levy of ad valorem taxes must be utilized only to provide for the maintenance and operation of recreational facilities or make capital improvements to recreation facilities within the boundaries of the district. No funds derived from the tax provided in section 114-405, may be used for any purposes other than the administration and operation of the affairs and business of the district pertaining to the purposes set forth in this subsection, which permitted uses include but are not limited to, the construction, care, maintenance, upkeep, lease of real property, and operation of recreational facilities, and as the board of directors may determine to be in the best interest of the district and pursuant to its contract with the board of county commissioners.

(Ord. No. 23-33, § 1, 12-12-23)

Sec. 114-404. Powers and duties of board of commissioners.

- (a) The board of county commissioners has the power and authority to:

- (1) Establish, by resolution, reasonable rules and regulations for the operation of the program authorized by this article and funded pursuant to section 114-405;
 - (2) Acquire by gift, lease or purchase such equipment and real property within the district as deemed necessary for the operation of programs authorized by this article and funded pursuant to section 114-405;
 - (3) Employ such personnel as are deemed necessary to implement and operate programs authorized by this article and funded pursuant to section 114-405;
 - (4) Make or enter into contracts with firms and individuals, natural or corporate, relating to any and all purposes of the district authorized by this article and funded pursuant to section-405;
 - (5) Borrow money for the purposes of the district authorized by this article and funded pursuant to section 114-405, not to exceed the total assessment roll certified pursuant to section 114-405, and to pledge for the payment thereof collections on such roll and give tax anticipation notes, which will be the sole security for such loans; provided, however, that in no event may the funds derived from the tax provided in section 114-405 be pledged or expended or otherwise committed other than for those purposes provided in such respective sections or for a period in excess of one year without referendum approval.
- (b) Except as provided in subsection (a)(5) of this section, the board of county commissioners may not create indebtedness or incur obligations for any sum or amount which the board of county commissioners is unable to pay out of district funds authorized for such purposes and in its possession; provided, however, that this subsection should not be construed to prohibit the purchase of essential equipment and apparatus under rental-purchase or retain title contracts in which the equipment or apparatus, or tax anticipation certificates, constitute the sole security for the remaining balance due on the purchase price thereof.
- (c) The board of county commissioners will require an annual report of the district's actions and the nonprofit board of directors must file an accounting of funds each year with the Board of County Commissioners.
- (d) The board of county commissioners will require the preparation and submittal of separate annual budgets for funds derived pursuant to section 114-405. No annual budget of the district will be deemed final, and no expenditure may be made pursuant thereto, unless and until approved by the necessary vote of the board of county commissioners.

(Ord. No. 23-33, § 1, 12-12-23)

Sec. 114-405. Ad valorem tax levy for recreation.

Within the limits fixed for municipal purposes as authorized by section 9(b), article VII of the state constitution, the board of county commissioners is authorized to levy ad valorem taxes not to exceed one-fourth mill within the district created by this article for the maintenance and operation of recreational facilities or make capital improvements to recreation facilities within the boundaries of the district. Property taxes determined and levied under this section will be certified to the county property appraiser and extended, assessed and collected in like manner as provided by law for regular property taxes for the county and municipalities located therein. The proceeds of the tax collected pursuant to this section must be remitted by the county tax collector, less any fee authorized by law, to the board of county commissioners.

(Ord. No. 23-33, § 1, 12-12-23)

Advisory Boards & Committees – Standards of Conduct for Citizen Appointees

All citizens appointed by the Pinellas County Board of County Commissioners or an individual Commissioner to any County board, committee, council or authority must comply with these standards of conduct.

Citizens appointed to a Pinellas County ("County") board, committee, council or authority (hereafter referred to as "Board" or "Boards") hold positions of public trust, and these mandatory standards of conduct are designed to maintain the integrity, impartiality and dignity of these institutions of government. All citizen appointees to, and members of, any Board to which they are appointed by the Board of County Commissioners will:

1. Comply with all local, state, and federal laws, rules, and regulations.
2. Regularly attend all scheduled meetings of the Board.
3. Prepare for and pay attention during each Board meeting and help foster a positive, collegial, respectful and productive environment at such meetings.
4. Maintain an attitude of courtesy and consideration toward other Members, citizens and staff during all discussions and deliberations. Avoid the use of abusive, threatening, or intimidating language or gestures, harassing behavior, or unwelcome conduct of a sexual nature, directed at other Members, citizens, or staff.
5. Allow other Members, County staff and, as appropriate within the prescribed rules or bylaws of the Board, citizens-sufficient opportunity to present their views.
6. Uphold the prestige of their office and avoid impropriety and the appearance of impropriety. Members will not convey the impression that they are able to unduly or inappropriately influence the outcome of a decision of the Board to which they are appointed, or the Board of County Commissioners.
7. Comply with Florida's Government in the Sunshine Law, Chapter 286, Florida Statutes, to the extent that it is applicable to the Board. Members will refrain from engaging in discussions (verbal, written, electronic, or other) with any other Member of the same Board about matters which would foreseeably come before the Board for discussion. In addition, if a Member of a Board that is subject to the Sunshine law receives a communication in any format (including, but not limited to, social media posts, private texts, and voice messages) from anyone about an item to be discussed before the Board, the Member will promptly forward the communication(s) to the assigned staff liaison to the Board so that it may be retained as a public record and shared with all other Members at a public meeting.

8. Comply with annual financial disclosure requirements, if applicable to the Board to which they are appointed.
9. Not accept or solicit a gift, loan, payment, favor, service, promise of employment or business contract, meal, transportation or anything else of value, if such thing is given with the understanding that it will influence the official action of the Member. The same standard shall apply to a gift, loan, favor, etc. for the spouse, child, relative or business partner of the Member. Chapter 112, Florida Statutes, shall govern all determinations of violations under this paragraph.
10. Refrain from, during meetings or other activities of the Board, soliciting funds to support any person's campaign for election to local, state, or federal public office; seeking signatures on any petition provided for by election law; or distributing literature favoring or opposing a candidate, political position or political persuasion.
11. Discharge their duties and responsibilities on the Board without favor or prejudice toward any person or group, and refrain from participating in any proceeding in which their impartiality may reasonably be questioned. If a Member has a personal, employment or business relationship with a person or entity that is subject to a recommendation of the Board, Member must discuss the potential for the appearance of impartiality with the assigned staff liaison, who can as necessary raise the issue to the Pinellas County Attorney, designee, or liaison for guidance. The provisions of Chapter 112, Florida Statutes shall govern conflict of interest determinations.
12. Remain vigilant against deviations from Pinellas County Board of County Commission policies that are applicable to the Board to which they are appointed, as well as the by-laws, policies and mission statements (if applicable) of the Board. Concerns about such deviations should be brought to the attention of the assigned staff liaison.

The Florida Code of Ethics shall determine any question relating to violations of Chapter 112, part III, Florida Statutes.

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Florida Sunshine Laws
& Open Records Laws
PHCSA Bylaws

Draft

BYLAWS
(Revised August 2022)

OF

PALM HARBOR COMMUNITY SERVICES AGENCY, INC
A NON-PROFIT CORPORATION

ARTICLE ONE - INTRODUCTION

1. **Definition of Bylaws.** These bylaws constitute the code of rules adopted by Palm Harbor Community Services Agency, Inc. for the regulation and management of its affairs.
2. **Purposes and Powers.** This corporation will have the purposes or powers as may be stated in its enacting legislation and Articles of Incorporation and such powers as are now or may be granted hereafter by law.
3. **Operating Authority.** The Board of Directors is the governing Board of Palm Harbor Community Services Agency, Inc. The Board has the power to administer and operate the business affairs of the District. The Board of Directors is authorized to adopt such rules and regulations as it may deem necessary regarding the transaction of its business. Nothing contained in these bylaws shall limit the legal authority of the Board of Directors. The Board of Directors recognize that these bylaws constitute local Board rules and shall not supersede applicable laws or regulations.

ARTICLE TWO - OFFICES

1. **Principal and Branch Offices.** The principal place of business of this corporation in Florida will be located at such place or places the Board of Directors may from time to time determine.
2. **Location of Registered Office.** The location of the registered office of this corporation shall be located in Pinellas County, Florida at such a place as may be fixed from time to time by the Board of Directors upon filing of such notices as may be required by law, and the registered office shall be located at Palm Harbor Library, Palm Harbor, Florida.

ARTICLE THREE - MEMBERSHIP

1. **Membership.** The corporation shall not have members.

ARTICLE FOUR – DIRECTORS

1. **Definition of Board of Directors.** The Board of Directors is that group of persons vested with the management of the business and affairs of this corporation subject to the law, the enacting legislation, the Articles of Incorporation, and these bylaws.

2. **Structure of the Board.** The Board of Directors of this corporation will constitute a single class, except that the Director from the Palm Harbor Friends of the Library, Inc., shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to Palm Harbor Recreation, East Lake Recreation, or the East Lake Library and the Director from the Palm Harbor Recreation League, Inc., shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds pursuant to Palm Harbor Library, the East Lake Library or East Lake Recreation. The Director appointed by the East Lake Library shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to the Palm Harbor Library, East Lake Recreation, or Palm Harbor Recreation. The Director appointed by the East Lake Youth Sports Association, Inc., shall not be entitled to vote on matters pertaining to the appropriation and expenditure of funds relating to Palm Harbor Library, East Lake Library, or Palm Harbor Recreation.

3. **Qualifications of Directors.** The qualifications for becoming and remaining a director of this corporation are as follows:
 - (a) Directors must be a qualified Pinellas County elector and reside in, Palm Harbor or East Lake.

 - (b)
 - (i) One (1) director must be officer or director of, and appointed by, the Palm Harbor Friends of the Library, Inc.

 - (ii) One (1) director must be officer or director of, and appointed by, the Palm Harbor Recreation League, Inc.

 - (iii) One (1) director must be officer or director of, and appointed by, the East Lake Youth Sports Association, Inc.

 - (iv) One (1) director must be officer or director of, and appointed by, the East Lake Community Library Advisory Board Inc.

 - (v) Four (4) directors must be appointed by the Board of Pinellas County Commissioners.

4. **Number of Directors.** The number of directors of this corporation will be eight (8) and shall be appointed as determined in the Articles of Incorporation and enacting legislation.

5. Terms of Directors.

- (a) The directors constituting the board of directors as named in the enacting legislation will hold office for two (2) years from the date of their appointment. Each director will hold office for the term for which appointed and until a successor has been selected and qualified.
- (b) A director may serve no more than four (4) successive two-year (2) terms. A director who has served four (4) successive terms may be reappointed to the board of directors following a separation of service of no less than a complete two-year (2) term.
- (c) An interim appointment shall not be deemed a regular term of appointment and the unexpired term shall not be considered in calculating term limits.
- (d) A director may be removed from office only for cause in the manner prescribed in the Articles of Incorporation and these bylaws.

6. Vacancies on the Board. If any director ceases to reside anywhere within Palm Harbor and/or East Lake if applicable, resigns from office, or is removed for cause, his/her office shall be declared vacant, he/she shall be disqualified from further service of that term, and a new director shall be appointed as provided in the Articles of Incorporation to fill the unexpired term of office. Resignation of directors will become effective when a successor is appointed by the appointing agency.

7. Place of Directors' Meetings. Meetings of the Board of Directors, regular or special, will be held at the registered office of this corporation or at such other place or places the Board designates.

8. Notice of Directors' Meetings.

- (a) Notice stating the place, day and hour of any meeting of the Board of Directors shall be delivered not less than five (5) nor more than thirty (30) days before the meeting, either personally, electronic transmission, or by mail, by or at the direction of the Chairman of the Board, the Secretary, or other persons calling the meeting, to each director. If mailed, such notice shall be deemed to be delivered when deposited in the United States mail addressed to the director at his address, as it appears in the records of this corporation, with postage thereon prepaid. Such notice need not specify the business to be transacted at or the purpose of the meeting.
- (b) Notice stating the place, day and hour of any regular meeting of the Board of Directors shall be published in a newspaper of general circulation in the District and/or posted by electronic signage or other appropriate method of notice at least seven (7) days prior to the meeting.

- (c) Notwithstanding the provisions of subsection (a) or (b) above, the Chairman, or Vice-Chairman, may call an emergency meeting of the Board of Directors from time to time, and shall give such notice to the directors and the general public as is reasonable under the circumstances in the discretion of the officer calling the meeting. Any action taken at emergency meetings shall be ratified at the next regular meeting.
9. **Open Meeting Policy.** Meetings of the Board of Directors shall be held in accordance with the provisions of the Florida Open Government Laws (Florida Statute Sections § 286.011 and §119) and accordingly our open to the public. Correspondence between and among Board Members shall be carried out in accordance with the provision of the Florida Open Government Laws.
10. **Rules of Meeting Procedure.** Except where inconsistent with applicable law or these bylaws, Robert's Rules of Order (latest revised edition) shall guide all proceedings of the Board.
11. **Quorum of Directors.** A majority of the whole Board of Directors shall constitute a quorum for the transaction of business. The act of a majority of the directors, which are entitled to vote as provided in these bylaws, present at a meeting at which a quorum is present, shall be the act of the Board of Directors unless a greater number is required under the provisions of the Articles of Incorporation of this corporation.
12. **Voting.** All Directors must vote on each issue, with the exception of Article Three Section 2, unless a conflict of interest exists under Florida Law. All voting shall be conducted by voice, a show of hands, or by signed ballot.
13. **Rules of Decorum and Participation.** All individuals who attend in any Board meetings shall maintain appropriate decorum and shall be courteous and polite. The use of insulting, vulgar, profane, or inappropriate language shall not be tolerated. Any violations of the rules of decorum may result in the removal from the meeting.
- Each member of the public when speaking at a meeting shall state their name and address for the record at the beginning of their comments. Public comments shall be limited to three (3) minutes for an individual and ten (10) minutes if the individual is representing a group.
14. **Rules of Conduct.** No Board Member shall interfere with the daily operations of the four entities of PHCSA. The Board as a whole may bring to the attention of the entity directors an area of daily operations in which the Board deems is not fit or proper.
15. **Actions.** Board Members shall not represent their personal positions as those of the entire Board and may not make binding agreements with any individual or organization unless authorized by the Board to do so. Board Members may represent their personal opinions with any individual or organization provided they make such individual or organization aware of said representations. Board Members should only use their title

when conducting official PHCSA business, for informational purposes, or as an indication of background and expertise.

16. **Compensation.** The Directors shall receive no compensation. However, they shall be entitled to reasonable per diem and travel expenses incurred in furtherance of authorized business of the District subject to the limitations provided in Fla. Stat. §112.061 and subject to approval by the Board of Directors.
17. **Board Indemnification.** PHCSA shall indemnify any PHCSA Director, Officer or former Director or Officer for expenses actually or reasonably incurred by him/her in connection with the defense of any action, suit or proceeding, civil or criminal, in which he/she is made a party by reason of being or having been a Director or Officer of PHCSA, except in relation to matters in which he/she was adjudged, in the action, suit, or proceeding, to be liable for negligence or misconduct in the performance of his/her PHCSA duties. All Directors, Officers and former Directors and Officers are subject to sovereign immunity, Fla. Stat. §768.28.

ARTICLE FIVE - OFFICERS

1. **Roster of Officers.** The officers of this corporation will consist of the following Personnel:
 - (a) Chairman
 - (b) Vice-Chairman
 - (c) Secretary
 - (d) Treasurer
2. **Selection of Officers.** Each of the officers of this corporation will be elected and appointed annually by the Board of Directors on or about December 1, of each year. Each officer will remain in office until a successor to such office has been selected and qualified. Such election will take place at a regular meeting of the Board of Directors. The Chairman shall have been a member of the Board of Directors for at least one year prior to being elected Chairman.
3. **Multiple Office Holders.** In any election of officers, the Board of Directors may elect and appoint a single person to any two or more offices simultaneously, except that the offices of Chairman and Secretary must be held by separate individuals.
4. **Chairman.** The chairman shall be the chief executive officer of the corporation, shall have general and active management of the business and affairs of the corporation subject to the directions of the Board of Directors, and shall preside at all the meetings of the Board of Directors.

4. **Vice-Chairman.** In the absence of the Chairman or in the event of his/her death, inability or refusal to act, the Vice-Chairman shall perform the duties of the Chairman and, when so acting, shall have all the powers of and be subject to all the restrictions upon the Chairman. The Vice-Chairman shall perform such other duties as from time to time may be assigned to him/her by the Chairman or by the Board of Directors.
5. **Secretary.** The Secretary shall have custody of and maintain all of the corporate records except the financial records, shall be responsible for the recording of the minutes of all meetings of the Board of Directors, shall be responsible for the proper notice of all meetings, and perform such other duties as may be prescribed by the Board of Directors or the Chairman.
6. **Treasurer.** The Treasurer shall have custody of all corporate funds and financial records, shall keep full and accurate accounts of receipts and disbursements, provide monthly reconciliation of all funds and render accounts thereof whenever required by the Board of Directors or the Chairman, and shall perform such other duties as may be prescribed by the Board of Directors or the Chairman.
7. **Removal of Officers.** Any officer elected or appointed by the board of Directors may be removed by the Board whenever in its judgment the best interests of the corporation will be served thereby. However, such removal will be without prejudice to any contract rights of the officer so removed.

ARTICLE SIX – COMMITTEES/AUDIT COMMITTEE

1. **Definition of Committees.** This corporation may have certain committees, each of which will consist of two (2) or more directors. Such committees will have and exercise some prescribed authority of the Board of Directors in the management of this corporation. However, no such committee will have the authority of the Board in reference to affecting any of the following.
 - (a) Filling of vacancies in the Board
 - (b) Adoption, amendment, or repeal of bylaws
 - (c) Amendment or repeal of any resolution of Board
 - (d) Action on matters committed by bylaws or resolution of the Board
2. **Appointment of Committees.** The Board of Directors, by resolution duly adopted by a majority of the directors in office, will designate and appoint one or more committees and delegate to such committees specific and prescribed authority of the Board of Directors to exercise in the management of this corporation. However, the creation of such committees will not operate to relieve the Board of Directors, or any individual director, of any responsibility imposed on such director or otherwise prescribed by law.
3. **Functionary Committees.** In addition, the Board of Directors, by resolution, may designate and appoint certain functionary committees designed to transact certain ministerial business of the corporation or to advise the Board of Directors. Such committees will be chaired by an officer or director as designated by the Board, which

chairman will proceed to select the remaining members of the committee up to the number set by the Board or terminate such memberships or appoint successors in such chairman's discretion. The board may terminate any such committee by resolution.

4. **Audit Committees.** The primary function of the Audit Committee ("Committee") is to assist Palm Harbor Services Agency Board of Directors in fulfilling its oversight responsibilities relating to the integrity of the Corporation's financial statements and budget, the independent auditor selection process, the performance of the Corporation's independent auditors, the independent auditor's qualifications and independence, and the Corporation's compliance with legal and regulatory requirements. In so doing, it is the responsibility of the Committee to maintain free and open communication among the Committee, independent auditors, and Corporation management, as well as the Board of Directors.

A. Membership

The Committee will consist of no less than three, no more than five members, selected by members of the Board of Directors and appointed upon a majority vote of the Board and upon their "agreement to serve." Members of the Committee shall be annually appointed. Members of the Committee must also be considered "independent," in that they are not to accept any consulting, advisory, or other compensatory fee from the Board. All meetings are subject to the requirements of the Government in the Sunshine Law, Florida Statute §286, and the Public Records Act, Florida Statute §119.

Members of the Committee shall possess general accounting, business and financial knowledge, including the ability to read and understand fundamental financial statements. At least one member, preferably the Chair of the Committee, shall have accounting or financial expertise as defined by the Board. The Chair of the Committee shall preside over the Audit Committee meetings, and his/her designee shall serve in the Chair's absence.

B. Meetings

The Committee shall be a permanent standing committee and shall hold at least (3) three meetings per fiscal year.

C. Duties and Responsibilities

The following shall be the principal duties and responsibilities of the Committee. Review with management, the independent auditors their judgments about: the quality, not just the acceptability, of the Corporation's accounting principles; the consistency in the application of accounting policies; the reasonableness of significant judgments; the degree of aggressiveness or conservatism in applying accounting principles; and the clarity and completeness of the financial statements and related disclosures.

- On an annual basis, review with the auditor: any significant difficulties encountered during the course of the audit, any restrictions on the scope of work or access to required information and any significant disagreements between management and the independent auditor in connection with the preparation of the financial statement.
- Inquire of management and the independent auditor about significant financial risks or exposures to the Corporation and assess the steps management has taken to mitigate such risks or exposures.
- Evaluate annually, the qualifications and performance of independent auditors. On an annual basis, assess the independence of the independent auditor and discuss any relationships disclosed that may impact auditor objectivity and independence.
- Resolve disagreements between management and the independent auditor regarding financial reporting.

ARTICLE SEVEN - OPERATIONS

1. **Fiscal Year.** The fiscal year of this corporation will begin October 1st and end September 30th of each year.
2. **Execution of Documents.** Except as otherwise provided by law, checks, drafts, promissory notes, orders for the payment of money, and other evidence of indebtedness of this corporation shall be signed by a staff member and a Board Member. Contracts, leases, or other instruments executed in the name of and on the behalf of the corporation will be signed by the Chairman or designee.
3. **Books and Records.** This corporation will keep correct and complete books and records of account and will also keep minutes of the proceedings of its Board of Directors and committees. The corporation will keep at its registered office the original or a copy of its bylaws including amendments to date certified by the Secretary of the corporation.
4. **Inspection of Books and Records.** All books and records of this corporation may be inspected by any person in accordance with the requirements of and procedures established by Section 119.07, Florida Statutes.
5. **Non-profit Operations-Compensation.** This corporation will not have or issue shares of stock. No dividend will be paid, and no part of the income of this corporation will be distributed to its directors, or officers, and the corporation shall not pay compensation to officers or directors for services rendered, except that officers or directors may be reimbursed for expenses as provided by Florida law.

6. **Loans to Management.** This corporation will make no loans to any of its directors or officers or to any of its key management or other personnel.

7. **Conveyance of Assets.**

- (a) No incorporator of this corporation may have any vested right, interest, or privilege of, in, or to the assets, functions, affairs, or franchises of the corporation, or any right, interest, or privilege which may be transferable or inheritable, or which will continue while he or she is not in good standing.
- (b) On dissolution, assets of this corporation remaining after the payment or discharge of all liabilities of the corporation; the return, transfer, or conveyances of assets held on conditions requiring the same; and the transfer or conveyance of assets received and held subject to limitations permitting their use only for District purposes shall be distributed as the Board of Directors shall determine as provided by law.

8. **Public Access.**

- (a) The Agency Directors (Palm Harbor Library, East Lake Library, Palm Harbor Recreation and East Lake Recreation) or their designee are authorized to manage public access to enclosed PHCSA owned and controlled property. In the performance of such responsibilities, the Agency Directors or their designee shall have the authority to identify which areas are to be considered designated public forum, limited designated public forum, or nonpublic forum.
- (b) The Agency Directors or their designee shall have the authority to develop and implement procedures to regulate and control public access within PHCSA owned and controlled property to provide for the security and privacy of public visitors; to provide for the security and privacy of PHCSA employees and officers; and to minimize potential disruptions to the work of PHCSA and its facilities. Any person who engages in conduct that causes disruptions to the work of PHCSA or its agencies shall be deemed to no longer be present within PHCSA owned or controlled property on legitimate public business.
- (c) All PHCSA owned or controlled enclosed structures are hereby declared to be nonpublic forums unless or until a public meeting is convened in such areas pursuant to public notice. This prohibition does not prohibit members of the public from entering such enclosed structures for legitimate business purposes.
- (d) Except when public meetings are being conducted pursuant to public notice, no recording by video and/or sound within PHCSA owned and controlled property, without consent of all persons whose voice or image is being recorded, is permitted. If anyone who is observed to be recording video and/or sound within PHCSA owned or controlled property, without the consent of all persons whose voice or

image is being recorded, and such person refuses to cease activity after being advised that such activity is prohibited, such refusal shall be considered to be a disruption to the work of PHCSA or its agencies. Therefore, such persons shall be deemed to no longer be present within PHCSA owned or controlled property on legitimate business. The Agency Directors or their designee are hereby authorized on behalf of PHCSA to request any person who refuses to cease the unconsented video and/or sound recording to immediately leave the premises. Any person who refuses to cease the unconsented video and/or sound recording and refuses to immediately leave the premises following the request of the Agency Directors or their designee, shall be considered a trespasser. A trespass warning may be issued for their conduct.

ARTICLE EIGHT - AMENDMENTS

1. **Amendment of Articles of Incorporation.** The power to alter, amend, or repeal the Articles of Incorporation of this corporation is vested in the Board of Directors. Such action must be taken pursuant to a resolution approved by a majority of the directors.
2. **Modification of Bylaws.** The power to alter, amend, or repeal these bylaws, or adopt new bylaws, insofar as is allowed by law, is vested in the Board of Directors.

Draft

Florida Sunshine Laws & State Statute

Information provided by

ZIMMET, UNICE & SALZMAN, P.A.

Attorneys At Law

ZIMMET, UNICE & SALZMAN, P.A.
ATTORNEYS AT LAW

RYAN E. BAYA
 JEFFREY D. JENSEN
 HUONG T. NGUYEN
 ANDREW J. SALZMAN
 CAITLIN E. SIRICO
 T.R. UNICE, JR. **
 STEVEN R. WILSON
 ALAN S. ZIMMET**

2570 CORAL LANDINGS BOULEVARD
 SUITE 201
 PALM HARBOR, FLORIDA 34684

Telephone: (727) 723-3772
 Facsimile: (727) 723-1421
 Spring Hill: (352) 683-5040

WEBSITE: www.zimmetunice.com

*Board Certified in City,
 County and Local Government
 **Board Certified Civil Trial Lawyer
 **American Board of Trial Advocates
 #Certified Circuit Court Mediator

February 11, 2010

PUBLIC RECORDS LAW

I. What is a public record?

- A. Florida Statutes define public records as, "All documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency."
- B. According to the Florida Supreme Court, all materials made or received by a public agency in connection with official business which are used to perpetuate, communicate or formalize knowledge, constitute public records.
- C. The term "public record" is no longer limited to traditional written documents. Therefore, computer records are public records.
- D. DRAFTS.

Any document circulated for review, comment, or information is a public record despite being marked "preliminary or working draft" or with some similar label.

- 1. When are notes or non-final drafts of agency proposals subject to Chapter 119, Florida Statutes?
 - a. There is no "unfinished business" exception to the public inspection and copying requirements of Chapter 119, Florida Statutes. If the

purpose of a document prepared in connection with the official business of a public agency is to perpetuate, communicate or formalize knowledge, then it is a public record regardless of whether it is in final form or the ultimate product of an agency. Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc., 379 So.2d 633 (Fla. 1980).

- b. Accordingly, any agency document, however prepared, if circulated for review, comment or information, is a public record regardless of whether it is an official expression of policy or marked "preliminary" or "working draft" or similar label. Examples of such materials would include interoffice memoranda, preliminary drafts of agency rules or proposals which have been submitted for review to anyone within or outside the agency, and working drafts of reports which have been furnished to a supervisor for review or approval.
 - c. It is important to emphasize, however, that a non-final document need not be communicated to anyone in order to constitute public record. So called "personal" notes are public records if they are intended to perpetuate or formalize knowledge of some type. Stated another way, notes which are prepared for filing or otherwise intended as final evidence of knowledge obtained in the transaction of official business constitute public records. See, e.g., Florida Sugar Cane League v. Florida Department of Environmental Regulation, No. 91-4218 (Fla.2d Cir.Ct. June 5, 1992), stating that handwritten notes of agency staff, "utilized to communicate and formulate knowledge within [the agency], are public records subject to no exemption."
2. Material prepared as temporary drafts or notes (for example, dictation tapes to a secretary, rough drafts of documents, and hand-written notes taken during interview sessions) are not public records unless shared with another public employee.

NOTE: Once again, it is important to note that if a document is meant to perpetuate, communicate or formalize knowledge, it is a public record regardless of the fact it is not in final form. It is not necessarily the form of the document but what it was used for.

EXAMPLE: Interoffice memoranda would be public records even if they ultimately do not become part of the agency's final product, such as a report.

NOTE: Do not promise confidentiality to someone who submits something to you unless you are absolutely positive it is exempt from disclosure.

3. Personal E-mails do not fall within the definition of public records subject to disclosure merely because they are placed within a government-owned computer system. See State v. City of Clearwater, 863 So.2d 149 (2003).

NOTE: E-mail messages made or received by agency employees in connection with official business are public records and subject to disclosure in the absence of an exemption.

- E. Employee passwords are not public records and are not subject to disclosure. See F.S.119.085 and Era v. Sainsbury, 504 So.2d 1315.

- F. PSTA's vendors, contractors, and private organizations are agents of PSTA when acting on behalf of any public agency and documents they create or possess are public records subject to inspection and copying under Chapter 119. See FS 119.011(2).

1. Private organizations.

- a. The term "agency" as used in the Public Records Act includes private entities "acting on behalf of any public agency." Section 119.011(2), Florida Statutes.

NOTE: The Florida Supreme Court has stated that this broad definition of "agency" ensures that a public agency cannot avoid disclosure under the Public Records Law by contractually delegating to a private entity that which would otherwise be an agency responsibility. News and Sun-Sentinel Company v. Schwab, Titty & Hanger Architectural Group, Inc., 596 So.2d 1029 (Fla.1992).

- b. Receipt of public funds by private entity not dispositive

- 1) There is no single factor which is controlling on the question of when a private corporation becomes subject to the Public Records Law. For example, a private corporation does not act "on behalf of" a public agency merely by entering into a contract to provide professional services to the agency. News and Sun-Sentinel Company v. Schwab, Titty & Hanger Architectural Group, Inc., *supra*. Accord, Parsons & Whittemore, Inc. v. Metropolitan Dade County, 429 So.2d 343 (Fla. 3d DCA 1983).
- 2) Similarly, the receipt of public funds, standing alone, is not dispositive of the organization's status for purposes of Chapter

119, Florida Statutes. See, Sarasota Herald-Tribune Company v. Community Health Corporation, Inc., 582 So.2d 730 (Fla. 2d DCA 1991), in which the court noted that the mere provision of public funds to the private organization is not an important factor in this analysis, although the provision of a substantial share of the capitalization of the organization is important.

- 3) However, there is a difference between a party contracting with a public agency to provide services to the agency and a contracting party which provides services in place of the public body. News-Journal Corporation v. Memorial Hospital-West Volusia, Inc., 695 So.2d 418 (Fla. 5th DCA 1997), petition for review pending, Case No. 90, 835 (Fla. 1997). Stated another way, business records of entities which merely provide services for an agency to use (such as legal professional services, for example) are probably not subject to the open government laws. Id. Thus, a non-profit entity which operated a hospital under lease from a public hospital authority was subject to sunshine and public records requirements. Id. See also, Op.Att'y Gen. Fla 97-49 (1997) (records of hospital foundation leasing public hospital facilities subject to Chapter 119, Florida Statutes).

- c. A public agency cannot avoid disclosure of a public record by contractually delegating to a private entity that which would otherwise be an agency responsibility.

2. Advisory Boards:

a. Advisory Boards:

- 1) Are subject to Public Records Act if they "act on behalf of the public agency."
- 2) Public or private groups acting in an advisory capacity to a public board or commission may be covered.

EXAMPLES: i) personnel screening committee;
ii) private engineering firm performing services for a city as the city engineer

Hypothetical: Can you send your public records to a "private" group, consultant, etc., and thus shield them from the Public Records Act?

Most likely not, especially if demand is made on the proper City custodian.

NOTE: Merely by contracting with a local government does not automatically subject a corporation or group to the Public Records Act (they must perform an essentially governmental function or participate in decision-making process).

EXAMPLE: Private corporation raises/disburses only private funds with no delegation of governmental responsibilities or functions is probably not subject to Public Records Act.

NOTE: May be opposite result if public funds are expended by "private" group.

G. Financial Records.

1. Bids - Section 119.07(3)(m), Florida Statutes, provides an exemption for "sealed bids or proposals received by an agency pursuant to invitations to bid or requests for proposals" until such time as the agency provides notice of a decision or intended decision pursuant to section 120.57(3)(a), Florida Statutes, or within 10 days after bid or proposal opening, whichever is earlier.
2. Budgets - Budgets and working papers used to prepare them are normally subject to inspection. City of Gainesville v. State ex. rel. International Association of Fire Fighters Local No. 2157, 298 So.2d 478 (Fla. 1st DCA 1974); Warden v. Bennett, 340 So.2d 977 (Fla. 2d DCA 1976).
3. Local government audits - The audit report of an internal auditor prepared for or on behalf of a unit of local government becomes a public record when the audit becomes final. Section 119.07(3)(y), Florida Statutes. The audit becomes final when the audit report is presented to the unit of local government; until the audit becomes final, the audit work papers and notes related to such audit report are confidential. Id.
4. Personal financial records - In the absence of statutory exemption, financial information prepared or received by an agency is usually subject to disclosure. See Wallace v. Gusman, 687 So.2d 1351 (Fla. 3d DCA 1997) (personal income tax returns and financial statements submitted by county housing finance authority members as part of an application to organize a bank are subject to disclosure).
5. Security interests - Records regarding ownership of, or security interests in, registered public obligations are not open to inspection. Section 279.11, Florida Statutes.

6. Telephone bills - Records of telephone calls made from agency telephones are subject to disclosure in the absence of statutory exemption. See, Crespo v. Florida Entertainment Direct Support Organization, No. 94-4674 9Fla. 11th Cir. Ct. April 10, 1995) (telephone bills for calls made by agency official open to public inspection). Accord, Gillum v. Times Publishing Company, No. 91-2689-CA (Fla. 6th cir. Ct. July 10, 1991); Inf. Op. to David S. Messer, February 7, 1994.

H. Personnel Records

1. Personnel records open to inspection unless exempted by law

The general rule with regard to personnel records is the same as for other public records; unless the Legislature has expressly exempted an agency's personnel records from disclosure or authorized the agency to adopt rules limiting access to such records, personnel records are subject to public inspection under section 119.07(1), Florida Statutes. Michel v. Douglas, 464 So.2d 545 (Fla. 1985).

The courts have rejected claims that constitutional privacy interests operate to shield agency personnel records from disclosure. See Michel v. Douglas, *supra*, holding that the state constitution "does not provide a right of privacy in public records" and that a state or federal right of disclosural privacy does not exist.

An agency is not authorized to unilaterally impose special conditions for the inspection of personnel records. An automatic delay in the production of such records is invalid. Tribune Company v. Cannella, 458 So.2d 1075 (Fla. 1984), appeal dismissed sub nom., DePerte v. Tribune Company, 105 S.Ct. 2315 (1985) (automatic 48 hour delay unauthorized by Chapter 119, Florida Statutes).

- a. Presence of employee - In the absence of express legislative authority, the inspection of personnel records may not be delayed in order to allow the employee to be notified or present during the inspection of his records. Tribune Company v. Cannella, *supra* at 1078.
- b. Separate Files - Absent a statutory exemption for such records, a city may not agree to remove counseling slips and written reprimands from an employee's personnel file and maintain such documents in a separate disciplinary file. Op.Att'y Gen. Fla. 94-54 (1994). Similarly, an agency is not authorized to "seal" disciplinary notices and thereby remove such notices from disclosure under the Public Records Law. Op. Att'y Gen. Fla. 94-75 (1994). Cf., section 69.081(8), Florida

Statutes, providing that any portion of an agreement or contract which has the purpose or effect of concealing information relating to the settlement or resolution of a claim against the state or its subdivisions is “void, contrary to public policy, and may not be enforced.”

I. Copyrighted Material

A. Copyrights held by agencies

1. The attorney general’s office has advised that in the absence of statutory authorization, a public official is not empowered to obtain a copyright from material produced by his or her office in connection with the transaction of official business.
2. However, agencies may hold copyrights for data processing software created by the agency.

B. Copyrighted material obtained by agencies

1. The federal copyright law vests in the owner of a copyright, subject to certain limitations, the exclusive right to do or to authorize, among other things, the reproduction of the copyrighted work and the distribution of the copyrighted work to the public by sale or other transfer of ownership.
2. However, that does not preclude the material from constituting a public record.

II. Exemptions: The Legislature has provided numerous exemptions from the requirement inspection and copying under Chapter 119.

III.

NOTE: If a doubt exists as to the applicability of an exemption, the courts will resolve the issue in favor of disclosure.

A. Statutory Exemptions:

1. Questions and answers for license, certification or employment examinations;
2. Active criminal intelligence and investigation information;
 - a. Must be related to an “ongoing” investigation

- b. No time limits (other than applicable statute of limitations)
 - c. Agency must have a good faith and reasonable anticipation of securing an arrest, prosecution or detection of criminal activities.
3. Collective Bargaining Records: Work product developed in preparation for and during negotiations

NOTE: Collective Bargaining. A collective bargaining agreement between a public employer and its employees may not validly make the personnel records of public employees confidential or exempt the same from the Public Records Law. Ops Att'y Gen. Fla. 98-01 (1998) and 77-48 (1977).

Section 447.605(3), Florida Statutes provides:

All work products developed by the public employer in preparation for negotiations, and during negotiations, shall be confidential and exempt from the provisions of s. 119.07(1), Florida Statutes.

The above exemption is limited and does not remove budgetary or fiscal information from the purview of Chapter 119, Florida Statutes. See, Warden v. Bennett, 340 So.2d 977 (Fla. 2d DCA 1976), ordering working papers used in preparing a college budget produced for inspection by a labor organizer.

- 4. Ride sharing participants;
- 5. Sealed bids or proposals until resolution of bid/proposal protest or within 10 days after opening, whichever is earlier.
- 6. Discrimination complaints made to local government until a finding of probable cause is made or the complaint becomes inactive or part of a judicial proceeding;
- 7. "Whistle Blower" complaints and investigations are not subject to public disclosure when sent to statutorily designated officials and when the complaint alleges a violation of federal, state or local law, rule or regulation, by an employee of a state agency or an agent thereof, creating and presenting a substantial and specific danger to the public's health, safety or welfare. This exemption also applies when the employee or agent of an agency has committed an act of gross mismanagement, waste of public funds or gross neglect of duty.
- 8. Software exemptions:

- a. Agencies are authorized to hold and enforce copyrights for data processing software created by the agency. See FS 119.084(2).
 - b. "Sensitive" software produced by an agency is not subject to public disclosure. "Sensitive" means those portions of data processing software, including the specifications and documentation, which are used to collect, process, store and retrieve information which is exempt from public inspection or which are used to collect, process, store and retrieve financial information such as payroll and accounting records. See FS 119.07(3)(o) and AGO 90-04.
 - c. Trade Secret exemption: The legislature has created an exemption for data processing software which has been obtained by an agency under a license agreement prohibiting its disclosure.
9. Public records prepared by, or at the request of a Government attorney, (including an attorney retained by the government) which reflects the attorney's or government's litigation strategy or legal theory.
- a. This exemption applies only to the end of the legal proceedings.
 - b. The Public Records Act does apply to communications between attorneys and governmental agencies.
 - c. Litigation records.
 - 1) Attorney-client communications subject to Chapter 119, Florida Statutes. The Public Records Law applies to communications between attorneys and government agencies; there is no judicially created privilege which exempts these documents from disclosure. *Wait v. Florida Power & Light Company*, 372 So.2d 420 (Fla. 1979) (only the Legislature and not the judiciary can exempt attorney-client communications from Chapter 119, Florida Statutes.)

Moreover, public disclosure of these documents does not violate the public agency's constitutional rights of due process, effective assistance of counsel, freedom of speech, or the Supreme Court's exclusive jurisdiction over the Florida Bar. *City of North Miami v. Miami Herald Publishing Company*, 468 So.2d 218 (Fla. 1985).

 - 2) Limited work product exemption

- i) Scope of exemption - With the enactment of section 119.07(3)(1), Florida Statutes, the Legislature has created a narrow exemption for certain litigation work product of agency attorneys. This statute provides that records prepared by, or at the express direction of, an agency's attorney which reflect a mental impression, conclusion, litigation strategy or legal theory of the attorney or agency and which were prepared exclusively for civil or criminal litigation or adversarial administrative proceedings, or in anticipation of imminent litigation or proceedings, are exempt from disclosure under section 119.07(1), Florida Statutes, until the conclusion of the litigation or proceedings.
- ii) It is important to note that section 119.07(3)(1), Florida Statutes, does not create a blanket exception to the Public Records Law for all attorney work product. The exemption is narrower than the work product privilege recognized by the courts for private litigants. Cf., Hickman v. Taylor, 329 U.S. 495 (1947); Atlantic Coast Line R. Co. v. Allen, 40 So.2d 115 (Fla. 1949).
- iii) Only those records which reflect "a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency" are exempt from disclosure until the conclusion of the proceedings. City of Orlando v. Desjardins, 493 So.2d 1027, 1028 (Fla. 1986). Records prepared for other purposes may not be converted into exempt material simply because they are also used in litigation.
 - a) Attorney bills and payments - In order to qualify for the work product exemption, the records must have been prepared by the agency attorney or at his or her express direction for or in anticipation of litigation or adversarial administrative proceedings; records prepared for other purposes may not be converted into exempt material simply because they are also used in litigation. Thus, an agency which improperly "blocked out" most notations on invoices prepared in connection with services rendered by and fees paid to attorneys

representing the agency, “improperly withheld” nonexempt material when it failed to limit its redactions to those items “genuinely reflecting its ‘mental impression, conclusion, litigation strategy, or legal theory.’” Smith & Williams, P.A. v. West Coast Regional Water Supply Authority, 40 So.2d 216 (Fla.2d DCA 1994).

- b) The Attorney General has concluded that a contract between a county and a private law firm for legal counsel and documentation for invoices submitted by such firm to the county does not fall within the work product exemption. AGO 85-89.
- c) Investigations and settlements - Only those records which are prepared by or at the express direction of the agency attorney and reflect “a mental impression, conclusion, litigation strategy, or legal theory of the attorney or the agency” are exempt from disclosure until the conclusion of the proceedings. (e.s.) See, City of Orlando v. Dejardins, 493 So.2d 1027, 1028 (Fla.1986); and Jordan v. School Board of Broward County, 531 So.2d 976 (Fla.4th DCA 1988).
- d) Thus, the exemption does not apply to tapes, witness statements and interview notes taken by police as part of an investigation of a drowning accident at a city summer camp. Sun-Sentinel Company v. City of Hallandale, No. 95-13528(05) (Fla. 17th cir. Ct. October 11, 1995). The court, in the Sun-Sentinel case, also stated that the section 768.28[15][b], Florida Statutes, exemption for risk management files did not apply. See also, AGO 91-75 (1991) (Section 119.07[3][1] exemption not applicable to documents generated or received by school district investigators, acting at the direction of the school board to conduct an investigation of certain school district departments).

NOTE:

In Florida Sugar Cane League, Inc. v. Department of Environmental Regulation, No. 91-2108 (Fla. 2d Cir. Ct. Sept. 20, 1991), affirmed, 606 So.2d 1267 (Fla. 1st DCA 1992), the court held that draft settlement agreements furnished to a state agency by a federal agency were public records despite the department's agreement with the federal agency to keep such documents confidential. And see, Tribune Company v. Hardee Memorial Hospital, No. CA-91-370 (Fla. 10th Cir.Ct. Aug. 19, 1991) (settlement agreement not exempt as attorney work product even though another related case was pending, and agency attorneys feared disclosure of their assessment of the merits of the case and their litigation strategy). Compare, section 768.28(15), Florida Statutes, providing an exemption from disclosure for certain risk management records until the termination of the litigation and settlement of all claims arising out of the same incident. And see AGO. 85-102 (1985) (Section 624.311, Florida Statutes, exempts correspondence regarding insurance claims negotiations between a state agency or political subdivision's retained counsel and its insurance carriers from the requirements of Chapter 119, Florida Statutes, until termination of litigation and settlement of claims arising out of the same incident); and section 240.213(4), Florida Statutes (claim files of self-insurance program adopted by Board of Regents are exempt).

- e) Termination of exemption - The exemption from disclosure provided by section 119.07(03)(1), Florida Statutes, is temporary and applies during the pendency of the particular litigation for which the document was created. City of North Miami v. Miami Herald Publishing Co., supra; Seminole County v. Wood, 512 So.2d 1000 (Fla. 5th DCA 1987), review denied, 520 So.2d 586 (Fla. 1988).

EXAMPLE: For example, if the state settles a claim against one company accused of conspiracy to fix prices, the state has concluded the litigation against that company. Thus, the records prepared in anticipation of litigation against that company are no longer exempt from disclosure even though the state has commenced litigation against the alleged co-conspirator. *State v. Coca-Cola Bottling Company of Miami, Inc.*, 582 So.2d 1 (Fla. 4th DCA 1990).

- f) Attorney notes - The Florida Supreme Court has also recognized that “not all trial preparation materials are public records.” *State v. Kokal*, 562 So.2d 324, 327 (Fla. 1990). In *Kokal*, the Court approved the decision of the Fifth District in *Orange County v. Florida Land Co.*, 450 So.2d 341, 344 (Fla. 5th DCA), review denied, 458 So.2d 273 (Fla. 1984), which described certain documents as not within the term ‘public records.’

NOTE:

It should be emphasized that the materials determined in *Kokal* to be outside the term “public records,” were “merely notes from the attorneys to themselves designed for their own personal use.” (e.s.). These personal and uncirculated preliminary attorney notes did not constitute “public records”, and, therefore, were not subject to disclosure under the Public Records Act. Accord, *Roberts v. Butterworth*, 668 So.2d 580 (Fla. 1996); *Atkins v. State*, 663 So.2d 624 (Fla. 1995) (notes of state attorney’s investigations and annotated photocopies of decisional case law are not public records).

- g) By contrast, documents prepared to communicate, perpetuate, or formalize knowledge are public records and subject to disclosure in the absence of statutory exemption. See, *Coleman v. Austin*, 521 So.2d 247, 248 (Fla. 1st DCA 1988), stating that “although notes from attorneys to themselves might not be public records when intended for their own

personal use, inter-office and intra-office memoranda may constitute public records even though encompassing trial preparation materials.”

10. Risk Management Information.

- a. Claim files maintained by a risk management program are confidential and exempt until termination of all litigation and settlement of all claims arising out of the same incident.
- b. Portions of meetings and proceedings conducted pursuant to a risk management program relating solely to the evaluation of claims or offers of compromise of claims are exempt. This includes minutes of such meetings until termination of litigation.

11. Security information. Risk analysis information relative to security threats to data and information technology resources of an agency are confidential and exempt. Section 282.318(2)(a)2., Florida Statutes. Internal policies and procedures to assure the security of the data and information technology resources which, if disclosed could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential and exempt. Section 282.318(2)(a)3., Florida Statutes. Results of periodic internal audits and evaluations of the security program for an agency's data and information technology resources are confidential and exempt except that the information shall be available to the Auditor General for his or her postauditing duties. Section 282.318(2)(a)5., Florida Statutes.

12. Complaints.

- a. Where an alleged victim chooses not to file a complaint and requests that records of the complaint remain confidential, all records relating to an allegation of employment discrimination are confidential and exempt.
- b. Complaints and other records in the custody of a unit of local government which relate to a complaint of discrimination are exempt until a finding is made relating to probable cause, the investigation becomes inactive, or the complaint or other record is made a part of the official record of any hearing or court proceeding.

13. Employee Assistance Program

- a. An employee's personal identifying information contained in records held by the employing agency relating to that employee's participation in an employee assistance program is confidential and exempt from disclosure.

14. Medical Information

- a. Medical information pertaining to a perspective, current or former officer or employee of an agency which, if disclosed, would identify that officer or employee, is confidential and exempt.

NOTE: Such information may be disclosed if the person or the person's legal representative provides written permission or pursuant to court order.

- b. Every employer who provides or administers health insurance benefits or life insurance benefits to its employees, shall maintain the confidentiality of information relating to a medical condition or status of any person covered by such insurance benefits.
- c. All medical records and medical claims records of current or former governmental employees and eligible dependents enrolled in a governmental group insurance plan are confidential and exempt.

15. Retiree names and addresses.

- a. The names and addresses of retirees are confidential and exempt.
- b. No state or local governmental agency may provide the names or addresses of such persons in aggregate, compiled or list form except to public agencies engaged in official business, to collective bargaining agents, or to retiree organizations for official business use.

16. Ride Sharing Information.

- a. Any information provided to a state or local government agency for the purpose of former ride sharing arrangements which reveal the identity of an individual who has provided his or her name for ride sharing is exempt.

17. Social Security Numbers.

- a. Social Security Numbers held by an agency or its agents, employees, or contractors are confidential and exempt from disclosure requirements and may be released only as provided in the exemption.
- b. Disclosure to another governmental agency is authorized if disclosure is necessary to the performance of the agency's duties and responsibilities.
- c. Upon verified request, a commercial entity engaged in a commercial activity as defined in section 14.203, Fla. Stats. is allowed access for a "legitimate business purpose" as defined in the exemptions.

NOTE: This provision does not authorize release to a private company that intends to enter the social security numbers into a computer data base and sell access to the data base to other entities and individuals.

18. Hospital and medical records.

- a. Exemptions exist for communicable or infectious disease reports under 381.003(4), Fla. Stats.

NOTE: There are strict confidentiality requirements for test results for HIV infection.

- b. Emergency medical services.
 - i) With limited exceptions, records of emergency calls which contain patient examination are confidential and exempt.
 - ii) Reports to the Dept. of Health from service providers that cover statistical data are public, except that the names of patients and other patient identifying information contained in such report are confidential and exempt.

B. Procedural Issues:

- 1. Local government claiming an exemption from disclosure bears the burden of proof that it has the right to the exemption.
- 2. If the records custodian claims an exemption, the custodian must state the basis of the exemption (including statutory citation) and, if requested, must give a

3

PHCSA Employee
Handbook

Draft

**Palm Harbor Library
Palm Harbor Parks and Recreation
East Lake Community Library
East Lake Recreation**

Employee Handbook

P H C S A

Palm Harbor Community Services Agency, Inc.

Equal Opportunity Employer
December 2024

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WELCOME

Welcome to the Palm Harbor Community Service Agency or PHCSA family. The Palm Harbor Community Services Agency, Inc. (PHCSA, referred to as “FIX-SA”) was created in 1985 per Pinellas County Ordinance 85-28 to provide library and recreation services to the residents of the Palm Harbor Community Services District, a municipal services taxing unit. Voted on by the residents of Palm Harbor, this county ad valorem tax of 0.5 mills is distributed to library and recreation services.

PHCSA is the governing board of the Palm Harbor Library, CSA Palm Harbor, the East Lake Community Library and East Lake Recreation. The board consists of eight members and operates independently at the discretion and under the guidelines set forth by Pinellas County.

As we look ahead, we are all confident that CSA Palm Harbor and all of its facilities, parks and multi-sport complexes will continue to be the center of the best of Palm Harbor and continue to enjoy a symbiotic and close relationship with the community that founded it.

Vision

To be the recreational, cultural and gathering center of Palm Harbor and all nearby North Pinellas County communities-where locals think of first as the place to meet, play, and connect.

EMPLOYMENT

101 Nature of Employment

This handbook is intended to provide employees with a general understanding of our personnel policies. Employees are encouraged to familiarize themselves with the contents of this handbook, for it will answer many common questions concerning employment with the Palm Harbor Community Services Agency (PHCSA).

This handbook cannot anticipate every situation or answer every question about employment. It is not an employment contract and is not intended to create contractual obligations of any kind. Neither the employee nor PHCSA is bound to continue the employment relationship if either chooses, at its will, to end the relationship at any time. The Handbook does not create a property interest in the employee’s job.

In order to retain necessary flexibility in the administration of policies and procedures, the Directors reserve the right to change, revise, or eliminate any of the policies and/or benefits described in this handbook, except for its policy of employment-at-will. The only recognized deviations from the stated policies are those authorized by the PHCSA Board.

102 Employee Relations

PHCSA believes that the work conditions, wages, and benefits it offers to its employees are competitive with those offered by other employers in this area and in this industry. If employees have concerns about work conditions or compensation, they are strongly encouraged to voice these concerns openly and directly to their Supervisor or Human Resources.

Our experience has shown that when employees deal openly and directly with Supervisors, the work environment can be excellent, communications can be clear, and attitudes can be positive. We believe that PHCSA amply demonstrates its commitment to employees by responding effectively to employee concerns.

103 Equal Employment Opportunity

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at PHCSA will be based on merit, qualifications, and abilities. PHCSA does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, pregnancy, disability, veteran status, marital status, gender identity, genetic information or any other characteristic protected by law.

This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

Any employee with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their Director, or if involving the Director, Human Resources. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment. It is the responsibility of every employee to conscientiously follow this policy.

104 Immigration Law Compliance

PHCSA is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with PHCSA within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the Directors or Human Resources. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

105 Disability Accommodations

PHCSA is committed to complying fully with the Americans with Disabilities Act (ADA) and ensuring equal opportunity in employment for qualified persons with disabilities. All employment practices and activities are conducted on a non-discriminatory basis.

Hiring procedures have been reviewed and provide persons with disabilities meaningful employment opportunities. Pre-employment inquiries are made only regarding an applicant's ability to perform the duties of the position.

Post-offer medical examinations are required. They are given to all persons entering the position only after conditional job offers. Medical records of all employees will be kept confidential to the extent provided by applicable law.

Reasonable accommodation is available to all disabled employees, where their disability affects the performance of

job functions. All employment decisions are based on the merits of the situation in accordance with defined criteria, not the disability of the individual.

Qualified individuals with disabilities are entitled to equal pay and other forms of compensation (or changes in compensation) as well as in job assignments, classifications, organizational structures, position descriptions, lines of progression and seniority lists. Leave of all types will be available to all employees on an equal basis.

PHCSA is also committed to not discriminating against any qualified employees or applicants because they are related to or associated with a person with a disability.

This policy is neither exhaustive nor exclusive. PHCSA is committed to taking all other actions necessary to ensure equal employment opportunity for persons with disabilities in accordance with the ADA and all other applicable federal, state, and local laws.

106 Business Ethics and Conduct

PHCSA is a governmental Agency subject to Florida Statutes 112. The successful business operation and reputation of PHCSA is built upon the principles of fair dealing and ethical conduct of our employees. Our reputation for integrity and excellence requires careful observance of the spirit and letter of all applicable laws and regulations, as well as a scrupulous regard for the highest standards of conduct and personal integrity.

The continued success of PHCSA is dependent upon our participants' trust and we are dedicated to preserving that trust. Employees owe a duty to PHCSA and its participants to act in a way that will merit the continued trust and confidence of the public.

PHCSA will comply with all applicable laws and regulations and expects its directors, officers, and employees to conduct business in accordance with the letter, spirit, and intent of all relevant laws and to refrain from any illegal, dishonest, or unethical conduct.

In general, the use of good judgment, based on high ethical principles, will guide you with respect to lines of acceptable conduct. If a situation arises where it is difficult to determine the proper course of action, the matter should be discussed openly with your immediate Supervisor and, if necessary, with the entity Director for advice and consultation.

Compliance with this policy of business ethics and conduct is the responsibility of every PHCSA employee. Disregarding or failing to comply with this standard of business ethics and conduct could lead to disciplinary action, up to and including possible termination of employment.

107 Hiring of Relatives

The employment of relatives in the same area of an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried over into day-to-day working relationships.

For purposes of this policy, a relative is any person who is related by blood or marriage, or whose relationship with the employee is similar to that of persons who are related by blood or marriage as defined in Section 112.3135, Florida Statutes. This policy applies to all employees without regard to the gender or sexual orientation of the individuals involved.

Although PHCSA has no prohibition against employing relatives of current employees, we are committed to monitoring situations in which such relationships exist in the same area. No employee shall employ, promote, authorize, approve, or otherwise grant increases in pay or benefits for a relative within their work unit. Further, no employee shall discipline a relative within their work unit. No immediate relative of any employee is to occupy a

position on any Advisory Board or as a member of PHCSA. In case of actual or potential problems, PHCSA will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved. Employees in a close personal relationship should refrain from public workplace displays of affection or excessive personal conversation.

108 Outside Employment

Employees may hold outside jobs as long as they meet the performance standards of their job with PHCSA. All employees will be judged by the same performance standards and will be subject to PHCSA's scheduling demands, regardless of any existing outside work requirements.

If PHCSA determines in its sole discretion that an employee's outside work interferes with performance or the ability to meet the requirements of PHCSA as they are modified from time to time, the employee may be asked to terminate the outside employment if he or she wishes to remain with PHCSA.

Outside employment that constitutes a conflict of interest is prohibited. Employees may not receive any income or material gain from individuals outside PHCSA for materials produced or services rendered while performing their jobs. To ensure freedom from conflicts of interest, employees shall provide their Director written notice of any outside employment. No property of PHCSA may be used for non-PHCSA related activities without Director approval.

109 Job Posting and Employee Referrals

PHCSA provides employees an opportunity to indicate their interest in open positions and advance within the organization according to their skills and experience. In general, notices of all regular, full-time job openings are posted, although PHCSA reserves its discretionary right to not post a particular opening.

Job openings will normally be posted on the employee bulletin board and in the e-mail system, and normally remain open for at least 7 days. If a job becomes vacant which has been posted within the previous thirty (30) calendar days, the job posting process may be waived at the discretion of the Directors.

To be eligible to apply for a posted job, employees must have performed competently for at least 60 calendar days in their current position. Employees who have a written warning on file, or are on probation or suspension are not eligible to apply for posted jobs. Eligible employees can only apply for those posted jobs for which they possess the required skills, competencies, and qualifications. To apply for an open position, employees should submit a written request to their Director listing job-related skills and accomplishments. It should also describe how their current experience with PHCSA and prior work experience and/or education qualifies them for the position.

Job posting is a way to inform employees of openings and to identify qualified and interested applicants who might not otherwise be known to the Director. Other recruiting sources may also be used to fill open positions in the best interest of the organization.

An employee should submit the referral's resume and/or completed application form to their Director for a posted job. If the referral is interviewed, the referring employee will be notified of the initial interview and the final selection decision.

EMPLOYMENT STATUS & RECORDS

201 Employment Categories

It is the intent of PHCSA to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time. Accordingly, the right to terminate the employment relationship at will at any time is retained by both the employee and PHCSA.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime pay under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by Directors

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a temporary or initial status and who are regularly scheduled to work PHCSA's full-time 32 hour schedule. Generally, they are eligible for PHCSA's benefit package, subject to the terms, conditions, and limitations of each benefit program.

ELIGIBLE employees are regular full-time employees that are entitled to all PHCSA benefits.

PART-TIME employees are those who are not assigned to a temporary or initial status and who are regularly scheduled less than 32 hours per week. While they do receive all legally mandated benefits (such as Social Security workers' compensation insurance and health insurance if eligible), they are eligible for limited benefits (See: 301 Employee Benefits).

Initial employees are those whose performance is being evaluated to determine whether further employment in a specific position or with PHCSA is appropriate. Employees who satisfactorily complete the Initial period will be notified of their new employment classification.

TEMPORARY/CASUAL employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary/casual employees retain that status unless and until notified of a change. While temporary/casual employees receive all legally mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of PHCSA's other benefit programs.

202 Employment Applications

PHCSA relies upon the accuracy of information contained in the employment application, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, or material omissions in any of this information or data may result in the exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment at the sole discretion of PHCSA.

In processing employment applications, PHCSA may obtain a consumer credit report for employment purposes only concerning credit worthiness, credit standing, and credit capacity. If PHCSA takes an adverse employment action based in whole or in part on the consumer credit report, a copy of the report and a summary of your rights under the Fair Credit Reporting Act will be provided as well as any other documents required by law.

All applications shall be subject to a criminal background check prior to the employment. An applicant may not be hired based on the results of the criminal background information obtained.

Thereafter, these checks shall be conducted randomly throughout the employee's employment with PHCSA by Human Resources.

203 Employment Reference Checks

To ensure that individuals who join PHCSA are well qualified and have a strong potential to be productive and successful, it is the policy of PHCSA to check the employment references of all applicants.

The Parks and Recreation Directors, Library Directors or Human Resources will respond to all reference check inquiries from other employers. Responses to such inquiries will confirm only dates of employment, wage rates, and position(s) held.

204 Initial Period

The initial period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. PHCSA uses this period to evaluate employee capabilities, work habits, and overall performance. Either the employee or PHCSA may end the employment relationship at will at any time during or after the initial period, with or without cause or advance notice.

All new and rehired employees work on an initial basis for the first 60 calendar days after their date of hire or rehire. Employees who are promoted or transferred within PHCSA must complete an initial period of the same length with each reassignment to a new position. Any significant absence (more than 5 working days) will automatically extend an initial period by the length of the absence. If PHCSA determines that the designated initial period does not allow sufficient time to thoroughly evaluate the employee's performance, the initial period may be extended for a specified period.

In cases of promotions or transfers within PHCSA, an employee who, in the sole judgment of management, is not successful in the new position can be removed from that position at any time during the secondary initial period. If this occurs, the employee may be allowed to return to his or her former job or to a comparable job for which the employee is qualified, depending on the availability of such positions and PHCSA's needs.

Upon satisfactory completion of the initial period, employees enter the regular employment classification.

During the initial period, new employees are eligible for those benefits that are required by law, such as Workers' Compensation insurance and Social Security. After becoming regular employees, they may also be eligible for other PHCSA-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

Benefits eligibility and employment status are not changed during any subsequent initial period that may result from a promotion or transfer within PHCSA.

PHCSA or the employee may terminate the employment relationship during the initial period. If such termination occurs the employee shall **only** be entitled to accrued wages earned as of the effective date of termination.

205 Accesses to Personnel Files and Medical Files

PHCSA maintains a personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records.

Employees who wish to review their own file should contact the Human Resources. Employees may review their own personnel files in the Human Resources office during normal business hours.

PHCSA shall maintain a separate medical file on each employee pursuant to the Health Insurance Portability and Accountability Act of 1996 (HIPAA). Privacy of an employee's protected health information shall be maintained pursuant to the HIPAA requirements.

206 Personnel Data Changes

It is the responsibility of each employee to promptly notify Human Resources of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed, notify Human Resources immediately.

207 Performance Evaluations

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's initial period in any new position. This period, known as the Initial period, allows the Supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are conducted to provide both Supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals.

Performance evaluations are scheduled approximately every 12 months, and shall occur on October 1 of each year. Changes in employment status (such as promotion, leave of absence, etc.) will not change the evaluation date. All performance evaluations shall be in writing and all employees shall sign said evaluation acknowledging that he/she has received the performance evaluation.

Merit-based pay adjustments are awarded in an effort to recognize truly superior employee performance. The decision to award such an adjustment is dependent upon numerous factors, including the information documented by this formal performance evaluation process and budgetary allowances.

EMPLOYEE BENEFIT PROGRAMS

301 Employee Benefits

Eligible employees at PHCSA are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. The Supervisor and/or Human Resources can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs are available to eligible Full-Time employees within each calendar year:

- * Bereavement Leave
- * Holidays
- * Jury Duty Leave
- * Life Insurance
- * Health Insurance
- * Short and Long Term Disability Insurance
- * Military Leave
- * Simple IRA
- * Personal Leave Benefits, PTO, available after the 60 day initial period, whether new hire or promotion
- * Business Travel Expenses
- * Employee Assistance Program
- * Time Off to Vote

The following benefit programs are available to eligible Part-Time employees within each calendar year:

- *Personal Leave Benefits, PTO, available after the 60 day initial period, whether new hire or promotion
- *Simple IRA
- *Business Travel Expenses
- *Employee Assistance Program

Some benefit programs require contributions from the employee, but most are fully paid by PHCSA.

Floating Holiday shall be given as an annual incentive both Full Time and Part Time employees, equaling a minimum of 16 hours, available after the 60 day initial period, whether new hire or promotion

302 Paid Time Off

Paid Time Off with pay or PTO is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. This leave shall encompass both sick leave and vacation leave. ***Temporary/CASUAL employees are not eligible for and do not earn PTO.** Employees in the following employment classification(s) are eligible to earn and use PTO as described in this policy:

- * Regular full-time employees

The amount of paid PTO employees receives each year increases with the length of their employment as shown in the following schedule:

- * After 1 year of eligible service the employee is entitled to 160 hours each year.

* After 5 years of eligible service the employee is entitled to 200 hours each year.

* After 10 years of eligible service the employee is entitled to 240 hours each year.

The length of eligible service is calculated on the basis of a benefit year. This is the 12-month period that begins when the employee starts to earn PTO. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid PTO according to the schedule. However, before PTO can be used, the initial period of 60 calendar days must be completed, for new hire and/or promotion. After that time, employees can request use of earned PTO time including that accrued during the waiting period.

*Part-Time Employees

The amount of paid PTO part-time employees receive each year is equal to the amount of hours normally worked for one week's period. PTO does **not** increase with number of years of service for part-time employees, but may be accrued up to the cap of the annual amount of 24 hours.

Use of Paid Time Off

Paid Time Off can be used in minimum increments of **one hour**. To take PTO, employees should request advance approval from their Supervisors. Requests will be reviewed based on a number of factors, including business needs and staffing requirements.

Paid Time Off is paid at the employee's base pay rate at the time of the leave. It does not include overtime or any special forms of compensation such as incentives, commissions, bonuses, or shift differentials.

As stated above, employees are encouraged to use available paid PTO for rest, relaxation, medical appointments, sickness and personal pursuits. In the event that available PTO is not used by the end of the calendar year, full time employees may carry unused time forward to the next benefit year, to a maximum of 80 hours and part time employees to a maximum of 24 hours.

Upon termination of employment, employees will be paid for unused PTO, with a maximum paid not to exceed the employee's individual "cap" of PTO that has been earned through the last day of work.

Employees who are unable to report to work due to unscheduled illness or injury should notify their direct Supervisor before the scheduled start of their workday if possible. The direct Supervisor must also be contacted on each additional day of absence. If an employee is absent for three or more consecutive days due to illness or injury, a physician's statement must be provided verifying the disability and its beginning and expected ending dates. Such verification may be requested for other personal leave absences due to illness as well and may be required as a condition to receiving unscheduled personal leave benefits.

Paid Time Off Exchange

PHCSA has implemented a PTO Exchange program to provide employees with an option to receive compensation for a portion of unused PTO hours. To be eligible for this program, you must be a full-time or part-time employee that has completed at least twelve months of continuous service and in good standing with no active disciplinary actions. Employees must submit a PTO Exchange form between November 1-15th. The Entity Director will review all requests after the application period. Approvals may depend on that year's budgetary restriction and the number of requests. PHCSA has the right to revise the PTO

Exchange policy as needed.

The maximum number of eligible PTO hours is 50% of an employee's individual net accrued PTO on November 1st. Pre-approved time off for Nov. 1-Dec 31 must be deducted from the PTO total before determining the net amount. Compensation cannot exceed 40 hours for full-time employees and 20 hours for part-time employees.

Friend In Need Program

PHCSA has implemented a Friend In Need (AFIN) program that is a fully voluntary program through which and employee may choose to assist fellow employees in times of need by permitting person-to-person PTO donation. An employee who is in need of time off due to illness of self/family member and have worked for PHCSA for one year, must make the request in writing using the AFIN Request form. An employee who voluntarily donates time must keep a balance of 80 PTO hours in their bank and make the request in writing using the AFIN Donation form. The official policy and forms can be requested from Human Resources.

303 PHCSA Observed Holidays

PHCSA will grant paid holiday time off to all full-time and part-time employees on the actual holidays posted at the beginning of each calendar year:

- * New Year's Day (January 1)
- * Martin Luther King Day
- * President's Day (third Monday in February)
- * Memorial Day (last Monday in May)
- * Independence Day (July 4)
- * Labor Day (first Monday in September)
- * Veterans Day (November 11)
- * Thanksgiving (fourth Thursday in November)
- * Day after Thanksgiving (fourth Friday in November)
- * Christmas Eve (December 24)
- * Christmas (December 25)

Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times 8 hours for full-time and 4 hours for part-time employees.

If a recognized holiday falls during an eligible employee's paid absence (such as personal leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

If eligible nonexempt employees work on a recognized holiday, they will receive holiday pay plus wages at one and one-half times their straight-time rate for the hours worked on the holiday.

In addition to the recognized holidays previously listed, full-time and part-time employees will receive 2 floating holidays, totaling 16 hours, in each calendar year. These holidays must be scheduled with the prior approval of the employee's Supervisor. Floating holidays do not carry over into the next benefit year nor are they paid for upon termination.

Paid time off for holidays will not be counted as hours worked for the purposes of determining overtime.

304 Workers' Compensation Insurance

PHCSA provides a comprehensive workers' compensation insurance program at no cost to employees and volunteers. This is provided in accordance with Florida Statute 440.

305 Time Off to Vote

PHCSA encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, PHCSA will grant up to 1 hour of paid time off to vote.

Employees should request time off to vote from their Supervisor at least two working days prior to the Election Day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

306 Bereavement Leave

Employees who wish to take time off due to the death of an immediate family member should notify their Supervisor immediately.

Up to 4 days of paid bereavement leave will be provided to full-time and part-time employees.

Bereavement pay is calculated based on the base pay rate at the time of absence and will not include any special forms of compensation, such as incentives, commissions, bonuses, or shift differentials.

Bereavement leave will normally be granted unless there are unusual business needs or staffing requirements. Employees may, with their Supervisors' approval, use any available paid leave for additional time off as necessary.

PHCSA defines immediate family as the employee's spouse/domestic partner, parent, child/disabled person, or sibling.

307 Jury Duty

PHCSA encourages employees to fulfill their civic responsibilities by serving jury duty when required. Employees in an eligible classification may request up to 1 week of paid jury duty leave over any 2 year period.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employee classifications that qualify for paid jury duty leave are:

* Regular full-time employees

If employees are required to serve jury duty beyond the period of paid jury duty leave, they may use any available paid time off (for example, vacation benefits) or may request an unpaid jury duty leave of absence.

Employees must show the jury duty summons to their Supervisor as soon as possible so that the Supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either PHCSA or the employee may request an excuse from jury duty if, in PHCSA's judgment, the employee's

absence would create serious operational difficulties.

PHCSA will continue to provide health insurance benefits for the full term of the jury duty absence.

308 Health Insurance

PHCSA's health insurance plan provides employees and their spouses/partners and dependents access to medical insurance benefits. Employees in the following employment classifications are eligible to participate in the health insurance plan:

- * Regular full-time employees

Eligible employees may participate in the health insurance plan after their initial period (60 day) and subject to all terms and conditions of the agreement between PHCSA and the insurance carrier.

Benefits Continuation

A change in employment classification that would result in loss of eligibility to participate in the health insurance plan may qualify an employee for benefits continuation under the Consolidated Omnibus Budget Reconciliation Act (COBRA). Refer to the Benefits Continuation (COBRA) policy for more information.

Details of the health insurance plan are described in the Summary Plan Description (SPD). An SPD and information on cost of coverage will be provided in advance of enrollment to eligible employees. Contact the Directors or Human Resources, for more information about health insurance benefits.

309 Employee Assistance Program (EAP)

Purpose of Guideline

PHCSA recognizes that a wide range of problems - such as marital or family distress, alcoholism, and drug abuse - not directly associated with an individual's job function can nonetheless be detrimental to an employee's performance on the job. Consequently, PHCSA believes it is in the interest of employees and PHCSA to provide an effective program to assist employees and their families in resolving problems such as these as the need arises. To this end, PHCSA provides an Employee Assistance Program (EAP) for employees and their eligible dependent family members. The EAP is designed to provide voluntary, private confidential, professional counseling outside the workplace for any type of personal problem. The EAP provides consultation services for referrals to local community treatment sources. All employees are free to use this program and are encouraged to do so. Employee visits to the EAP are held in confidence to the maximum possible extent.

Participation in the EAP does not excuse employees from otherwise complying with Company policies or from meeting normal job requirements during or after receiving assistance. Nor will participation in our employee assistance program prevent the Company from taking disciplinary action against any employee for performance problems that occur before or after the employee's seeking assistance through the program.

Eligibility

The EAP is offered to all PHCSA employees.

Counseling and Referral Services

The EAP program provides for problem assessment, professional consultation, counseling, information, and/or referral. EAP counseling is typically a three-stage process that includes (1) clarifying the problem, (2) identifying the possible solutions, and (3) developing an action plan. If the action plan calls for treatment by another resource, you will be responsible for paying those fees if you decide to participate. To determine whether the PHCSA's group health plan may cover some of those costs, you should contact your Director or Human Resources.

Use of the EAP

Employees should make every effort to schedule EAP appointments before or after working hours, or during meal breaks.

Self-Referral

Assistance is available seven days a week, 24 hours per day. The EAP will arrange for a counselor to see employees for confidential consultation, or will provide limited counseling by telephone.

Supervisor Referral

Supervisors may refer employees to the EAP when they believe that an attendance, behavior, or work performance problem may be the result of a personal problem. Even in this situation, all counseling through the EAP is on a voluntary basis. PHCSA, however, may take such steps as it deems appropriate in response to the underlying attendance, behavior, or work performance problem, unless said employee corrects the problem.

Confidentiality

All EAP records and services are treated confidentially. The EAP will not share information concerning employee involvement in the program without written permission unless, life, safety, or national security is seriously threatened or disclosure is otherwise required by law.

If referred to the EAP by Supervisor because of an attendance, behavior, or work performance problem, the EAP will confidentially inform the Supervisor whether the employee has attended the EAP session(s) and cooperated with the counseling plan. However, no further information about involvement with the EAP will be shared by the EAP without written permission.

Questions Regarding the EAP Program

If employee has any questions about EAP services, employee should contact their Director, or Human Resources.

310 Life Insurance

Life insurance offers eligible employees and their family important financial protection. PHCSA provides a basic life insurance plan for eligible employees.

Accidental Death and Dismemberment (AD&D) insurance provides protection in cases of serious injury or death resulting from an accident. AD&D insurance coverage is provided as part of the basic life insurance plan. Employees in the following employment classifications are eligible to participate in the life insurance plan:

- * Regular full-time employees

Eligible employees may participate in the life insurance plan subject to all terms and conditions of the agreement between PHCSA and the insurance carrier.

Details of the basic life insurance plan including benefit amounts are described in the Summary Plan Description

provided to eligible employees. Contact Human Resources for more information about life insurance benefits.

311 Simple IRA Plan

PHCSA has established a voluntary retirement savings plan, a Simple IRA, to provide all employees the potential for future financial security for retirement.

To be eligible to join the plan, employee must be 21 years of age or older. Employees may join the plan only during open enrollment periods. Eligible employees may participate in the plan subject to all terms and conditions of the plan.

The plan allows an employee to elect how much salary they want to contribute and direct the investment of their plan account, so they can tailor their own retirement package to meet individual needs.

Because employee contribution to a voluntary retirement savings plan is automatically deducted from their pay before federal and state tax withholdings are calculated, employees can save tax dollars now by having their current taxable amount reduced. While the amounts deducted generally will be taxed when they are finally distributed, favorable tax rules typically apply to plan distributions.

Complete details of the Simple IRA are provided to employees. Contact Human Resources for more information about the plan.

TIMEKEEPING/PAYROLL

401 Timekeeping

Accurately recording time worked is the responsibility of every nonexempt employee. Federal and state laws require PHCSA to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Nonexempt employees should accurately record the time they begin by clocking in and end their work by clocking out, as well as the beginning and ending time of each meal period. They should also record the beginning and ending time of any split shift or departure from work for personal reasons. Employees must always clock in and clock out from the kiosks at their facility and may never clock in nor clock out from their home computer.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

Nonexempt employees should not report to work prior to their scheduled starting time nor stay after their scheduled stop time without express, prior authorization from their Supervisor. Overtime work must have prior authorization from their Supervisor or Director.

It is the employees' responsibility to approve their time records to certify the accuracy of all time recorded. The Supervisor will review and then approve the time record before payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the Supervisor must verify the accuracy of the changes by approving the time record a second time.

402 Paydays

All employees are paid biweekly on every other Friday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

403 Overtime

All nonexempt full time employees working over 40 hours per week shall be eligible for overtime compensation. Each hour worked over the 40 hours per week shall be compensated at one and one half times the employee's hourly rate. Overtime **must** be approved in advance by the employee's Supervisor.

Employees who work overtime without receiving prior authorization from the Supervisor may be subject to disciplinary action, up to and including possible termination of employment.

SAFE HARBOR POLICY

It is PHCSA policy and practice to accurately compensate employees and to do so in compliance with all applicable state and federal laws. To ensure that employees are paid properly for all time worked and that no improper deductions are made, they must record correctly all work time and review paychecks promptly to identify and to report all errors. Employees also must not engage in off-the-clock or unrecorded work.

Review Pay Stub

PHCSA makes every effort to ensure our employees are paid correctly. Occasionally, however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, PHCSA promptly will make any correction that is necessary. Please review pay stubs when received to make sure it is correct. If employee believes a mistake has occurred or if there are any questions, please use the reporting procedure outlined below.

Non-exempt Employees

If an employee is eligible for overtime pay or extra pay they must maintain a record of the total hours worked each day. These hours must be accurately recorded on the time card. Each employee must approve his or her time cards to verify that the reported hours worked are complete and accurate (and that there is no unrecorded or "off-the-clock" work). Employee time card must accurately reflect all regular and overtime hours worked any absences, early or late arrivals, early or late departures and meal breaks. When employee receives each pay check, please verify immediately that employee were paid correctly for all regular and overtime hours worked each workweek.

Exempt Employees

If classified as an exempt salaried employee, employee will receive salary which is intended to compensate for all hours that employee may have worked for the Palm Harbor Community Services Agency. This salary will be established at the time of hire or when classified as an exempt employee. While it may be subject to review and modification from time to time, such as during salary review times, the salary will be a predetermined amount that will not be subject to deductions for variations in the quantity or quality of the work performed.

Full salary will be paid for any workweek in which work is performed. However, under federal law, employee salary is subject to certain deductions. For example, absent contrary state law requirements, salary can be reduced for the following reasons in a workweek in which work was performed:

- Full day absences for personal reasons, including vacation.
- Full day absences for sickness or disability, and short-term disability insurance plan.
- Full day disciplinary suspensions for infractions of safety rules of major significance (including those that could cause serious harm to others).
- Family and Medical Leave absences (either full or partial day absences).
- To offset amounts received as payment for jury and witness fees or military pay.
- Unpaid disciplinary suspensions of one or more full days for significant infractions of

major workplace conduct rules set forth in written policies.

- The first or last week of employment in the event you work less than a full week.

Your salary also may be reduced for certain types of deductions, such as: your portion of health, dental or life Insurance premiums; state, federal or local taxes, social security; or voluntary contributions to a pension plan.

In any workweek in which you performed any work, your salary will not be reduced for any of the following reasons:

- Partial day absences for personal reasons, sickness or disability.
- Your absence because the facility is closed on a scheduled work day.
- Absences for jury duty, attendance as a witness, or military leave in any week in which you have performed any work.
- Any other deductions prohibited by state or federal law

Please note: You will be required to use accrued vacation, personal or other forms of paid time off for full or partial day absences for personal reasons, sickness or disability.

To Report Violations of This Policy, Communicate Concerns, or Obtain More Information

It is a violation of the Palm Harbor Community Services Agency policy for any employee to falsify a time card, or to alter another employee's time card. It is also a serious violation of Palm Harbor Community Services Agency for any employee or Supervisor to instruct another employee to incorrectly or falsely report hours worked or alter another employee's time card to under- or over-report hours worked. If any Supervisor or employee instructs an employee to (1) incorrectly or falsely under- or over-report hours worked, (2) alter another employee's time card to inaccurately or falsely report that employee's hours worked, or (3) conceal any falsification of time cards or to violate this policy, do not do so. Instead, report it immediately to the Human Resources Department.

Employee should not work any hours outside of their scheduled work day unless Supervisor has authorized the unscheduled work in advance. Do not start work early, finish work late, work during a meal break or perform any other extra or overtime work unless authorized to do so and that time is recorded on time record. Employees are prohibited from performing any "off-the-clock" work. "Off-the-clock" work means work employee may perform but fail to report on your time record. Any employee who fails to report or inaccurately reports any hours worked will be subject to disciplinary action, up to and including discharge.

If employee has questions about deductions from pay, please contact Human Resources immediately. If employee believes wages have been subject to any improper deductions or pay does not accurately reflect all hours worked, employee should report concerns to a Supervisor immediately. If a Supervisor is unavailable or if employee believes it would be inappropriate to contact that person employee should immediately contact Human Resources.

Every report will be fully investigated and corrective action will be taken, up to and including discharge of any employee(s) who violates this policy.

In addition, the Palm Harbor Community Services Agency will not allow any form of retaliation against individuals who report alleged violations of this policy or who cooperate in the Palm Harbor Community Services Agency's investigation of such reports. Retaliation is unacceptable. Any form of retaliation in violation of this policy will result in disciplinary action, up to and including discharge.

404 Pay Deductions

The law requires that PHCSA make certain deductions from every employee's compensation. Among these are applicable federal, state, and local income taxes. PHCSA also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security wage base. PHCSA matches the amount of Social Security taxes paid by each employee.

PHCSA offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

If you have questions concerning why deductions were made from your pay check or how they were calculated, Human Resources can assist in having your questions answered.

405 Work Schedules

Work schedules for employees vary throughout our organization. Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

406 Employment Separations

Separation of employment is an inevitable part of personnel activity within any organization, and many of the reasons for separation are routine. Below are examples of some of the most common circumstances under which employment is terminated:

- * Resignation - voluntary employment separation initiated by an employee.
- * Discharge - involuntary employment separation initiated by the organization.
- * Layoff - involuntary employment separation initiated by the organization for non-disciplinary reasons.
- * Retirement - voluntary employment separation initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

Since employment with PHCSA is based on mutual consent, both the employee and PHCSA have the right to terminate employment at will, with or without cause, at any time. Employees will receive their final pay in accordance with applicable state law.

Employee benefits will be affected by employment separation in the following manner. All accrued, vested benefits that are due and payable at separation will be paid.

WORK CONDITIONS & HOURS

501 Safety

To assist in providing a safe and healthful work environment for employees, patrons, and visitors, PHCSA has established a workplace Safety Manual. This program is a top priority for PHCSA. The Parks & Recreation Directors or Library Directors or the entity's Safety Committee has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

PHCSA provides information to employees about workplace safety and health issues through regular internal communication channels such as Supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Each employee is expected to obey safety rules and to exercise caution in all work activities per the Safety Manual.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their immediate Supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures. Accident/Incident forms must be completed as soon as possible, following such occurrences.

502 Smoking

In keeping with PHCSA's intent to provide a safe and healthful work environment, smoking in the workplace is prohibited except in outside locations that have been specifically designated as smoking areas. In situations where the preferences of smokers and nonsmokers are in direct conflict, the preferences of nonsmokers will prevail.

This policy applies equally to all employees, participants, and visitors.

503 Break and Meal Periods

Each workday, full-time nonexempt employees are provided with two 15 minute break periods. Break periods may not be accumulated in order to leave work early. Supervisors will advise employees of the regular break period length and schedule. Since this time is counted and paid as time worked, employees must not be absent from their work stations beyond the allotted break period time, nor are they to leave the premises during any paid period of time in which they are not working.

All full-time employees are provided with one meal period, consisting of at least 30 minutes, each workday of more than 6 hours. Supervisors will schedule meal periods to accommodate operating requirements. Employees will be relieved of all active responsibilities and restrictions during meal periods and will not be compensated for that time. Be advised that child labor laws prevail for minors in all instances.

504 Nursing Mothers Policy

To ease the transition of mothers returning to work following the birth of a child, lactation accommodation will be provided for nursing mothers.

For up to a year following a child's birth, nursing employees will be provided break time to express breast milk during the workday. The employee will be allowed a reasonable break time whenever she has the need to express milk throughout the day.

PHCSA will provide a private area for nursing employees to express breast milk onsite at any of its entity locations. Employees must bring their own cooler or storage container, but may store their milk in a Company refrigerator.

Breaks to express milk will not be paid. Employees may use normal break and lunch periods to accommodate their nursing needs. However, if the breaks needed to express milk exceed standard daily break time, then the employee must use personal time (either in the form of an unpaid break or paid time off).

If returning from maternity leave, speak with employee manager or Supervisor regarding nursing needs. Employee Supervisor will work with employee to accommodate break schedules as needed, knowing that employee breaks may differ on a day-to-day basis.

If any further questions or concerns regarding this policy, please contact Human Resources.

505 Use of PHCSA Phone and Mail Systems

Personal use of the PHCSA landline telephone for long-distance and toll calls shall not be permitted. Employees should practice discretion when making local personal calls. Employees will be required to reimburse PHCSA for any charges resulting from their personal use of the telephone.

The use of PHCSA-paid postage for personal correspondence shall not be permitted.

To ensure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

506 Use of Equipment and Vehicles

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using PHCSA property, employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the Supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The Supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

When operating a company vehicle or equipment, there shall be NO use of cell phones, no texting nor smoking while the vehicle or equipment is in operation.

507 Emergency Closings

At times, emergencies such as but not limited to severe weather, fires, power failures, or earthquakes can disrupt company operations. In extreme cases, these circumstances may require the closing of a work facility. In the event that such an emergency occurs during nonworking hours, local media will be asked to broadcast notification of the closing.

The entity phone tree, located in the Safety Manual, will be put into effect to notify employees of closing.

When operations are officially closed due to emergency conditions, the time off from scheduled work will be paid.

In cases where an emergency closing is not authorized, employees who fail to report for work will not be paid for the time off. Employees may request available paid leave time such as unused personal leave benefits.

Employees in essential operations may be asked to work on a day when operations are officially closed. In these circumstances, employees who work will receive overtime rates.

508 Business Travel Expenses

PHCSA will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by your Director.

Employees whose travel plans have been approved should make all travel arrangements through their respective Director.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by PHCSA. Employees are expected to limit expenses to reasonable amounts. Expenses will be reimbursed as provided under applicable Federal Statutes.

Employees who are involved in an accident while traveling on business must promptly report the incident to their

immediate Supervisor. Vehicles owned, leased, or rented by PHCSA may not be used for personal use without prior approval.

With prior approval, employees on business travel may be accompanied by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such nonbusiness travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within 30 days for all expenses.

Employees should contact their Supervisor for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

509 Technologies and Privacy

No employee should have any reasonable expectation of privacy while using PHCSA network, hardware, software, voice mail and whatever else is included within the jurisdiction of these policies.

510 Social Media

“Social Media” is defined as any social networking site or other virtual tool by which individuals are able to actively engage in communication with one another that can either automatically, or with discretion, be shared with other known and unknown users. Email is a social networking tool which enables access to and use of social media. Facebook, LinkedIn, Twitter, blogs, chat rooms and web bulletin boards are forms of social media.

The purpose of this policy is to assist employees in making responsible decisions about professional and personal use of social media. It is in no way intended to interfere with, restrain, or prevent employees from engaging in honest communications regarding wages, hours, or other terms and conditions of employment.

Remember, PHCSA provided electronic equipment (which may include desk top computers, laptop computers, tablets and smart phones) remains at all times the property of PHCSA and may without notice be monitored, and employees do not have any privacy right in content transmitted through or stored on the PHCSA systems. Employees must cooperate in such monitoring.

In accordance with this policy, the following would constitute irresponsible use of social media, and may subject employees to disciplinary action:

- Criticism or disparagement of competitors, patrons, or suppliers of PHCSA
- Disclosure of copyrighted materials or other intellectual property of someone other than employee
- Displaying false information about PHCSA, any affiliated business entity, employee, supplier, or customer
- The expression of one’s own opinion or viewpoint as that of position, viewpoint, statements, opinions or conclusions of PHCSA or any affiliated business entity, employee, supplier or customer
- Electronic harassment, bullying, discrimination, or retaliation that would not be permissible in the workplace

- The use of a PHCSA email address to register on social networking sites, blogs or other online tools utilized for personal use

Employees may not use PHCSA's name to endorse or promote any product, commercial enterprise, opinion, cause or political candidate. If employee posts or entry identifies or mentions PHCSA, employee must also identify their real name. Links to other websites or locations are also subject to this policy.

This policy applies to all blogs and networking sites, without regard to whether they are accessible by the public or require a password.

Remember, employees are personally responsible for any posting that they make. PHCSA is not responsible for protecting employees from the consequences of any information that they post.

Please consider messages carefully prior to publishing on both external and internal networking sites.

511 Computers and E-mail Usage

Computers, computer files, the e-mail system, and software furnished to employees are PHCSA property intended for business use. Employees should not use a password, access a file, or retrieve any stored communication without authorization. To ensure compliance with this policy, computer and e-mail usage may be monitored. Again, understand that no employee should have any reasonable expectation of privacy while using PHCSA network, hardware, software, voice mail and whatever else is included within the jurisdiction of these policies.

PHCSA strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, PHCSA prohibits the use of computers and the e-mail system in ways that are disruptive, offensive to others, or harmful to morale.

E-mail may not be used to solicit others for commercial ventures, religious or political causes, outside organizations, or other non-business matters.

PHCSA purchases and licenses the use of various computer software for business purposes and does not own the copyright to this software or its related documentation. Unless authorized by the software developer, PHCSA does not have the right to reproduce such software for use on more than one computer.

Employees may only use software on local area networks or on multiple machines according to the software license agreement. PHCSA prohibits the illegal duplication of software and its related documentation.

Employees should notify their immediate Supervisor, their Director and Human Resources upon learning of violations of this policy. Employees who violate this policy will be subject to disciplinary action, up to and including termination of employment.

512 Internet Usage

Internet access to global electronic information resources on the World Wide Web is provided by PHCSA to assist employees in obtaining work-related data and technology. The following guidelines have been established to help ensure responsible and productive Internet usage. While Internet usage is intended for job-related activities.

All Internet data that is composed, transmitted, or received via our computer communications systems is considered to be part of the official records of PHCSA and, as such, is subject to disclosure to law enforcement or other third parties. Consequently, employees should always ensure that the business information contained in Internet e-mail messages and other transmissions is accurate, appropriate, ethical, and lawful.

The unauthorized use, installation, copying, or distribution of copyrighted, trademarked, or patented material on the Internet is expressly prohibited. As a general rule, if an employee did not create material, does not own the rights to it, or has not gotten authorization for its use, it should not be put on the Internet. Employees are also responsible for ensuring that the person sending any material over the Internet has the appropriate distribution rights.

Internet users should take the necessary anti-virus precautions before downloading or copying any file from the Internet. All downloaded files are to be checked for viruses; all compressed files are to be checked before and after decompression.

Abuse of the Internet access provided by PHCSA in violation of law or PHCSA policies will result in disciplinary action, up to and including termination of employment. Employees may also be held personally liable for any violations of this policy.

513 Workplace Monitoring

Workplace monitoring may be conducted by PHCSA to ensure quality control, employee safety, security, and customer satisfaction.

Employees who regularly communicate with patrons may have their telephone conversations monitored or recorded. Telephone monitoring is used to identify and correct performance problems through targeted training. Improved job performance enhances our patrons' image of PHCSA as well as their satisfaction with our service.

Computers furnished to employees are the property of PHCSA. As such, computer usage and files may be monitored or accessed.

Because PHCSA is sensitive to the legitimate privacy rights of employees, every effort will be made to guarantee that workplace monitoring is done in an ethical and respectful manner.

514 Workplace Violence Prevention

PHCSA is committed to preventing workplace violence and to maintaining a safe work environment. Given the increasing violence in society in general, PHCSA has adopted the following guidelines to deal with intimidation, harassment, or other threats of (or actual) violence that may occur during business hours or on its premises.

All employees, including Supervisors and temporary employees, should be treated with courtesy and respect at all times. Employees are expected to refrain from fighting, horseplay, or other conduct that may be dangerous to others. Firearms, weapons, and other dangerous or hazardous devices or substances are prohibited inside the buildings of PHCSA without proper authorization.

Conduct that threatens, intimidates, or coerces another employee, a customer, or a member of the public at any time, including off-duty periods, will not be tolerated. This prohibition includes all acts of harassment, including harassment that is based on an individual's sex, race, age, or any characteristic protected by federal, state, or local law.

All threats of (or actual) violence, both direct and indirect, should be reported as soon as possible to your immediate Supervisor or any other member of management. This includes threats by employees, as well as threats by patrons, vendors, solicitors, or other members of the public. When reporting a threat of violence, you should be as specific and detailed as possible.

All suspicious individuals or activities should also be reported as soon as possible to a Supervisor. Do not place yourself in peril.

PHCSA will promptly and thoroughly investigate all reports of threats of (or actual) violence and of suspicious individuals or activities. The identity of the individual making a report will be protected as much as is practical. In order to maintain workplace safety and the integrity of its investigation, PHCSA may suspend employees, either with or without pay, pending investigation.

Anyone determined to be responsible for threats of (or actual) violence or other conduct that is in violation of these guidelines will be subject to prompt disciplinary action up to and including termination of employment.

PHCSA encourages employees to bring their disputes or differences with other employees to the attention of their Supervisors or the Director and Human Resources, before the situation escalates into potential violence. PHCSA is eager to assist in the resolution of employee disputes, and will not discipline employees for raising such concerns.

515 MEDIA RELATIONS

PHCSA is committed to providing the media with accurate information. To avoid discrepancies, specific guidelines should be followed when a media inquiry is received.

All media inquiries regarding PHCSA and its operation must be immediately referred to that entity Director, who is authorized to make or approve public statements regarding their business. Unless specifically designated by this person, you are not authorized to make those statements. If you wish to write or publish an article, paper or other publication on behalf of PHCSA, you must first obtain approval.

Media inquiries include, but are not limited to, official statements, press releases and advertisements.

Please contact your Director or Human Resources with any questions or concerns you have regarding the Media Relations Policy.

LEAVES OF ABSENCES

601 Family Medical Leave

PHCSA provides family leaves of absence without pay to eligible employees. PHCSA abides by all applicable Federal Statutes.

Employees in the following employment classifications are eligible to request family leave as described in this policy:

* Regular full-time employees

To be an “eligible employee,” an employee must: (1) have been employed by the PHCSA for at least 12 months (which need not be consecutive); (2) have been employed by the PHCSA for at least 1250 hours of service or 53 days during the 12 month period immediately preceding the commencement of the leave.

Subject to the terms, conditions, and limitations of the applicable plans, health insurance benefits will be provided by PHCSA until the end of the month in which the approved family leave begins. At that time, employees will become responsible for their portion of these benefits if they wish coverage to continue. When the employee returns from family medical leave, benefits will again be provided by PHCSA according to the applicable plans.

Benefit accruals, such as personal leave or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

So that an employee's return to work can be properly scheduled, an employee on family leave is requested to provide PHCSA with at least two weeks advance notice of the date the employee intends to return to work. When a family leave ends, the employee will be reinstated to the same position, if it is available, or to an equivalent position for which the employee is qualified.

An employee requesting family medical leave must complete the "Application for Family or Medical Leave" (see Human Resources for form) and return it to the employee's director five (5) business days prior to any accrued paid time being exhausted. The completed application must state the reason for the leave, the duration for the leave, and the starting and ending dates of the leave.

If an employee fails to return to work on the agreed upon return date, PHCSA will assume that the employee has resigned.

602 Military Leave

A military leave of absence will be granted to employees who are absent from work because of service in the U.S. uniformed services in accordance with the Uniformed Services Employment and Reemployment Rights Act (USERRA). PHCSA will follow USERRA and applicable Florida Statutes (115).

603 Leave Without Pay

PHCSA recognizes that not all employees are eligible for FMLA. If an employee is not eligible for FMLA, a non-probationary full-time or part-time employees may request unpaid personal leave at the discretion of their Supervisor. Employees must have maintained a satisfactory record of employment with PHCSA for a minimum of one year to be eligible. Requests for Leave Without Pay (LWOP) must be submitted in writing to the Supervisor at least forty-five (45) days prior to the intended commencement date. Exceptions may be made for medical or personal emergencies. The request should include: Reason(s) for the proposed leave. Departure date from employment. Estimated return date to employment. All accrued PTO and Floating Holidays leave must be used before LWOP begins. The maximum number of LWOP days allowed within any one calendar year is fourteen (14). Requests for LWOP beyond this limit require approval from the Entity Director. PTO will not accrue during periods of unpaid leave. Holidays falling on LWOP days are not paid. In the case of medical leave, the Supervisor reserves the right to request a doctor's note confirming the employee's fitness to return to work.

If an employee fails to return from LWOP as agreed upon, it will be considered voluntary termination of employment unless extenuating circumstances are communicated to the Supervisor prior to the return date. The use of LWOP should be exercised with discretion, considering its impact on the efficient operation of the organization and the cohesion of the team.

EMPLOYEE CONDUCT & DISCIPLINARY ACTION

701 Sexual and Other Unlawful Harassment

PHCSA is committed to providing a work environment that is free from all forms of discrimination and conduct that can be considered harassing, coercive, or disruptive, including sexual harassment. Actions, words, jokes, or comments based on an individual's sex, race, color, national origin, age, religion, disability, sexual orientation, gender identity or any other legally protected characteristic will not be tolerated.

Sexual harassment is defined as unwanted sexual advances, or visual, verbal, or physical conduct of a sexual nature. This definition includes many forms of offensive behavior and includes gender-based harassment of a person of the same sex as the harasser. The following is a partial list of sexual harassment examples:

- * Unwanted sexual advances.
- * Offering employment benefits in exchange for sexual favors.
- * Making or threatening reprisals after a negative response to sexual advances.
- * Visual conduct that includes leering, making sexual gestures, or displaying of sexually suggestive objects or pictures, cartoons or posters.
- * Verbal conduct that includes making or using derogatory comments, epithets, slurs, or jokes.
- * Verbal sexual advances or propositions.
- * Verbal abuse of a sexual nature, graphic verbal commentaries about an individual's body, sexually degrading words used to describe an individual, or suggestive or obscene letters, notes, or invitations.
- * Physical conduct that includes touching, assaulting, or impeding or blocking movements. Unwelcome sexual advances (either verbal or physical), requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when: (1) submission to such conduct is made either explicitly or implicitly a term or condition of employment; (2) submission or rejection of the conduct is used as a basis for making employment decisions; or, (3) the conduct has the purpose or effect of interfering with work performance or creating an intimidating, hostile, or offensive work environment.

Any employee who experiences or witnesses sexual or other unlawful harassment in the workplace, must report it immediately to the Supervisor. If the Supervisor is unavailable or employee believes it would be inappropriate to contact that person, that employee should immediately contact the Director, Human Resources or any other member of management. Any employee can raise concerns and make reports without fear of reprisal or retaliation.

All allegations of sexual harassment will be quickly and discreetly investigated. To the extent possible, confidentiality and that of any witnesses and the alleged harasser will be protected against unnecessary disclosure. When the investigation is completed, said employee will be informed of the outcome of the investigation.

Any Supervisor or Manager who becomes aware of possible sexual or other unlawful harassment must immediately advise the Director and Human Resources so it can be investigated in a timely and confidential manner. Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including termination of employment.

702 Reporting Child/Disabled Person Abuse

All employees must report any actual or suspected child/disabled person abuse, abandonment or neglect to their immediate Supervisor, Director or Human Resources. This contact person will discuss the situation to ensure that the appropriate reports, if any are needed, are completed. Employees will comply with child/disabled person protective investigations.

703 Personal Appearances

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the business image PHCSA presents to patrons and visitors.

During business hours or when representing PHCSA, employees are expected to present a clean, neat, and tasteful appearance. Employees should dress and groom themselves according to the requirements of their position and accepted social standards. This is particularly true if the job involves dealing with patrons or visitors in person.

Supervisors or department heads are responsible for establishing a reasonable dress code appropriate to the job employees perform. If the Supervisor feels employee personal appearance is inappropriate, they may be asked to leave the workplace until properly dressed or groomed. Under such circumstance, the employee will not be compensated for the time away from work. Consult the Supervisor if there are any questions as to what constitutes appropriate appearance. Where necessary, reasonable accommodation may be made to a person with a disability.

704 Return of Property

Employees are responsible for all PHCSA property, materials, or written information issued to them or in their possession or control. Employees must return all PHCSA property immediately upon request or upon termination of employment. Where permitted by applicable laws, PHCSA may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. PHCSA may also take all action deemed appropriate to recover or protect its property.

705 Resignations

Resignation is a voluntary act initiated by the employee to terminate employment with PHCSA. Although advance notice is not required, PHCSA requests at least 2 weeks' written resignation notice from all employees.

706 Security Inspections

PHCSA wishes to maintain a work environment that is free of illegal drugs, alcohol, and firearms without concealed weapon permit, explosives, or other improper materials. To this end, PHCSA prohibits the possession, transfer, sale, or use of such materials on its premises. PHCSA requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the conveniences of employees but remain the sole property of PHCSA. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of PHCSA at any time, either with or without prior notice.

PHCSA likewise wishes to discourage theft or unauthorized possession of the property of employees, PHCSA, visitors, and patrons. To facilitate enforcement of this policy, PHCSA or its representative may inspect not only desks and lockers but also persons entering and/or leaving the premises and any packages or other belongings. Any employee who wishes to avoid inspection of any articles or materials should not bring such items onto PHCSA's premises.

707 Solicitations

In an effort to ensure a productive and harmonious work environment, persons not employed by PHCSA may not solicit or distribute literature in the workplace at any time for any purpose during working hours.

PHCSA recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time.

Examples of impermissible forms of solicitation include:

- * The collection of money, goods, or gifts for political groups
- * The sale of goods, services, or subscriptions outside the scope of official organization business
- * The distribution of literature not approved by the employer

- * The solicitation of memberships, fees, or dues

In addition, the posting of written solicitations on company bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- * Affirmative Action statement
- * Employee announcements
- * Job openings
- * Organization announcements
- * Workers' compensation insurance information
- * State disability insurance/unemployment insurance information

If employees have a message of interest to the workplace, they may submit it to the Directors for approval. All approved messages will be posted by the Directors

708 Progressive Discipline

The purpose of this policy is to state PHCSA's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

PHCSA's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

Although employment with PHCSA is based on mutual consent and both the employee and PHCSA have the right to terminate employment at will, with or without cause or advance notice, PHCSA may use progressive discipline at its discretion.

Disciplinary action may call for any of four steps -- verbal warning, written warning, suspension with or without pay, or termination of employment -- depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

Progressive discipline means that, with respect to most disciplinary problems, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

PHCSA recognizes that there are certain types of employee problems that are serious enough to justify either a suspension, or, in extreme situations, termination of employment, without going through the usual progressive discipline steps.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and PHCSA.

709 Employee Conduct and Work Rules

PHCSA has an outstanding reputation for ethical behavior and fair dealing.

In the performance of job duties employees may deal with a variety of people and organizations. Failure to interact courteously and tactfully with co-workers, customers, vendors, or fellow employees to the point that productivity or morale suffers may subject an employee to immediate disciplinary action, up to and including termination.

All employees are prohibited from engaging in any conduct that reflects adversely on the reputation and business of

PHCSA. All employees benefit from an atmosphere of good ethical conduct. Employees who are aware of suspected misconduct, abuse of PHCSA assets, or other violations of this policy are responsible for reporting such matters to their Supervisor, Director or Human Resources.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

- * Theft or inappropriate removal or possession of property
- * Falsification of timekeeping records
- * Working under the influence of alcohol or illegal drugs
- * Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment
- * Fighting or threatening violence in the workplace
- * Boisterous or disruptive activity in the workplace
- * Negligence or improper conduct leading to damage of employer-owned or customer-owned property
- * Insubordination or other disrespectful conduct
- * Violation of safety or health rules
- * Smoking in prohibited areas
- * Sexual or other unlawful or unwelcome harassment
- * Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace
- * Excessive absenteeism or any absence without notice. Excessive absenteeism is defined as three occurrences of absence/tardiness in a three (3) month period.
- * Unauthorized absence from work station during the workday
- * Unauthorized use of telephones, mail system, or other employer-owned equipment
- * Unauthorized disclosure of confidential information
- * Violation of personnel policies
- * Unsatisfactory performance or conduct

Employment with PHCSA is at the mutual consent of PHCSA and the employee, and either party may terminate that relationship at any time, with or without cause, and with or without advance notice.

710 Problem Resolution

PHCSA is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from Supervisors and/or Directors.

PHCSA strives to ensure fair and honest treatment of all employees. Directors, Supervisors, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

If employees disagree with established rules of conduct, policies, or practices, they can express their concern through the problem resolution procedure. No employee will be penalized, formally or informally, for voicing a complaint with PHCSA in a reasonable, business-like manner, or for using the problem resolution procedure, shown below.

If a situation occurs when employees believe that a condition of employment or a decision affecting them is unjust or inequitable, they are encouraged to make use of the following steps. The employee may discontinue the procedure at any step.

1. Employee presents problem to immediate Supervisor within 30 calendar days, after incident occurs. If Supervisor is unavailable or employee believes it would be inappropriate to contact that person, employee may present problem to their Director and Human Resources or any other member of management.

2. Supervisor responds to problem during discussion or within 30 calendar days, after consulting with appropriate management, when necessary. Supervisor documents discussion.
3. Employee presents problem to their Director or, if the issue involves their Director, to Human Resources within 30 calendar days, if problem is unresolved.
4. Director or Human Resources counsels and advises employee, assists in putting problem in writing, visits with employee's manager(s), if necessary, and directs employee to Director or Human Resources for review of problem.
5. Employee presents problem to their Director or, if the issue involves the Director, to Human Resources in writing.
6. Director or Human Resources reviews and considers problem. Director or Human Resources informs employee of decision within 30 calendar days, and forwards copy of written response to Director or Human Resources for employee's file. The Director or Human Resources has full authority to make any adjustment deemed appropriate to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

MISCELLANEOUS

DOMESTIC AND SEXUAL VIOLENCE LEAVE POLICY

A. Introduction

The Palm Harbor Community Services Agency, Inc. has adopted this Domestic and Sexual Violence Leave Policy to comply with the requirements of State law. The Palm Harbor Community Services Agency, Inc. will grant Domestic or Sexual Violence Leave to eligible employees as provided herein or otherwise provided by law. The Palm Harbor Community Services Agency, Inc. will not interfere with, restrain or deny the exercise of any right provided under this policy or the state law on which it is based. The taking of Domestic or Sexual Violence Leave does not create any greater right to continued employment or other benefits and conditions of employment than the employee would otherwise have had if the leave were not taken. This policy shall be deemed amended, as the law may be from time to time, to remain consistent with State law.

B. Definitions

Words used in this policy shall have the meanings attributed to them in the law. In addition, the following definitions apply:

1. Eligible employee means an employee who has worked for the employer for at least 3 calendar months before the date of the requested leave and who can establish the need for leave as outlined under the law.
2. Domestic or Sexual Violence Leave means up to 3 work days of leave available for an eligible employee's use for the purposes outlined in Florida Statute §741.313 in any one 12-month period. Unless an employee has paid leave available, Domestic or Sexual Violence Leave shall be unpaid. An employee who has any type of paid leave available to him or her shall substitute all of that paid leave before unpaid leave is granted under this policy.
3. 12 month period shall mean a time period of twelve calendar months beginning the date of the first period of domestic or sexual violence leave and continuing for 12 calendar months from that date.

C. Purposes for the leave

An eligible employee may, upon presentation of appropriate documentation, be granted up to 3 work days of domestic or sexual violence leave for the purposes specified in Florida Statute §741.313 if the employee or a household member of the employee is a victim of domestic or sexual violence and the leave is used to:

1. Seek an injunction for protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence or sexual violence;

2. Obtain medical care or mental health counseling or both for the employee or a family or household member to address physical or psychological injuries resulting from the act of domestic or sexual violence;
3. Obtain services from a victim-services organization including, but not limited to, a domestic violence shelter or program or a rape crisis center as result of the act of domestic or sexual violence;
4. Make the employee's home secure from the perpetrator of the domestic or sexual violence or to seek new housing to escape the perpetrator; or
5. Seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court related proceedings arising from the act of domestic or sexual violence.

D. Notice, Request and Documentation

An employee seeking domestic or sexual violence leave shall request the same by using a Leave Request Form.

Except in cases of imminent danger to the health or safety of the employee or the employee's family or household member, advance notice of the need for leave as outlined in the Palm Harbor Community Services Agency, Inc.'s leave rules & policies is required.

Appropriate documentation establishing the reason for the leave under these provisions is required to be submitted with the request for leave. In cases of imminent danger to the safety of the employee or the employee's family or household member, such documentation may be submitted after the leave is taken, but shall be submitted within 3 work days from the employee's return to the workplace unless an extension is granted by the Appointing Authority. Failure to submit requested documentation will result in the denial of the leave and may result in discipline for unauthorized leave under Palm Harbor Community Services Agency, Inc.'s rules.

E. Granting & Documenting the need for and use of Domestic or Sexual Violence Leave

Unpaid leave shall not be required or granted under this policy until the employee has used all leave available to him or her, including annual leave, extended illness leave, personal days, floating holidays, and any administrative leave with pay to which an employee is entitled under Palm Harbor Community Services Agency, Inc.'s policy.

Leave approved under this policy shall be considered scheduled leave.

The documentation of requests for domestic or sexual violence leave, and any other documents that contain personally identifying information regarding this leave (including leave slips), are exempt from confidential and not subject to disclosure under Florida Statutes Ch. 119 (aka the Florida Public Records Law).

F. Technical Assistance

Should you need further assistance in dealing with domestic or sexual violence leave, please contact Employee Relations at (727) 784.3332 ext. 3013.

Whistleblower Policy

A whistleblower as defined by this policy is an employee of Palm Harbor Community Services Agency (PHCSA) who reports an activity that he/she considers to be illegal or dishonest to one or more of the parties specified in this Policy. The whistleblower is not responsible for investigating the activity or for determining fault or corrective measures; appropriate management officials are charged with these responsibilities.

Examples of illegal or dishonest activities are violations of federal, state or local laws; billing for services not performed or for goods not delivered; and other fraudulent financial reporting.

If an employee has knowledge of or a concern of illegal or dishonest fraudulent activity, the employee is to contact his/her immediate supervisor or Human Resources. The employee must exercise sound judgement to avoid baseless allegations. An employee who intentionally files a false report of wrongdoing will be subject to discipline up to and including termination.

Whistleblower protections are provided in two important areas-confidentiality and against retaliation. Insofar as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation, to comply with the law and to provide accused individuals their legal rights of defense. PHCSA will not retaliate against a whistleblower. This includes, but is not limited to, protection from retaliation in the form of an adverse employment action such as termination, compensation decreases, or poor work assignments and treats of physical harm. Any whistleblower who believes he/she is being retaliated against must contact Human Resources immediately. The right of a whistleblower for protection against retaliation does not include immunity for any personal wrongdoing that is alleged and investigated.

All reports of illegal and dishonest activities will be promptly submitted to Human Resources, who is responsible for investigating and coordinating corrective action.

Employees with any questions regarding this policy should contact Human Resources.

Drug Free Workplace Policy

I. Purpose of Guideline

It is the intent of PHCSA to maintain a workplace that is free of drugs and alcohol and to discourage drug and alcohol abuse by its employees according to Florida Statute 440. PHCSA has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency, and success at PHCSA. Employees who are under the influence of a drug or alcohol on the job compromise PHCSA's interests, endanger their own health and safety and the health and safety of others, and can cause a loss of efficiency, productivity, or a disruptive working environment.

While on PHCSA premises and while conducting business-related activities off PHCSA premises, no employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger other individuals in the workplace.

To further its interest in avoiding accidents, to promote and maintain safe and efficient working conditions for its employees, and to protect its business, property, and operations, PHCSA has established this Guideline concerning the use of alcohol and drugs. As a condition of continued employment with PHCSA, you must abide by this Guideline.

II. PHCSA Consent for Use of Legal Drugs

A. Use of Legal Drugs

PHCSA recognizes that it may be necessary for employees to use legal drugs from time to time. PHCSA also recognizes that an employee who is using legal drugs might become impaired by the drug such that the employee's ability to perform or to perform safely would be compromised. In order to accommodate employees who might be required to use legal drugs, and to help assure that no serious adverse consequences in the workplace result from such drug use, employee is required to obtain PHCSA's consent under the circumstances listed in Paragraph B, below.

B. When Consent Is Required

If employees know or should know that use of legal drugs might endanger themselves or someone else, pose a risk of significant damage to PHCSA property, or substantially interfere with job performance, employees must report such drug use to their Director and obtain consent to continue working. PHCSA reserves the right to have a PHCSA physician or employee's own physician determine whether it is advisable for them to continue working while taking such drugs.

C. Duty to Disclose

If employees operate or are responsible in any way for the operation, custody, or care of PHCSA property, or for the safety of any other person, employees have a duty to disclose the nature of their job duties to any prescribing physician and/or to a PHCSA physician and to inquire of such physician(s) whether use of the drugs prescribed might result in the dangers, risks, or impairment that this Guideline is intended to prevent.

D. Restrictions on Work

PHCSA may restrict work activities while an employee is using legal drugs or require that employee take a leave of absence while taking such drugs.

E. Duty to Refrain from Working if Impaired

If PHCSA permits an employee to work while using legal drugs, employee cannot report for work in any case if they are impaired by the use of the drugs if the impairment might endanger employees' own safety or the safety of anyone else, pose a risk of significant damage to PHCSA property, or substantially interfere with job performance or the efficient operation of PHCSA's business.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their Supervisor, their Director, or Human Resources, without fear of reprisal and shall be kept confidential.

III. Prohibited Conduct

A. Scope

The prohibitions of this section apply wherever the interests of PHCSA may be adversely affected, including any time you are:

- (1) On PHCSA premises;
- (2) Conducting or performing PHCSA business, regardless of location;
- (3) Operating or responsible for the operation, custody, or care of PHCSA equipment or other property; or
- (4) Responsible for the safety of others.

B. Alcohol

The following acts are prohibited and subject you to discharge:

- (1) Unauthorized use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of alcohol; or
- (2) Being under the influence of alcohol.

C. Illegal Drugs

The following acts are prohibited and subject you to discharge:

- (1) Use, possession, purchase, sale, manufacture, distribution, transportation, or dispensation of any illegal drug or other controlled substance; or
- (2) Being under the influence of any illegal drug or other controlled substance.

D. Legal Drugs

The following acts are prohibited and subject you to discharge:

- (1) Abuse of any legal drug;
- (2) Purchase, sale, manufacture, distribution, transportation, dispensation, or possession of any legal prescription drug in a manner inconsistent with law;
- (3) Working while impaired by the use of a legal drug whenever such impairment might:
 - (a) Endanger your safety or the safety of any other person;
 - (b) Pose a risk of significant damage to PHCSA property; or

- (c) Substantially interfere with your job performance or the efficient operation of PHCSA's business.

IV. Disciplinary Action

A. Discharge for Violation of Guideline

A first violation of this Guideline may result in immediate discharge.

B. Discretion Not to Discharge

PHCSA, in the discretion of the Director, may choose not to discharge employee for a first violation of this Guideline if employee has successfully completed Initial period and are not a casual, seasonal, or temporary employee, and if the violation did not:

- (1) Cause an injury to or endanger your safety or the safety of anyone else;
- (2) Result in significant damage to PHCSA property or pose a risk of significant damage; or
- (3) Involve the possession of illegal drugs or other controlled substances in quantities greater than for personal use.

Such a discretionary choice by PHCSA not to discharge is conditioned on employee satisfactorily completing an approved drug or alcohol abuse assistance or rehabilitation program when recommended by PHCSA or contacting the Employee Assistance Department within two working days of being referred by management and following the recommendations made by Employee Assistance, including satisfactory completion of participation in an approved drug or alcohol abuse assistance or rehabilitation program.

If are not discharged for a first violation of this Guideline, employee will receive a final written warning and immediate suspension without pay for a period of 10 calendar days.

C. Effect of Criminal Conviction

If convicted under a criminal drug statute for a violation occurring in the workplace or during any PHCSA-related activity or event, employee will be deemed to have violated this Guideline.

D. Effect of Second Violation

A second violation of this Guideline at any time will result in immediate discharge.

E. Effect of Discharge on Eligibility for Rehire

If discharged for a violation of this Guideline, employee will not be eligible for rehire by PHCSA.

V. Drug-Free Awareness Program

A. Employee Awareness

PHCSA has established a Drug-Free Awareness Program that is designed to inform employees about the dangers of drug abuse in the workplace and to help assure that they are familiar with this Guideline and with the disciplinary actions that can result from a violation of this Guideline. From time to time, PHCSA will provide current information about PHCSA's Employee Assistance Program and other available programs for counseling and rehabilitation if available.

B. PHCSA Awareness

Directors and Supervisors should be attentive to the performance and conduct of those who work with them and should not permit an employee to work in an impaired condition or otherwise in violation of this Guideline. When management believes an employee or employees are working in violation of this Guideline, prompt action will be taken.

C. Criminal Convictions

Employees are required by this Guideline to notify PHCSA of any conviction under a criminal drug statute for a violation occurring in the workplace or during any PHCSA-related activity or event not later than five days after conviction. When required by federal law, PHCSA will notify any federal agency with which it has a contract of any employee who has been convicted under a criminal drug statute for a violation occurring in the workplace.

VI. **Unregulated or Authorized Conduct**

A. Customary Use of Over-the-Counter Drugs

Nothing in this Guideline is intended to prohibit the customary and ordinary use of over-the-counter drugs, so long as such activity does not violate any law or result in being under the influence of drugs in violation of this Guideline.

B. Off-the-Job Conduct

Nothing in this Guideline is intended to regulate employee conduct while off the job, so long as off-the-job use of alcohol or drugs does not result in being under the influence of or otherwise impaired by the use of alcohol or drugs in violation of this Guideline.

DRUG-FREE WORKPLACE; DRUG TESTING

I. **Purposes**

The purposes of this policy are as follows:

- (1) To establish and maintain a safe, healthy working environment for all employees;
- (2) To reduce the incidence of injury to person or property;
- (3) To reduce absenteeism, tardiness, and indifferent job performance; and
- (4) To provide assistance toward outpatient rehabilitation for any employee who seeks PHCSA's help in overcoming any addiction to, dependence upon, or problem with alcohol or drugs.

This policy is established pursuant to the drug-free workplace program under Florida's Workers' Compensation law. This law provides that upon implementation of a drug-free workplace program, an employer may require an employee to submit to a test for the presence of drugs or alcohol and, if a drug or alcohol is found to be present in the employee's system at a level prescribed by law, the employee may be terminated and forfeits his or her eligibility for medical and indemnity benefits. All employees are hereby notified that it is a condition of employment for an employee to refrain from reporting to work or working with the presence of drugs or alcohol in his or her body and, if an injured employee refuses to submit to a drug or alcohol test, the employee forfeits eligibility for medical and indemnity benefits. In addition, an employee may be terminated automatically for refusing to take a drug or alcohol test requested under this policy.

Those employees with drug and alcohol abuse problems make up only a small fraction of the workforce, and PHCSA regrets any inconvenience that may be caused to the many nonabusers by the problems of the few. It is

believed, however, that the benefits to be derived from the reduction in number of accidents, the greater safety of all employees, and the rehabilitation or termination of those who, because of alcohol or drugs, are a burden on all other employees, will more than make up for any inconvenience or loss the rest of us experience. PHCSA solicits earnestly the understanding and cooperation of all employees and employee organizations in implementing the policies set forth herein.

III. Understanding This Policy

Due to the requirements of the law, including Florida's Workers' Compensation statute, Chapters 440.101 and 440.102, some of the provisions of this policy are technical in nature. Please do not hesitate to ask a Supervisor or Director should there be any questions regarding this policy.

IV. General Definitions

1. "Alcohol" means ethyl alcohol (ethanol). References to use of alcohol include use of a beverage, mixture, or preparation containing ethyl alcohol.
2. "Drug" means alcohol, including a distilled spirit, wine, a malt beverage, or an intoxicating liquor; an amphetamine; a cannabinoid; cocaine, phencyclidine (PCP); a hallucinogen; methaqualone; an opiate; a barbiturate; a benzodiazepine; a synthetic narcotic; a designer drug; or a metabolite of any of the substances listed in this paragraph.
3. "Drug test" or "test" means any chemical, biological, or physical instrumental analysis administered by a laboratory, certified by the U.S. Dept. of Health and Human Services or licensed by the Agency for Health Care Administration, for the purpose of determining the presence or absence of a drug or its metabolites.
4. "Prescription or nonprescription medication" means a drug or medication obtained pursuant to a prescription or a medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human diseases, ailments, or injuries.
5. "Specimen" means a tissue, hair, or a product of the human body capable of revealing the presence of alcohol and/or drugs or their metabolites, as approved by the U.S. Dept. Food & Drug Administration or the Agency for Health Care Administration.
6. "Drug Rehabilitation Program" means a service provider that provides confidential, timely, and expert identification, assessment, and resolution of employee drug abuse.
7. "Employee Assistance Program" means an established program capable of providing expert assessment of employee personal concerns; confidential and timely identification services with regard to employee drug abuse; referrals of employees for appropriate diagnosis, treatment, and assistance; and follow up services for employees who participate in the program or require monitoring after returning to work. If, in addition to the above activities, an employee assistance program provides diagnostic and treatment services, these services shall in all cases be in accordance with the regulations governing such services.
8. "Initial Drug Test" means a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using an immunoassay procedure or an equivalent, or a more accurate scientifically accepted method approved by the U.S. Food & Drug Administration or the Agency for Health Care Administration as such more accurate technology becomes available in a cost-effective form.
9. "Job Applicant" means a person who has applied for a position with an employer and has been offered employment conditioned on successfully passing a drug test, and may have begun work pending the

results of the drug test. For a public employer, “job applicant” means only a person who has applied for a special-risk or safety-sensitive position.

10. “Medical Review Officer” or “MRO” means a licensed physician, employed or contracted with an employer, who has knowledge of substance abuse disorders, laboratory testing procedures, and chain of custody collection procedures; who verifies positive, confirmed test results, and who has the necessary medical training to interpret and evaluate an employee’s positive test result in relation to the employee’s medical history or any other relevant biomedical information.

11. “Confirmation/Confirming/Confirmed Drug Test” means a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, which test must be different in scientific principle from that of the initial test procedure and must be capable of providing requisite specificity, sensitivity, and quantitative accuracy.

12. Additional definitions can be found in Florida Statutes §§ 440.101 and 440.102 and in the Florida Workers’ Compensation Drug Testing Regulations found in the Florida Administrative Code, Chapter 38F-9. A copy of these definitions is available from your Director.

V. Prohibitions

- (1) Use, possession, manufacture, distribution, dispensation, or sale of illegal drugs or drug paraphernalia on PHCSA premises or PHCSA business, in PHCSA supplied vehicles, or during working hours;
- (2) Unauthorized use or possession, or any manufacture, distribution, dispensation, or sale of a controlled substance on PHCSA premises or PHCSA business, in PHCSA supplied vehicles, or during working hours;
- (3) Unauthorized use, manufacture, distribution, dispensation or possession or any sale of alcohol on PHCSA premises or PHCSA business, in PHCSA supplied vehicles, or during working hours;
- (4) Storing in a locker, desk, automobile, or other repository on PHCSA premises any illegal drug, drug paraphernalia or controlled substance whose use is unauthorized, or any alcohol;
- (5) Being under the influence of an unauthorized controlled substance, illegal drug, or alcohol on PHCSA premises or PHCSA business, in PHCSA supplied vehicles, or during working hours; being “under the influence” of alcohol is defined as a blood alcohol content of .05; “being under the influence” of an unauthorized controlled substance or illegal drug is defined as testing positive at a specified ng/ml level;
- (6) Use of alcohol off PHCSA premises that adversely affects the employee’s work performance, his/her own or others’ safety at work, or PHCSA’s regard or reputation in the community;
- (7) Possession, use, manufacture, distribution, dispensation, or sale of illegal drugs off PHCSA premises that adversely affects the employee’s work performance, his or her own or others’ safety at work, or PHCSA’s regard or reputation in the community;
- (8) Switching or adulterating any urine sample submitted for testing;
- (9) Refusing consent to testing or to submit a breath, saliva, urine, or blood sample for testing when requested by PHCSA;
- (10) Refusing to submit to an inspection when requested by PHCSA;
- (11) Failing to adhere to the requirements of any drug or alcohol treatment or counseling program in which the employee is enrolled;
- (12) Conviction under any criminal drug statute;
- (13) Arrest under any criminal drug statute under circumstances that adversely affect PHCSA’s regard or reputation in the community;
- (14) Failure to notify PHCSA of any arrest or conviction under any criminal drug statute within five days of the arrest or conviction;

- (15) Failure to report to the Medical Department/Director the use of a prescribed drug that may alter the employee's behavior or physical or mental ability;
- (16) Failure to keep prescribed medicine in its original container;
- (17) Refusing to sign a statement agreeing to abide by PHCSA's Alcohol and Drug Abuse policy;
- (18) Refusal to complete a Consent Form prior to testing;
- (19) Refusal to complete the Chain of Custody Form after submission of a urine or blood specimen.

VII. Drug Testing Types

A. Pre-employment

All applicants for employment will be required to take a pre-employment drug urinalysis and/or blood test. Applicants whose test results and interviews, combined with general reference and background checks, indicate present alcohol or drug abuse will not be hired.

B. "Reasonable Suspicion Drug Testing"

"Reasonable suspicion" means drug testing based on a belief that an employee is using or has used drugs in violation of PHCSA's policy. The suspicion may be drawn from specific objective and articulable facts and reasonable inferences drawn from those facts in light of experience. Among other things, such facts and inferences may be based upon:

- (1) Observable phenomena while at work, such as direct observation of drug use or of the physical symptoms or manifestations of being under the influence of a drug.
- (2) Abnormal conduct or erratic behavior while at work or a significant deterioration in work performance.
- (3) A report of drug use, provided by a reliable and credible source.
- (4) Evidence that an individual has tampered with a drug test during his or her employment with PHCSA.
- (5) Information that an employee has caused, contributed to, or been involved in an accident while at work.
- (6) Evidence that an employee has used, possessed, sold, solicited, or transferred drugs while working, while on PHCSA premises, or while operating PHCSA vehicles, machinery, or equipment.

C. Routine Fitness for Duty

PHCSA will require an employee to submit to a drug test if the test is conducted as part of a routinely scheduled employee fitness-for-duty medical examination that is part of PHCSA's established policy or that is scheduled routinely for all members of an employment classification or group.

D. Random

1. All employees in sensitive positions will be subject to random drug testing. A list of sensitive positions will be developed, maintained, and updated by PHCSA. Any employee in a sensitive position will be notified that he or she is subject to random testing.

2. The number of tests conducted under this section annually shall equal or exceed 50% of the average number of employees in sensitive positions.

3. The employee(s) to be tested will be notified immediately prior to the tests being conducted.

4. Any employee who is subject to follow-up testing will be required to submit to a random drug test.

E. Follow-up

If the employee in the course of employment enters an employee assistance program for drug-related problems or an alcohol and drug rehabilitation program, the employer must require the employee to submit to a drug test as a follow-up to the program unless the employee voluntarily enters the program. In that case, the employer has the option not to require follow-up testing. If follow-up testing is required, it must be conducted at least once a year for a two-year period after completing the program. Advance notice of a follow-up testing date must not be given to the employee to be tested.

VIII. Testing Procedures

A. Drugs for Which a Test Will Be Conducted

1. ALCOHOL — (booze, hootch, drink, beer, liquor, wine, moonshine). All liquid medications containing ethyl alcohol (ethanol). Please read the label for alcohol content. As an example, Vick's Nyquil is 25% (50 proof) ethyl alcohol. Comtrex is 20% (40 proof). Contact Severe Cold Formula Night Strength is 25% (50 proof) and Listerine is 26.9% (54 proof).
2. AMPHETAMINES — (bennies, black beauties, crystal, speed, uppers, crank) Obetrol, Biphetamine, Desoxyn, Dexedrine, Didrex.
3. CANNABINOIDS — (marijuana, hashish, maryjane, grass, reefer, pot, dope, etc.) Marinol (Dronabinol, TEC).
4. COCAINE — (coke, crack, blow, nose candy, toot, snow) Cocaine HCl topical solution (Roxanne).
5. PHENCYCLIDINE — (PCP, angel dust).
6. METHAQUALONE — (ludes, qualude, optimil, parest, somnafac, sopor).
7. OPIATES — (heroin, horse, smack, powder) Paregoric, Parepectolin, Donnagel PG, Morphine, Tylenol with Codeine, Empirin with Codeine, APAP with Codeine, Aspirin with Codeine, Robitussin AC, Guaiatuss AC, Novahistine DH, Novahistine Expectorant, Dilaudid (Hydromorphone), —S Contin and Roxanol (morphine sulfate) Percodan, Vicodin, etc.
8. BARBITURATES — (barbs, rainbows, downers, goofballs, reds, yellows, blues) Phenobarbital, Tuinal, Amytal, Nembutal, Seconal, Lotusate, Fiorinal, Fioricet, Esgic, Butisol, Mebaral, Butabarbital, Butabital, Phrenilin, Triad, etc.
9. BENZODIAZEPINES — Ativan, Azene, Clonopin, Dalmane, Diazepam, Librium, Xanax, Serax, Tranxene, Valium, Verstran, Halcion, Paxipam, Restoril, Centrax.
10. METHADONE — Dolophine, Methadose.
11. PROPOXYPHENE — Darvocet, Darvon N, Dolene, etc.

B. Individuals to Be Tested

All employees and job applicants are subject to testing under this policy.

C. Voluntary Notification of Drug Use and/or Abuse

An employee who has not previously tested positive for drug or alcohol use, entered an employee assistance program for abuse-related problems, or entered a drug or alcohol rehabilitation program, and who comes forward voluntarily seeking treatment, shall not be subject to discipline solely for coming forward. All such employees are urged to seek help immediately. Once a test has been scheduled, all employees are required to cooperate with the designated Medical Review Officer to provide information regarding prescriptive and over-the-counter medications that could cause a positive result.

D. Refusal to Test

If an employee refuses to submit to a test for drugs or alcohol, he or she forfeits his or her eligibility for all workers' compensation, medical and indemnity benefits, and will be terminated from employment.

E. Initial Test

The initial screen for all drugs shall use an immunoassay procedure or equivalent, or a more accurate scientifically accepted method approved by the U.S. F.D.A. or the Agency for Health Care Administration. The initial test for alcohol shall be an enzyme oxidation methodology. The following cutoff levels shall be used when first screening specimens to determine whether they are positive or negative for these drugs or metabolites. All levels equal to or exceeding the following shall be reported as positive:

Alcohol	.05 g/dl%
Amphetamines	1,000 ng/ml
Cannabinoids	100 ng/ml
Cocaine	300 ng/ml
Phencyclidine	25 ng/ml
Methaqualone	300 ng/ml
Opiates	300 ng/ml
Barbiturates	300 ng/ml
Benzodiazepines	300 ng/ml

Synthetic Narcotics:

Methadone	300 ng/ml
Propoxyphene	300 ng/ml

No employee shall be terminated solely on the basis of a positive initial test.

F. Confirmation Test

All specimens identified as positive on the initial tests shall be confirmed using a second test, a gas chromatography/mass spectrometry (GC/MS) test or an equivalent or more accurate scientifically accepted method approved by the Agency for Health Care Administration or the U.S. F.D.A. as such technology becomes available in a cost-effective form. The following confirmation cutoff levels shall be used when analyzing specimens to determine whether they are positive or negative for these drugs or metabolites. All levels equal to or exceeding in the following shall be reported as positive:

Alcohol	0.05 g/dl%
Amphetamines	500 ng/ml
Cannabinoids	15 ng/ml
Cocaine	150 ng/ml

Phencyclidine	25 ng/ml
Methaqualone	150 ng/ml
Opiates	300 ng/ml
Barbiturates	150 ng/ml
Benzodiazepines	150 ng/ml

Synthetic Narcotics:

Methadone	150 ng/ml
Propoxyphene	150 ng/ml

If these tests confirm the presence of drugs or alcohol in the specimen of an employee, that individual will be terminated.

G. Collection Site Procedures—Chain of Custody

1. As part of PHCSA's Drug-Free Workplace Policy, PHCSA will only utilize a laboratory licensed or certified by the Agency for Health Care Administration.

2. The laboratory will be required to follow Florida law and the rules established by the Agency for Health Care Administration.

IX. Reporting of Results

A. Medical Review Officer (MRO)

1. The laboratory shall report test results to the MRO within seven (7) working days after receipt of the specimen by the laboratory.

2. The laboratory shall report as negative to the MRO all specimens that are negative on the initial test or negative on the confirmation test. Only specimens that are confirmed as positive on the confirmation test shall be reported positive to an MRO for a specific drug.

3. The laboratory shall transmit results to the MRO in a manner designed to ensure confidentiality of the information. The laboratory and MRO must ensure the security of the data transmission and restrict access to any data transmission, storage, and retrieval system.

4. The MRO may request from the laboratory, and the laboratory shall provide, quantification of test results. The MRO shall evaluate the drug test result(s), which is reported out by the laboratory, to verify by checking the chain of custody form that the specimen was collected, transported, and analyzed under proper procedures, and to determine if any alternative medical explanations caused a positive test result. The MRO shall review all medical records made available by the tested individual.

5. Upon verifying a negative test result, the MRO is required to retain the chain of custody forms confidentially for five (5) years.

6. Within three (3) days of the receipt of a positive test result from the laboratory, the MRO is required to notify the employee or applicant and to inquire as to whether prescriptive or over-the-counter medications could have caused the positive result. The individual has five (5) days after notification to submit documentation of any prescriptions relevant to the positive test result and to discuss the test result with the MRO.

(a) If the MRO is unable to contact a positively tested donor within three days of the receipt of the test results from the laboratory, the MRO must contact the employer and request the employer to direct the donor to contact the MRO as soon as possible. If the donor does not contact the MRO within two (2) days following the request, the MRO will verify the test result as positive.

(b) The MRO may change the verification upon a showing of good cause by the donor as to why contact could not be made within two (2) days only if the donor also presents information concerning a legitimate explanation for the positive test results.

7. Upon verifying a positive test result, the MRO must notify the employer in writing and retain the chain of custody forms confidentially for five (5) years.

8. If the MRO determines that there is a legitimate medical explanation for the positive test result, the MRO must report a negative test result to the employer. However, in circumstances in which the MRO believes that the legal use of a drug(s) would endanger the individual or others, or if the individual is in a safety sensitive or special risk position, the MRO must report the result as negative due to a validated prescription and must request that the individual be placed in a position that would not threaten the safety of the individual or others.

9. The MRO may order a re-analysis of the original sample at any licensed laboratory licensed under Chapter 10E-18, Florida Administrative Code.

10. Unless otherwise instructed by the employer in writing, all records pertaining to a given specimen shall be retained by the drug testing laboratory for a minimum of two years.

11. The MRO for our PHCSA shall be provided by the Personnel Manager.

B. Employee Challenges

1. Within five (5) working days after receipt of a positive confirmed test result from the MRO, PHCSA shall inform an employee or job applicant in writing of such positive test result, the consequences of such results, and the options available to the employee or job applicant.

2. PHCSA shall provide to the employee or job applicant, upon request, a copy of the test results.

3. Within five (5) working days after receiving notice of a positive confirmed test result, the employee or job applicant may submit information to the MRO explaining or contesting the test results, and why the results do not constitute a violation of PHCSA policy.

4. If an employee's or job applicant's explanation or challenge of the positive test results is unsatisfactory to the MRO, the MRO shall report a positive test result back to the employer. The employee or job applicant may submit information to the employer explaining or contesting the test results and why the results do not constitute a violation of PHCSA policy. If the employee's or job applicant's explanation or challenge of the positive test result is unsatisfactory to the employer, a written explanation as to why the employee's or job applicant's explanation is unsatisfactory, along with the report of positive results, shall be provided by PHCSA to the employee or job applicant within 15 days of the receipt of the explanation or challenge. All such documentation shall be kept confidential by PHCSA and shall be retained by PHCSA for at least one (1) year. A person may contest the drug test result pursuant to rules adopted by the Dept. of Labor and Employment Security.

5. In the event of a workplace injury and PHCSA's decision to deny workers' compensation benefits due to a positive drug test, an employee or job applicant may undertake an administrative challenge by filing a claim for benefits with a Judge of Compensation Claims. If no workplace injury has occurred, the person must challenge the test result in a court of competent jurisdiction. When an employee undertakes a challenge to the results of a test, it shall be the employee's responsibility to notify the laboratory and the sample shall be retained by the laboratory until the case is settled.

6. Within seven (7) days after testing based on reasonable suspicion, PHCSA shall detail in writing the circumstances that formed the basis of the determination that reasonable suspicion existed to

warrant the testing. A copy of this documentation shall be given to the employee upon request and the original documentation shall be kept confidentially by PHCSA and retained for at least one (1) year.

7. During the 180 day period after written notification of a positive test result, the employee who has provided the specimen shall be permitted by PHCSA to have a portion of the specimen retested, at the employee's expense. Such retesting shall be done at another laboratory, licensed or approved by the Agency for Health Care Administration, chosen by the employee or job applicant. The second laboratory must test at equal or greater sensitivity for the drug in question as the first laboratory. The first laboratory that performed the test for PHCSA is responsible for the transfer of the portion of the specimen to be retested, and for the integrity of the chain of custody during such transfer.

8. Employees and applicants have the right to consult the MRO regarding prescription or nonprescription medication.

9. PHCSA shall pay the cost of all drug tests, initial and confirmation, which it requires of employees. An employee or job applicant shall pay the costs of any additional drug tests not required by PHCSA.

10. All employees and job applicants are responsible for notifying the laboratory of any administrative or civil action brought pursuant to the drug-free workplace regulations.

X. Confidentiality

The results of drug tests and all related information, reports, statements, and memoranda will be treated as confidential, and distribution shall be limited to those having a "need to know." Results may be revealed to the proper authorities if the situation requires. Otherwise, such information shall be released only pursuant to a written consent form signed voluntarily by the employee.

XI. Effective Date—Notice to Employees

(a) The policies set forth in this policy are effective immediately upon notice to employees. Each present employee will be furnished a copy of this policy and will sign a receipt for same. Later-hired employees will be furnished a copy before hiring. These policies have been implemented in a manner that complies with all applicable federal and state laws. PHCSA will continue to monitor the developing laws impacting this area to be certain administration of this program complies with applicable laws.

(b) PHCSA shall include notice of drug testing on vacancy announcements for those positions for which drug testing is required. A notice of the drug testing policy will also be posted in an appropriate and conspicuous location on PHCSA's premises, and copies of the policy will be made available for inspection during regular business hours in the personnel office or other suitable locations.

(c) Cut-off levels used by the testing laboratory when analyzing specimens to determine whether they are positive or negative for drugs and metabolites may change from time to time. PHCSA will follow recommendations established for these agencies and will modify PHCSA's policy to comply with any new standards.

XII. Education

(a) PHCSA maintains a current resource file of providers of employee assistance including alcohol and drug abuse programs, mental health providers, and various other persons, entities, or organizations designed to assist employees with personal or behavioral problems.

XIII. Reservation of Rights

(a) PHCSA retains the sole right to interpret, change, or discontinue this policy as may be necessary from time to time.

(b) Nothing in this policy should be construed as creating a contract of employment. Your employment at will relationship cannot be changed except in writing by the Chairman of PHCSA.

Draft

Drug Policy Acknowledgement Form

I, _____, have carefully and thoroughly read PHCSA's Drug-Free Workplace Policy and I understand my rights and obligations contained in that policy. I understand that from this day forward and as a condition of my employment I agree to follow, without reservation, that policy, which includes my consent to submit to all drug testing required by PHCSA. I also understand PHCSA's Drug-Free Workplace Policy applies to me by virtue of my continued employment with PHCSA. I further understand and acknowledge that I have been given a list of drugs that may alter or affect a drug test and a list of local Employee Assistance, Drug and Alcohol Abuse Counseling and Treatment Programs. I understand that more detailed information is available from the Human Resources Department. Finally, I understand that if I am injured during the course and scope of my employment and I test positive for the presence of prohibited alcohol and/or drugs, I will forfeit my eligibility for medical and indemnity benefits under Florida's Workers' Compensation law.

Witness

Employee Signature

Date

Date

EMPLOYEE ACKNOWLEDGMENT FORM

The employee handbook describes important information about PHCSA, and I understand that I should consult the Parks and Recreation, Library Director or Human Resources regarding any questions not answered in the handbook. I have entered into my employment relationship with PHCSA voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or PHCSA can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described here are necessarily subject to change, I acknowledge that revisions to the handbook may occur, except to PHCSA's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I acknowledge that this handbook is neither a contract of employment nor a legal document. I further recognize there are no property rights associated with my employment at PHCSA. I have received the handbook, and I understand that it is my responsibility to read and comply with the policies contained in this handbook and any revisions made to it.

EMPLOYEE'S NAME (printed): _____

EMPLOYEE'S SIGNATURE: _____

DATE: _____

4

Resolutions Passed
by PHCSA

Draft

Title:	Issue Date
1000-100-T Policy Template Outline	7/18/2025

1. Purpose

1.1.

2. Scope

2.1.

3. Definitions

3.1.

4. Attachment Forms

4.1.

5. Change Control Responsibilities

5.1. All policies shall be approved by a simple majority of the PHCSA Board of Directors.

6. Policy

6.1.

7. Distribution and Archiving

Issue Date	Description of Change

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 PRIOR TO USE, ENSURE THIS DOCUMENT IS THE MOST RECENT REVISION

Title:	Issue Date
2000-100-T Procedure Template Outline	7/18/2025

1. **Purpose**

1.1.

2. **Scope**

2.1.

3. **Responsibilities**

3.1. The PHCSA Board is responsible for following this procedure.

4. **Approval**

4.1. All procedures shall be approved by a simple majority of the PHCSA Board of Directors.

5. **Procedure**

5.1. Use

6. **Attachments**

6.1.

7. **Archiving**

History Page		
Issue Date	Description of Description	Originator

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Title:	Issue Date
3000-100-T Rule Template Outline	7/18/2025

1.1 Purpose

1.1.

2.1 Rule

2.1.

3.1 Approval

3.1. All rules shall be approved by a simple majority of the PHCSA Board of Directors.

Draft

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Title:	Issue Date
2000-101 PHCSA Document Change Control Process	7/18/2025

1. Purpose

To outline the Document Control standardized work for the PHCSA Board.

- a) Adding new policies, procedures and rules. Including Pinellas County / Legal documents as required.
- b) Updating and/or change existing policies, procedures and rules.

2. Scope

This procedure applies to all published and controlled documents including rules, policies, procedures, work instructions, forms, and templates.

3. Attachment Forms

3.1. Pro-2025-02 Form – PHCSA Document Change Request Form

4. Change Control Responsibilities

- 4.1. The PHCSA Board is responsible for approving all changes by a majority vote.
- 4.2. The Secretary shall have custody and maintenance responsibility for all the corporate records (except the financial records).
- 4.3. The PHCSA Information Technology support team shall post all released records / documents as requested by the secretary.

5. Procedure

5.1. **Change Request Initiation** Any PHCSA Board Member, employee, legal representative or entity Director may propose new policies, procedures, rules or request changes to existing documents by submitting a formal change request.

5.2. The request must be submitted using **Form 2000-101-T** and must include:

- 5.2.1. Document Request
- 5.2.2. Requestor Information
- 5.2.3. Document Information
- 5.2.4. Change Details

5.3. **Initial Review** – all requests will be discussed at the following PHCSA Board Meeting.

- 5.3.1. Conduct preliminary assessment and review of the proposed change
- 5.3.2. Determine if the change requires further technical review or stakeholder input

5.4. **Change Request "Approval" or "Approval denied"**

- 5.4.1. All changes: Require PHCSA Board majority approval.
- 5.4.2. All change requests approved or denied shall be retained per the PHCSA record-keeping guidelines.

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Title:	Issue Date
2000-101 PHCSA Document Change Control Process	7/18/2025

5.5. Implementation post approval:

- 5.5.1. Document shall be updated with proper issue date.
- 5.5.2. Change form must be maintained (pdf. Read only).
- 5.5.3. Effected personnel shall be notified of changes.
- 5.5.4. Implementation date shall be clearly communicated.
- 5.5.5. Documents will be posted on the PHCSA Website (read-only, pdf.).

6. Archiving

6.1. Initial release 8/17/2025

Change Date	Description of Change

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Title:	Issue Date
2000-101-T Change Request Form	7/18/2025

Attachment

2000-101-T

Title:	Issue Date
PHCSA Document Change Control Process Form	8/17/2025

DOCUMENT REQUEST

- Requested Date: _____
- Date Submitted: _____
- Priority Level: ☐ Urgent ☐ High ☐ Medium ☐ Low
- Request for: ☐ New Document ☐ Proposed Change Request
- Type of Document: ☐ Pinellas County / Legal ☐ Policy ☐ Procedure ☐ Rule ☐ Form
☐ PHCSA Website ☐ other _____

REQUESTOR INFORMATION

Name: _____ Email: _____

DOCUMENT INFORMATION

- Document Title: _____
- Document Number: _____
- Current Version: _____
- Document Type: ☐ Policy ☐ Procedure ☐ Rule ☐ Form ☐ Other: _____

CHANGE DETAILS

- **Current Text/Section** (Quote exactly as written, copy text, red line all changes):

[Attach new document or highlight proposed changes]

- **Proposed Change** (New text/modification):

[Insert new document or proposed]

- **Supporting Documentation Attached:**

☐ Yes ☐ No - If yes, list attachments:

APPROVALS

- PHCSA Board by Majority – Date: _____
- **Decision:** ☐ Approved ☐ Rejected ☐ Needs Revision

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Title:	Issue Date
3000-103 PHCSA Board Excused Absenteeism Rule	7/18/2025

1.1 Purpose

- 1.1. To outline PHCSA Board Member attendance and absenteeism reporting. The goal being to minimize disruptions, maintain productivity, and ensure fairness and consistency during the monthly PHCSA Board Meeting.

2.1 Rule

- 2.1. Attendance - If a Board Member has a total of 3 unexcused absences during the Fiscal Year, he/she may be removed (terminated) by majority vote of the Board.
- 2.2. Reporting – Board members should notify the Chair by email (or phone) prior to a scheduled Board Meeting when a Board Member cannot attend.
- 2.3. The Chair (or designee) shall determine if the absence was preapproved / excused or not excused based on the notification and rationale for not attending.
- 2.4. The Chair will report all absenteeism's during the Official Rollcall along with the status (excuse or unexcused absence).
- 2.5. Documentation – the Secretary shall record in the Minutes all excused and unexcused absenteeism during Roll-Call.

3.1 Approval

- 3.1. All rules shall be approved by a simple majority of the PHCSA Board of Directors obtained on 7/16/2025.

Reporting Example

Record who is present at the meeting, who is absent (excused) or (unexcused)

Roll Call: ☒ Present

- a) Board Members Present – ☐ Sandy Faulkner, ☒ Phil Phillips, ☐ Erika Picard, ☒ Bill Mazurek, ☐ Ron Schultz, ☒ Dan Wendol, ☒ John Holbach, ☒ Bill Westwood

- b) Board Members not present (excused / unexcused):

- ✓ Excused Absence Sandy Faulkner
- ✓ Excused Absence Erika Picard
- ✓ Unexcused Absence Ron Schultz

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Title:	Issue Date
3000-100 Calling an Special Board Meeting Rule	7/18/2025

1. Purpose

- 1.1. Calling a special meeting by the PHCSA Board.

2. Rule

Any PHCSA Board Member may request a special meeting at any time when circumstances are warranted.

- 1) The requester shall email the '**special meeting request**' to the Chair, HR (or designee) and the PHCSA Attorney. The requester should outline the reason for the special meeting and its purpose (only one subject / topic per special meeting request).
- 2) Upon receipt of the request, HR (or designee) will forward the request to all PHCSA Board Members and cc: the HR Assistant, PHCSA Liaison and the PHCSA Attorney.
- 3) The Board Membership must approve or reject the said request via email. A simple majority in favor of holding a special meeting is required to proceed.
- 4) HR (or designee) will confirm the status of the request to hold a special meeting.
- 5) HR (or designee) will notify the board accordingly via email, cc: the HR Assistant, PHCSA Liaison and the PHCSA Attorney of the status.
- 6) If approved, HR (or designee) will schedule the special meeting and request notification of said meeting be posted on the PHCSA website (Seven days public notification will be needed prior to conducting the meeting).

3. Approval

- 3.1. This rule was approved by a simple majority or the PHCSA Board of Directors on 3/20/2024.

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Title:	Issue Date
3000-101 Calling an Emergency Board Meeting Rule	7/18/2025

1. Purpose

1.1. Calling an emergency meeting by the PHCSA Board.

2. Rule

Any PHCSA Board Member may request an emergency meeting at any time when circumstances are warranted.

- 1) The requester shall email the '**emergency meeting request**' to the Chair, HR (or designee) and the PHCSA Attorney. The requester should outline the reason for the special meeting and its purpose (only one subject / topic per special meeting request).
- 2) Upon receipt of the request, HR (or designee) will forward the request to all PHCSA Board Members and cc: the HR Assistant, PHCSA Liaison and the PHCSA Attorney.
- 3) The Board Membership must approve or reject the said request via email. A simple majority in favor of holding a special meeting is required to proceed.
- 4) HR (or designee) will confirm the status of the request to hold the emergency meeting.
- 5) HR (or designee) will notify the board accordingly via email, cc: the HR Assistant, PHCSA Liaison and the PHCSA Attorney of the status.
- 6) If approved, HR (or designee) will schedule the emergency meeting and request notification of said meeting be posted on the PHCSA website (24-hour public notification will be needed prior to conducting the meeting).

3. Approval

- 3.1. This rule was approved by a simple majority or the PHCSA Board of Directors on 3/20/2024.

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Title:	Issue Date
2000-100 Video & Audio of PHCSA Board Meeting	7/18/2025

1. **Purpose**

- 1.1. Instruction for posting video and audio recording for the Palm Harbor Community Services Agency Inc. (PHCSA) Board Meeting.

2. **Scope**

- 2.1. PHCSA Board Meetings, Special Meetings and Emergency Meetings shall be recorded.

3. **Responsibilities**

- 3.1. The hosting entity shall be responsible for recording the entire meeting.

4. **Approval**

- 4.1. This procedure was approved by a simple majority of the PHCSA Board of Directors.

5. **Procedure**

- 5.1. The hosting entity will record the board proceedings via MP3, MP4 (or similar) in its entirety.
- 5.2. Upon conclusion of the meeting, the entire recorded session shall be posted on the PHCSA Google Drive within 48 hours of post-meeting.
- 5.3. File Recording identification shall be identified as: Year, Month (Meeting Video)

2025

- December Minutes | December (Meeting Video)
- November Minutes | November (Meeting Video)
- October Minutes | October (Meeting Video)
- September Minutes | September (Meeting Video)
- August Minutes | August (Meeting Video)
- July Minutes | [July \(Meeting Video\)](#)
- [June Minutes](#) | [June \(Meeting Video\)](#)
- [May Minutes](#) | [May \(Meeting Video\)](#)
- [April Minutes](#) | [April \(Meeting Video\)](#)
- [March Minutes](#) | [March \(Meeting Video\)](#)
- [February Minutes](#) | [February \(Meeting Video\)](#)
- [January Minutes](#) | [January \(Meeting Video\)](#)

- 5.4. The PHCSA Secretary, HR Administrative support personnel and Information Technology Manager shall be notified when the recorded Board Meeting video file has been posted to the PHCSA Google Drive.
- 5.5. The Secretary will submit the written PHCSA Board Minutes at the following PHCSA Board meeting for approval. Upon approval, the Secretary will forward the approved minutes to Information Technology for posting on the official PHCSA website along with the Video recording (Google Drive) for public viewing.

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Title:	Issue Date
000-100 Video & Audio of PHCSA Board Meeting	7/18/2025

6. Attachments

6.1. none

7. Archiving

History Page		
Issue Date	Description of Description	Originator
2/12/2025	Video File Posting Procedure – approved by the board	Bill Mazurek
7/18/2025	Updated utilizing new template	Bill Mazurek

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Title:	Issue Date
Directors Performance Review Process Overview Pro-2024-01	7/18/2025

1. Purpose

- 1.1. To proceduralize the PHCSA Director's annual performance review process.

2. Scope

- 2.1. Annually, the PHCSA Board is responsible for evaluating the performance of its entity directors. The review entails input from the various supporting Advisory Boards, a self-evaluation by each entity director as well as each PHCSA Board representative. This procedure is intended to outline the performance review process steps and timeline requirements for entity directors David Matthew (Palm Harbor Library) , Lois Eannel (East Lake Community Library), Mark Sanders (East Lake Recreation) and Erica Lynford (Palm Harbor Parks & Recreation).

3. Attachment Forms

- 3.1. Director Performance Evaluation Form 2024.1.1
- 3.2. PHSA Performance Evaluation Form 2024.1.2

4. Change Control Responsibilities

- 4.1. The PHCSA Board is responsible for approving changes by a majority vote.

5. Procedure

- 5.1. Annually (July timing), the PHCSA Board will review the Directors Performance Review form (Form 2024.1.1) for potential updates.
 - 5.1.1. All updates shall be approved no later than the August PHCSA Board meeting and provided to HR.
- 5.2. HR shall email the updated and approved annual Directors Performance Review form (Form 2024.1.1) by September 1st to:
 - 5.2.1. Each PHCSA Entity Representatives.
 - 5.2.2. Each entity Director
 - 5.2.3. Remaining PHCSA Board members and PHCSA support staff.
- 5.3. Directors Self Evaluation
 - 5.3.1. Each entity director will complete a self-evaluation using Form-1 (2024.1.1) by September 30th.
 - 5.3.2. Completed evaluation will be emailed to HR upon completion.
- 5.4. HR will distribute self-evaluation to the PHCSA Board entity director by October 1st.
- 5.5. PHCSA entity representative
 - 5.5.1. Is responsible for coordinating the annual performance review with her/his Advisory Board.
 - 5.5.2. The consensus performance review shall be approved, completed, and emailed to HR by October 31.
- 5.6. HR will email the PHCSA Board of Directors and support staff with the completed performance review prior to the November Board meeting.
 - 5.6.1. Completed Advisory Board Performance Review.
 - 5.6.2. Completed Directors Self-Evaluation Performance Review.

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Title:	Issue Date
Directors Performance Review Process Overview Pro-2024-01	7/18/2025

5.7. PHCSA Performance Review (November Board Meeting)

5.7.1. The annual performance review will consist of the following:

5.7.1.1. Each Entity PHCSA Board representative will review her/his director's overall performance and entertain support questions as required.

5.7.1.1.1. The Advisory Board chairperson / membership may also input at this time.

5.7.1.2. Each Director will have an opportunity to highlight overall achievements and accomplishments as well as next year's goals.

5.7.2. Each PHCSA Board Member will complete Form 2024.1.2, Performance Evaluation for each entity Director and email to HR by November 30th.

5.8. PHCSA Performance Review Finalization

5.8.1. HR will provide summary packets for each entity director prior to the December Board meeting , consisting for the following:

5.8.1.1. Completed Directors Self-Evaluation Performance Review

5.8.1.2. Completed Advisory Board Performance Review

5.8.1.3. Completed PHCSA Directors Performance Review

5.8.2. PHCSA Board will discuss and finalize overall performance for each director at the December Board Meeting.

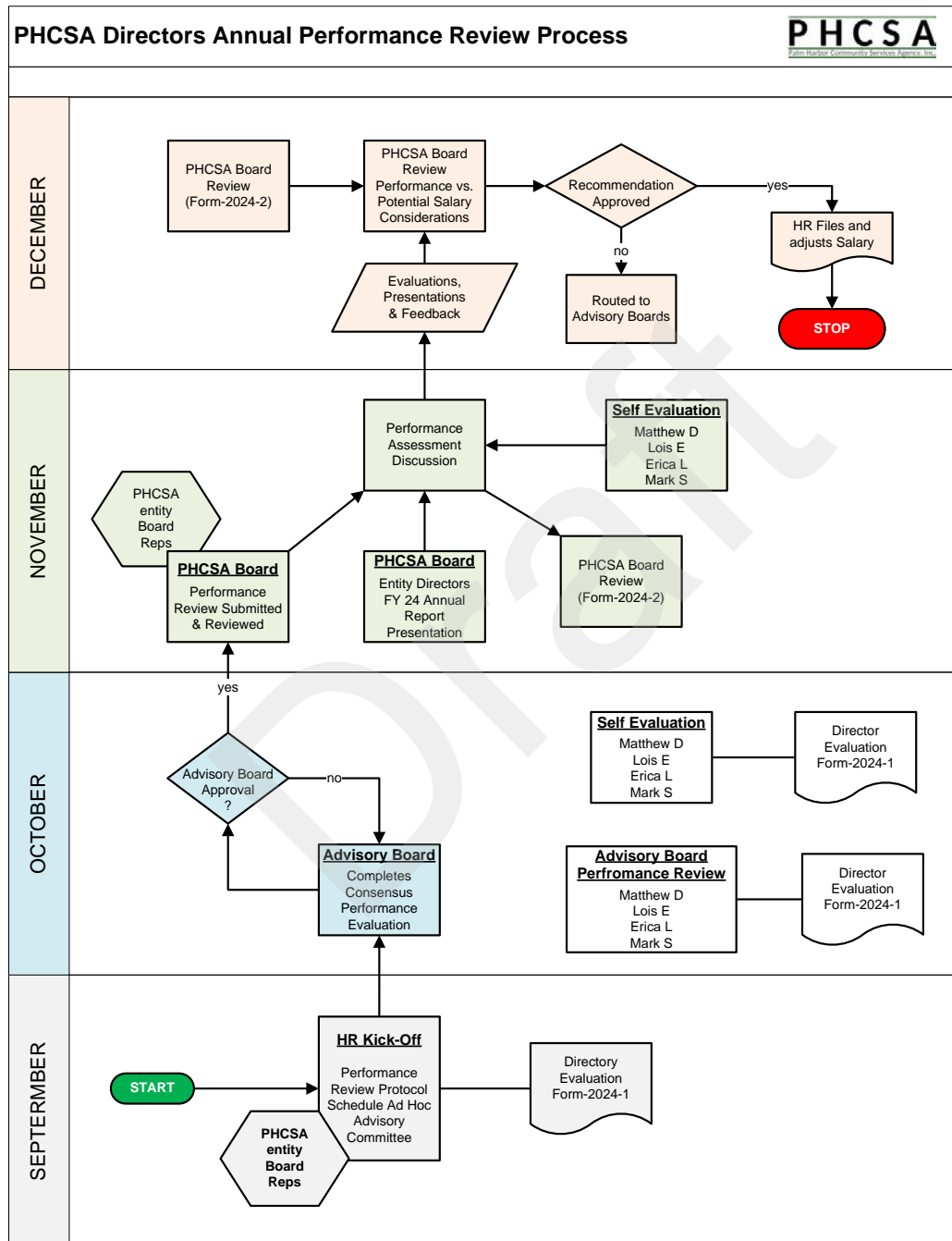
6. Archiving

6.1. Initial release 6/19/2024

Change Date	Description of Change

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Title:	Issue Date
1Directors Performance Review Process Overview Pro-2024-01	7/18/2025



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Director Name:

Evaluation Date:

This evaluation is for the 12-month Performance Evaluation (10/1/24 – 9/30/25) and helps determine the degree of accomplishment based on expected performance and the Annual Plan of Service.

RATING: 5 – Role Model, 4 – Highly Effective, 3 – Effective, 2 – Needs Improvement, 1- Unacceptable

This rating system is to be used as a guide in determining the Director's overall performance.

Definition of Ratings
5 - Distinguished Performance and Role Model Status: <i>Clearly and consistently demonstrates extraordinary and exceptional accomplishment in all major areas of responsibility. Performed above and beyond expectations under exceptional circumstances during the review period. Others rarely equal performance of this caliber in similar roles (2.14%).</i>
4 - Superior/Highly Effective Performance: <i>Performance is continually and consistently superior and regularly goes beyond what is expected. An exceptional contributor whose performance exceeded expectations on a consistent and sustainable basis (13.6%).</i>
3 - Fully Successful/Effective Performance: <i>Performance consistently meets the critical requirements of the position, continually achieves preset goals and performs with distinction. Incumbent performance is reliable and consistent in adding value to the work unit (68.3%).</i>
2 - Partially Successful Performance/Needs Improvement: <i>Performance does not consistently meet or occasionally falls below what is required of the position; improvement in specific areas is required (13.6%).</i>
1 - Unsuccessful/Unacceptable Performance: <i>Performance fails to meet minimum expectations for this role, and immediate and sustained improvement is required (2.14%).</i>

(To use this as a drop down from; click in the noted places 'CLICK'. Then either type your response where indicated or choose from the numerical dropdown).

Step 1: Upon completion of the Advisory Board evaluation and consensus achieved it will be necessary to summarize the Directors overall performance result / including any commentary and measurable recommendations to the PHCSA Board.

Step 2: The completed performance review must be signed / dated by the Advisory Board Chair and PHCSA Board representative. HR to distribute completed performance review to the PHCSA Board.

Step 3: Entity Directors will be given an opportunity to summarize Annual Goals, Objectives and Results Achieved to the PHCSA Board. PHCSA Board may provide feedback on individual performance reviews as well as annual goals attainment. PHCSA Board shall approve the overall Performance Review Results.

Step 4: The Advisory Board Chair, PHCSA Board representative will review the results with the entity Director. Director may add comments, clarification and support data / additional information as needed. The Director shall sign and date that he/she received the evaluation.

Step 5: Signed evaluation will be submitted to HR and retained.

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1) ESTABLISHED SMART GOALS/OBJECTIVES for 2026:

List Approved Fiscal Yearly Goals & Objectives and Results Achieved during the year:

2) MEASURABLE RECOMMENDATIONS AND OUTCOME ASSESSEMENT (*Improvements Identified*)

List Last Years Recommendations and Outcome Assessment and Improvement Results Achieved:

3) CUSTOMER FEEDBACK (*Star Rating*)

Quarter 1 Results	Quarter 2 Results	Quarter 3 Results	Quarter 4 Results
Total # of Responses	Total # of Responses	Total # of Responses	Total # of Responses
Additional Customer Feedback Commentary: Facebook (4.5 out of 5.0 Stars) 66 responses 4.6 ★★★★★ 185 Google reviews			

4) GENERAL POSITION ASSESSMENT

Rating (1-5)	Assessment area
(1-5)	Director adequately establishes short and long-term goals/objectives for his/her facility and communicates their priority to PHCSA and their Advisory Board to assist them in decision making regarding focus, prioritization and expenditures required to help achieve them.
(1-5)	Director communicates issues and relevant community topics that arise within the operation of their facility that they feel should be of concern PHCSA and their Advisory Board, in a timely, concise, and thorough manner.
(1-5)	Director prepares the annual budget in a timely manner to cover all necessary expenses as well as reserved funds for unanticipated contingencies to present to PHCSA and their Advisory Board prior to submitting to the Board of County Commissioners
(1-5)	Director deliver results throughout the year. How effective was she/he in meeting and delivering results per the annual as well as long range plan with PHCSA, Advisory Board and staff involvement.
(1-5)	Director develops, submits and implements a clearly defined set of personal yearly performance goals and objectives. (i.e. Annual Plan of Service)
General Position Assessment Supporting Comments as follows:	

5) MANAGEMENT / ADMINISTRATIVE

Rating (1-5)	Assessment area
(1-5)	Director communicates with Director counterparts within the PHCSA organization and those under the management of PHCSA to exchange ideas and opportunities to consolidate resources and efforts to achieve centricity and continuity in policy.
(1-5)	Director identifies the premises liability issues such as hazardous property conditions and handles them in a timely and safe manner.
(1-5)	Director effectively coordinates and communicates key issues and activities among all the entity's governing Boards and Councils?
(1-5)	Director readily identifies personnel issues and address them in a timely basis per the PHCSA Employee Handbook.

(1-5)	Director ensures the efficient and effective functioning of the facility through delegation to the staff and/or outside service vendors.
(1-5)	Director develops effective lines of communication with staff through meetings, written and verbal communications.
(1-5)	Director motivates and enables the staff to develop their skills through continuing education, workshops and seminars
(1-5)	Director demonstrates sufficient ability to discipline staff and is accomplished in counseling in a constructive manner and in accordance with the PHCSA Employee Handbook.
(1-5)	Director works to develop relationships with other community/state/national organizations to promote their facility
(1-5)	Director demonstrates patience and understanding and that he/she can interact in a "business like" manner with staff and volunteers.
(1-5)	Director solicits input and feedback from staff, community members and governing Advisory Board to help improve the facility
Management / Administrative Supporting Comments as follows:	

6) **FINANCIAL**

Rating (1-5)	Assessment area
(1-5)	Director identifies opportunities to utilize resources with user groups and outside organizations to generate revenue.
(1-5)	Director continually seeks for ways to reduce expenses without jeopardizing overall operational performance, safety or customer satisfaction.
(1-5)	Director takes initiative to obtain knowledge in the existence, availability, and accessibility of programs/grants that may present opportunities for financial funding for his/her facility
Financial Supporting Comments as follows:	

7) **PROFESSIONAL AND OUTREACH**

Rating (1-5)	Assessment area
(1-5)	Director takes initiative to search out and participate in educational opportunities unique to his/her industry and/or professional background that will develop his/her knowledge base.
(1-5)	Director takes initiative to develop his staff, volunteers as well as detailing an annual succession planning guide for the organization.
(1-5)	Director shows interest in participating in industry trade associations or professional organizations that will broaden his/her knowledge and stay abreast of industry trends and technology changes.
(1-5)	Director demonstrates positive public service attitude and takes extra initiatives to make patrons feel welcome.
(1-5)	Director takes efforts to act as spokesperson for their facility to foster community relations through the press, attendance at civic gatherings and outreach in the community.
Professional & Outreach Supporting Comments as follows:	

8) ☒ **LIBRARY SPECIFIC** (check box when applicable)

(1-5)	Director keeps current with knowledge, skills and trends relevant to public libraries and librarianship in general.
(1-5)	Director determines patron needs/wants and translates these into appropriate acquisitions and services.
(1-5)	Director helps library personnel in performing their duties.

(1-5)	Director develops, implements and monitors a clearly defined set of personnel performance goals for Library management and staff. (i.e. Annual Plan of Service).
(1-5)	Director plans, implements, coordinates and maintains a high level of program support and service level throughout the year.
(1-5)	Director develops partnerships with other community organizations to expand/enhance Library services.
Library Specific Additional Comments as follows:	

PERFORMANCE REVIEW SUMMARY:

Based upon the preceding evaluation sections, and supporting commentary, select the Director's overall performance for this evaluation period below.

(OVERALL RESULT Rating: choose the overall summarized rating from the pull-down 'Choose an item.' below)

1. OVERALL RESULT RATING (1-5)

2. OVERAL SUPPORTING COMMENTARY:

3. 'LIST' MEASURABLE RECOMMENDATION AND OUTCOMES FOR THE UPCOMING YEAR :

----- Required Signatures -----

Advisory Council Signature	Date

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Director Name: Choose an item.

Evaluation Date: Click or tap to enter a date.

PHCSA Board Annual Performance Evaluation Form for Entity Directors

12-month Performance Evaluation (10/1/24 – 9/30/25)

RATING: 5 – Role Model, 4 – Highly Effective, 3 – Effective, 2 – Needs Improvement, 1- Unacceptable

(To use this as a drop down from; click in the noted places 'CLICK.' Then either type your response where indicated or choose from the numerical dropdown).

1) PHCSA Board Engagement :

Rating 1-5	The Director is fully prepared, professional, able to answer all questions, and acts collaboratively during PHCSA meetings. Acts according to the rules of order and represents their entity in a positive way?
Supporting Concerns / Comments as follows: Type Here	

2) GOALS / OBJECTIVES : (Improvements Identified)

Rating 1-5	Director adequately establishes short- and long-term goals/objectives for his/her facility and communicates their priority to PHCSA and their Advisory Board.
Additional Comments as follows: Type Here	

3) CUSTOMER SATISFACTION:

Rating 1-5	To what level did the Director satisfy the community / customer's needs?
Additional Comments as follows: Type Here	

4) FOSTER COMMUNITY RELATIONS:

Rating 1-5	Director takes efforts to function as spokesperson for their facility to foster community. relations through the press, attendance at civic gatherings and outreach in the community.
Additional Comments as follows: Type Here	

5) FISCAL RESPONSIBILITY:

Rating 1-5	Did the Director maintain fiscal responsibility month over month by operating within approved operational budgets and PHCSA guidelines?
Additional Comments as follows: Type Here	

6) ANNUAL BUDGET PREPERATION:

Rating 1-5	Director prepares the annual budget in a timely manner to cover all necessary expenses as well as reserved funds for unanticipated contingencies to present to PHCSA and their Advisory Board prior to submitting to the Board of County Commissioners.
Additional Comments as follows: Type Here	

7) COMMUNICATION:

Rating 1-5	Director communicates issues and relevant community topics that arise within the operation. of their facility that they feel should be of concern PHCSA and their Advisory Board, in a timely, concise, and thorough manner.
Additional Comments as follows: Type Here	

8) BOCC REPRESENTATION :

Rating 1-5	Director effectively and professionally represents their entity to the BoCC. (Please review video of presentations online.)
Additional Comments as follows: Type Here	

9) OPERATIONAL ENGAGEMENT:

Rating 1-5	Director communicates with Director counterparts within the PHCSA organization and those. under the management of PHCSA to exchange ideas and opportunities to consolidate resources and efforts to achieve centricity and continuity in policy.
Additional Comments as follows: Type Here	

PERFORMANCE REVIEW SUMMARY:

(OVERALL RESULT Rating: choose the overall summarized rating from the pull-down 'Choose an item.' below)

1. OVERALL RESULT RATING:**Rating 1-5****2. SUPPORTING / ADDITIONAL COMMENTARY:**

Type Here

3. 'LIST' MEASURABLE RECOMMENDATION AND OUTCOMES FOR THE UPCOMING YEAR :

Type Here

	Click or tap to enter a date.
PHCSA Board Representative Signature	Date

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Title:	Issue Date
1000-100-T Policy Template	7/18/2025

Conflict of Interest Policy

(Issued 04/01/2024)

Article I: Purpose

The purpose of the conflict-of-interest policy is to protect this tax-exempt organization's interest (Palm Harbor Community Services Agency, Inc.) when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer or director of PHCSA or might result in a possible excess benefit transaction. This policy is intended to supplement but not replace any applicable state and federal laws governing conflict of interest applicable to nonprofit and charitable organizations.

Article II: Definitions

1. Interested Person

Any director, principal officer, or member of a committee with governing board delegated powers, who has a direct or indirect financial interest, as defined below, is an interested person.

2. Financial Interest

A person has a financial interest if the person has, directly or indirectly, through business, investment, or family:

- a. An ownership or investment interest in any entity with which PHCSA has a transaction or arrangement,
- b. A compensation arrangement with PHCSA or with any entity or individual with which PHCSA has a transaction or arrangement, or
- c. A potential ownership or investment interest in, or compensation arrangement with, any entity or individual with which PHCSA is negotiating a transaction or arrangement. Compensation includes direct and indirect remuneration as well as gifts or favors that are not insubstantial. A financial interest is not necessarily a conflict of interest. Under Article III, Section 2, a person who has a financial interest may have a conflict of interest only if the appropriate governing board or committee decides that a conflict of interest exists.

Article III: Procedures

1. Duty to Disclose

In connection with any actual or possible conflict of interest, an interested person must disclose the existence of the financial interest and be given the opportunity to disclose all material facts to the directors and members of committees with governing board delegated powers considering the proposed transaction or arrangement.

2. Determining Whether a Conflict of Interest Exists

After disclosure of the financial interest and all material facts, and after any discussion with the interested person, he/she shall leave the governing board or committee meeting while the determination of a conflict of interest is discussed and voted upon. The remaining board or committee members shall decide if a conflict of interest exists.

3. Procedures for Addressing the Conflict of Interest

- a. An interested person may make a presentation at the governing board or committee meeting, but after the presentation, he/she shall leave the meeting during the discussion of, and the vote on, the transaction or arrangement involving the possible conflict of interest.
- b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the governing board or committee shall determine whether PHCSA can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in PHCSA's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

4. Violations of the Conflicts of Interest Policy

- a. If the governing board or committee has reasonable cause to believe a member has failed to disclose actual or possible conflicts of interest, it shall inform the member of the basis for such belief and afford the member an opportunity to explain the alleged failure to disclose.
- b. If, after hearing the member's response and after making further investigation as warranted by the circumstances, the governing board or committee determines the member has failed to disclose an actual or possible conflict of interest, it shall take appropriate disciplinary and corrective action.

Article IV: Records of Proceedings

The minutes of the governing board and all committees with board delegated powers shall contain:

- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing boards or committee's decision as to whether a conflict of interest in fact existed.
- b. The names of the persons who were present for discussions and votes relating to the transaction or arrangement, the content of the discussion, including any alternatives to the proposed transaction or arrangement, and a record of any votes taken in connection with the proceedings.

Article V: Compensation

- a. A voting member of the governing board who receives compensation, directly or indirectly, from PHCSA for services is precluded from voting on matters pertaining to that member's compensation.
- b. A voting member of any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from PHCSA for services is precluded from voting on matters pertaining to that member's compensation.
- c. No voting member of the governing board or any committee whose jurisdiction includes compensation matters and who receives compensation, directly or indirectly, from PHCSA, either individually or collectively, is prohibited from providing information to any committee regarding compensation.

Article VI: Annual Statements

Each director , principal officer and member of a committee with governing board delegated powers shall annually sign a statement which affirms such person:

- a. Has received a copy of the conflicts of interest policy,
- b. Has read and understands the policy,
- c. Has agreed to comply with the policy, and
- d. Understands PHCSA is charitable and in order to maintain its federal tax exemption it must engage primarily in activities which accomplish one or more of its tax-exempt purposes.

Article VII: Periodic Reviews

To ensure PHSCA operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to PHCSA written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

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Title:	Issue Date
1000-100-T Policy Template	7/18/2025

Conflict of Interest Policy – Acknowledgement

(Issued 04/01/2024)

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- b. The chairperson of the governing board or committee shall, if appropriate, appoint a disinterested person or committee to investigate alternatives to the proposed transaction or arrangement.
- c. After exercising due diligence, the governing board or committee shall determine whether PHCSA can obtain with reasonable efforts a more advantageous transaction or arrangement from a person or entity that would not give rise to a conflict of interest.
- d. If a more advantageous transaction or arrangement is not reasonably possible under circumstances not producing a conflict of interest, the governing board or committee shall determine by a majority vote of the disinterested directors whether the transaction or arrangement is in PHCSA's best interest, for its own benefit, and whether it is fair and reasonable. In conformity with the above determination, it shall make its decision as to whether to enter into the transaction or arrangement.

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- a. The names of the persons who disclosed or otherwise were found to have a financial interest in connection with an actual or possible conflict of interest, the nature of the financial interest, any action taken to determine whether a conflict of interest was present, and the governing boards or committee's decision as to whether a conflict of interest in fact existed.
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Article VII: Periodic Reviews

To ensure PHCSA operates in a manner consistent with charitable purposes and does not engage in activities that could jeopardize its tax-exempt status, periodic reviews shall be conducted. The periodic reviews shall, at a minimum, include the following subjects:

- a. Whether compensation arrangements and benefits are reasonable, based on competent survey information and the result of arm's length bargaining.
- b. Whether partnerships, joint ventures, and arrangements with management organizations conform to PHCSA written policies, are properly recorded, reflect reasonable investment or payments for goods and services, further charitable purposes and do not result in inurement, impermissible private benefit or in an excess benefit transaction.

Print NAME

Signature

DATE

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5

**Palm Harbor Parks and
Recreation**

Draft

**PARKS AND RECREATION ADVISORY BOARD
BY-LAWS**

ARTICLE I – NAME

The name of the Board shall be “Palm Harbor Recreation League, Inc.”

ARTICLE II – AUTHORITY AND GOVERNING DOCUMENTS

The Recreation league is established pursuant to its initial Articles of Incorporation, as amended, and the agreement terminating the memorandum of understanding and designating the *Palm Harbor Recreation League, Inc. as an advisory council* dated October 1, 1999, by and between the Recreation League and Palm Harbor Community Services Agency, Inc. (PHCSA).

ARTICLE III – PURPOSE

The purpose of the Recreation League is to advise and make recommendations to the Director of Parks and Recreation & the PHCSA board, on the provision of recreation programs in the Palm Harbor community. The advisory responsibilities of the Recreation League include:

- a. Assisting and advising PHCSA in the selection and employment of the Parks and Recreation Director.
- b. Assisting and advising the Director of policies and directions for the provision of recreation services in Palm Harbor, including coordinating volunteer programs, reviewing and commenting on operational policies established by the Director, and otherwise advising PHCSA as provided in the October 1, 1999 agreement with PHCSA.
- c. The Recreation League shall also, in its advisory capacity, recommend to the PHCSA ideas and solutions on a community-wide basis in all matters relating to suitable and positive recreational experiences for the residents of the Palm Harbor taxing district.

ARTICLE IV – BOARD MEMBERS

Section I: Membership

The membership shall consist of seven (7) members or such other number as the board of directors shall determine. The board shall at all times consist of at least one (1) representative with a maximum of two (2) representatives from each organization that has a user group agreement with the Palm Harbor Community Services Agency and the Northern Pinellas Community Action Council. A majority of directors must reside within the Palm Harbor taxing district. There shall be no more than 15 directors on the board at any one time and a quorum will consist of 4 or more members.

Section II: Term

Members will serve annual terms from October 1st to September 30th of each year with the ability to succeed themselves. Members may be removed by a two thirds vote of the board on motion by any member.

Section III: Selection of Board Members

The Advisory Board President shall appoint, as necessary during the year when a vacancy occurs and in August of each year a nominating committee, consisting of not less than three (3) persons. The Nominating Committee will recommend nominees as may be required for election by the board as board members. Each nominee must have been solicited and have given consent to serve. Nominations may be made from the floor but only if prior approval of the nominee has been received. Elections will be held, yearly at the September meeting of the board and during the year as needed.

Section IV: Duties

- A. The board shall meet on a regular basis and shall inform itself concerning recreational programs of the Palm Harbor taxing district. The board shall advise the PHCSA regarding issues concerning the recreational programs within the Palm Harbor taxing district.
- B. The board shall review and consider community recreational needs in all matters pertaining to both passive and active recreational programs and facility needs.
- C. Each December the board shall establish annual goals and objectives.
- D. The board will promote good public relations between the PHCSA and the Parks and Recreation Director and the various groups and entities using the recreational facilities within the Palm Harbor Taxing District. The board may establish such standing or special committees as it deems necessary to promote a successful operation.
- E. The board shall promote the betterment of recreational opportunities within the taxing district through fundraising and education of all constituencies.
- F. Each board member will contribute at least 12 hours of voluntary time in addition to board attendance and will be a member of the Community Center.

ARTICLE V - MEETINGSSection I:

Meetings of the board shall generally be held one (1) time per month but no less than quarterly and the time and place shall be at the board's discretion. All meetings shall be announced in the Community Center newsletter and posted on the website at least two days prior to the meeting and all meeting places shall be accessible to the public.

Section II:

Special meetings may be called by the President, upon request of any three (3) members of the board, or at the request of the chairman of PHCSA. Notice of any special meeting shall be not less than two (2) days prior to the day of the meeting.

By-Laws Adopted on this 28th day of July, 2010

Attest:

By:

Secretary

Attest J. SEIBERT

President

6

Palm Harbor Library

Draft

1.0 Purpose

- 1.1 This procedure describes the process for internal audits of the Palm Harbor Library (PHL) Children's Room, in response to guidance from the Pinellas County Board of County Commissioners (BOCC) received in March of 2025.

2.0 Responsible Departments

- 2.1 PHL Advisory Council, PHL Administration (Director and Assistant Director), PHL Youth Services Manager

3.0 Audit Instructions

- 3.1 The Advisory Council (two-members) shall conduct a random internal audit monthly and share its findings at the monthly PHL Advisory Council meeting.
- 3.2 Audits, findings, and open actions will be reviewed monthly at the Advisory Council meeting.
- 3.3 PHL Administration will address areas of concern or create a plan to do so prior to the following month's audit, in coordination with the Youth Services Manager, and report back to the PHL Advisory Council.
- 3.3.1 Compliance with these audits in some instances will be quick, such as relocating brochures or other small items; other actions may take longer, such as covering genre labels for numerous titles, scheduling staff to address areas of concern, the need for more information, the need for additional guidance, or title availability (if the book or media is checked out).
- 3.3.2 If specific staff need feedback, guidance, or performance management related to these guidelines, this will be addressed through current supervisory practices by PHL Administration in coordination with that staff member's manager.
- 3.4 All audit forms shall be maintained by the PHL Advisory Council and available upon request.

4.0 Audit criteria:

4.1 Prohibition on Promotion of Sexual Identity: PHL shall prohibit the active promotion or endorsement of sexual identity in the Children's Room. "Promotion or endorsement" is defined here as intentionally increasing visibility or awareness of this topic through:

- 4.1.1 Visual displays, posters, or artwork;
- 4.1.2 Oral presentations, Storytimes, or other children's programs;
- 4.1.3 Pamphlets, brochures, or handouts;
- 4.1.4 Sections designated for Children on the PHL website.

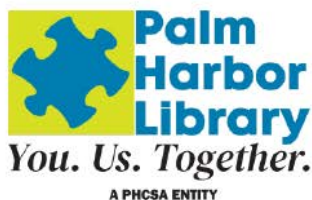
4.2 Book Availability: While individual books that may reference sexual identity shall not be restricted, they shall not be labeled or intentionally promoted or endorsed in the Children's Room.

4.3 Public Awareness: PHL shall post signage in the Children's Room stating the library's commitment to maintaining a neutral environment. An example of this can be found in PHL's mission statement.

4.4 Strategic Plan Requirement: PHL shall maintain an updated Strategic Plan on its website (and in new printings) that is entirely free of Diversity, Equity, and Inclusion (DEI) language or policies.



PHL Children's Room Audit – Guidelines



PHL Children's Room Audit Form

PHL Advisory Council Auditors: _____

Date: _____

#	Audit Criteria	Audit Notes
1	Prohibition on Promotion of Sexual Identity: The Palm Harbor Library (PHL) shall prohibit the active promotion or endorsement of sexual identity in the Children's Room through: <ul style="list-style-type: none"> • Visual displays, posters, or artwork; • Oral presentations, storytimes, or other programs; • Pamphlets, brochures, or handouts; • Sections designated for Children on the PHL website. 	<input type="checkbox"/> Criteria met <input type="checkbox"/> Criteria not met Notes:
2	Book Availability: While individual books that may reference sexual identity shall not be restricted, they shall not be labeled or intentionally promoted or endorsed in the Children's Room.	<input type="checkbox"/> Criteria met <input type="checkbox"/> Criteria not met Notes:
3	Public Awareness: PHL shall post signage in the Children's Room stating the library's commitment to maintaining a neutral environment. An example of this can be found in PHL's mission statement.	<input type="checkbox"/> Criteria met <input type="checkbox"/> Criteria not met Notes:
4	Strategic Plan Requirement: PHL shall maintain an updated Strategic Plan on its website (and in new printings) that is entirely free of Diversity, Equity, and Inclusion (DEI) language or policies.	<input type="checkbox"/> Criteria met <input type="checkbox"/> Criteria not met Notes:



Palm Harbor Library (PHL)
Advisory Council Bylaws

BYLAWS Of The Palm Harbor Library Advisory Council

(Florida Nonprofit PHCSA 85-8012632673C-9 501(C)(3) Organization)

ARTICLE 1. LOCATION of The Library

The principal location of the Palm Harbor Library (PHL) is located at 2330 Nebraska Ave, Palm Harbor, FL 34683 as its principal place of business or such other places as the PHL Advisory Council membership may designate.

ARTICLE 2. PURPOSE of The Library

The Palm Harbor Library is an entity of the Palm Harbor Community Services Agency, Inc. (PHCSA). PHCSA is a nonprofit corporation, organized to provide opportunities to enhance the common good and welfare of Palm Harbor residents, pursuant to the Florida Corporations Not for Profit law in Section 617 of the Florida Statutes, Chapter 85-489, Laws of Florida, and Pinellas County Ordinance No. 85-28.

The specific and primary purposes is as follows:

- a. To provide support for the administration and operation of the business and affairs of the '*Palm Harbor Community Services District*' created pursuant to Pinellas County Ordinance No. 85-28.
- b. To operate in any other manner for such purposes as provided in Pinellas County Ordinances No. 85-28 and Chapter 85-489, Laws of Florida.
- c. To engage in such other activities may be of mutual benefit to its members.
- d. To support the operation of library services for the Palm Harbor community through fundraising, volunteerism and serving as advocates for community library programs.
- e. To support PHL's engagement as essential participants in educating our community by providing access to a wide variety of programs, materials, and publications to meet the needs of present and future generations of our community.
- f. To support PHL's innovation in technologies and services to deliver information and scholarly resources conveniently to users anytime/anyplace.
- g. To support PHL's provision of well-equipped and functional physical spaces where our community can pursue independent learning and discovery.

ARTICLE 3. RESPONSIBILITIES or the Advisory Council

The Advisory Council is responsible for financial oversight and operational accountability affecting the interests of Palm Harbor Library. The Advisory Council also reviews library strategic investments, capital improvements, resource planning and PHL policies / procedures. The Advisory Council is responsible for evaluating the library director's performance and making recommendations for annual increases as required by the PHCSA Board (the PHCSA Board maintains full responsibility for PHL Director hiring, firing, and recommending salary increases).

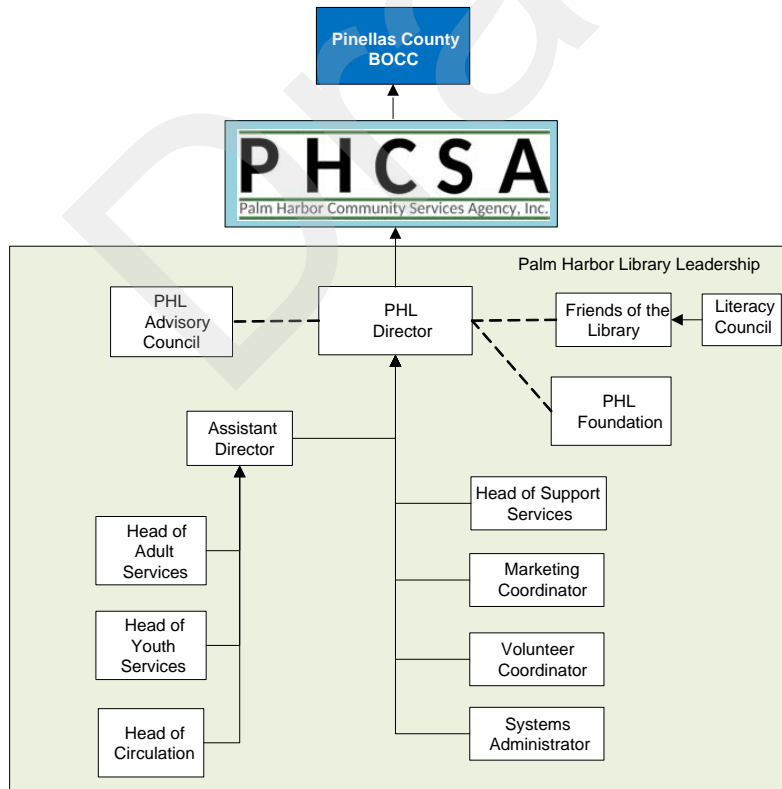


Palm Harbor Library (PHL) Advisory Council Bylaws

Primary Advisory Council Responsibilities can be summarized as follows:

- To recruit, select, and recommend a candidate for library director to the Palm Harbor Community Services Agency, Inc. (PHCSA).
- To conduct an annual performance review of the PHL Director and make compensation recommendations as required to PHCSA.
- To review the PHL policies and strategic planning for library services, including plans for growth, expansion of facilities, additional services, resource planning and support as needed.
- To review the financials monthly including actual spending vs. budget, balance sheet reconciliation, warrants, and individual departmental spending.
- To review all expenditures monthly / summarized year-to-date.
- To review all capital expenditures and projects requirements.
- To review and endorse all PHL capital requests of $\geq \$10,000$ for PHSCA approval.
- To advocate for the library and help the PHL director in fostering community support.
- The Advisory Council does not have direct operational responsibility.

Reporting responsibilities are as follows:





Palm Harbor Library (PHL)
Advisory Council Bylaws

ARTICLE 4. ADVISORY COUNCIL EXPECTATIONS

The Palm Harbor Library Advisory Council shall initially have one class of members. Additional classes of members, the manner of election or appointment of each class of members, and the qualifications and rights of each class of members may be established by amendment to these Bylaws.

1. Advisory Council Membership shall be open to all people who are residents and actively volunteer as well as supporting the Palm Harbor Library mission, vision, and values.
 - a. **The Mission of the Palm Harbor Library.** “Palm Harbor Library aspires to be the definitive educational and cultural destination for all members of the Palm Harbor community. It will offer a safe and secure environment and serve as a neutral venue while providing easy access to information. The library will be an essential part of the community, acting as an anchor for learning, promoting, and supporting the arts and meeting the evolving needs of its residents.
 - b. **Our Vision Statement** “You. Us. Together.”
 - c. **Our Values** “Honesty, integrity, respect, transparency, confidentiality, and equity towards the community, our staff and volunteers.”
2. To qualify for an Advisory Council Membership assignment.
 - a. Interested parties must be of voting age.
 - b. Interested parties should have primary residency within the Palm Harbor Community Services District (PALM HARBOR, Florida – Zip codes: 34682, 34683, 34684, 34685).
 - c. Interested parties outside the primary residency may be considered with Advisory Council approval.
 - d. Interested parties may apply for consideration during the ‘application open period’ to the Palm Harbor Library Advisory Council, or the Palm Harbor Library.
 - e. All Advisory Council Members are classified as volunteer positions.
3. Membership candidates shall apply during the open period (refer to **ARTICLE 5. 2. a.**).
4. The Advisory Council and the Library Director shall interview candidates.
5. Membership vacancies will be posted as necessary, by affirmative majority vote of the Advisory Council.
6. Membership qualifications and appointment criteria may be amended, when necessary, by the Advisory Council.



Palm Harbor Library (PHL)
Advisory Council Bylaws

ARTICLE 5. ADVISORY COUNCIL MEMBERSHIP

1. The Advisory Council shall consist of seven (7) members, the specific number to be set by the resolution of the Advisory Council annually. The number of members may be changed from time to time, provided that no decrease in the number shall have the effect of shortening the term of any incumbent member.
2. Appointments of Members
 - a. **Open Appointment Period** – the Advisory Council open appointment period is typically June 15th – July 15th annually. Those interested in filling an available council seat shall complete an application which can be obtained online (<https://www.palmharborlibrary.org/>) or directly from the Advisory Council.

Expectations for all applicants:

- (a) Term of Office - Unless a member dies, resigns, relocates, or is removed, he or she shall hold office for a term of two (2) years or until his or her successor is elected, whichever occurs later. Under certain conditions, members' terms may be extended by a simple majority vote by the Advisory Council, provided the extension is in the best interest of the Library and represents no conflict with any existing government authority.
- (b) Advisory Council members may serve a total of four two-year terms. Members interested in reapplying for an additional two-year term may do so during the open period. Members who have served continually for four two-year terms may reapply after fulfilling a one-term separation. The current Chairperson may be requested to serve as an ex-officio council member for one additional year as advisor to the newly elected chairperson, rather than being specifically appointed or elected to that role.
- (c) Successor members shall be appointed to a two-year term beginning on October 1st – ending on September 30th. New members of the Advisory Council are ratified by a majority vote of the sitting Advisory Council.
- (d) Vacancies - An unplanned member vacancy may be filled as needed with a majority vote by the Advisory Council. A member who fills a vacancy shall serve for the unexpired term of his or her predecessor in office.
- (e) Appointments for Open Positions – in the event there are no applications received during the open period nor those submitted meet the minimal qualifications as established within these bylaws, the Advisory Council may extend the 'term of office' for any / all termed positions by affirmative vote of a majority of the Advisory Council.
- (f) An Advisory Council member may be removed from the Advisory Council due to excessive absenteeism. Anyone missing three (3) council meetings within a fiscal year without preapproval may be subject to termination.
- (g) It is recommended that all applicants must have volunteered for a minimal six-month period or have accumulated fifty total volunteer hours.



Palm Harbor Library (PHL)
Advisory Council Bylaws

- (h) It is recommended that applicants maintain membership in the Palm Harbor Friends of the Library (<https://friendsofphl.org/>).

ARTICLE 6. ADVISORY COUNCIL OFFICERS

The officers of this organization shall be Chair (Chairperson), Secretary and PHCSA Board Representative. They shall constitute the Executive Council. Executive Council appointments shall be open to Advisory Council members. Elections to be held during the October meeting for the Chairperson and Secretary. The PHCSA Representative's term may supersede the Advisory Council term.

1. The Chair shall preside at all meetings of the membership, appoint all committee chairpersons with the approval of the Executive Council, and function as ex officio member for all committees. The Chair is responsible for making sure the council monitors the financials, assets, resources, and business affairs. The Chair coordinates with the PHL Director and makes sure the council supports and advocates for the Library whenever possible.
2. The appointed PHCSA Board representative shall perform the duties of the Chair in his or her absence, may serve as member or chairperson of any committee, and shall perform such other duties as are assigned by the Chair or in absence thereof.
 - a. The PHCSA Board representative shall be an active Advisory Council Member and is recommended by a majority of the Advisory Council, the PHL Director and appointed by, the 'Palm Harbor Friends of the Library, Inc.'
 - b. The PHCSA representative shall be approved and appointed to serve a two (2) year term by the PHCSA Board as indicated per its bylaws and Pinellas County Code Chapter 114 – Special Districts, stated as follows; *All recommended appointments for membership (PHCSA Board) shall be an officer or director of, and appointed by, the Palm Harbor Friends of the Library, Inc., who is a qualified Pinellas County elector and resides in Palm Harbor, Florida.*
3. The Secretary shall document Advisory Council proceedings. Approved Minutes will be stored via the PHL electronic records management system by PHL staff.

ARTICLE 7. MEETINGS

1. Regular Meetings shall be held by resolution.
 - a. The Advisory Council shall specify the date, time, and place for holding regular meetings.
 - b. Notification of meetings will be posted on the PHL website (<https://www.palmharborlibrary.org/>).



Palm Harbor Library (PHL)
Advisory Council Bylaws

2. Membership Voting shall be as follows:

Vote type	In-person or remote
Viva voce (by voice)	In-person or remote
Vote by rising	In-person or remote
Vote by ballot	In-person
Vote Remotely	Remote (via Zoom or similar)
Vote by unanimous consent	In-person or remote
Roll call voting	In-person or remote
Absentee voting	By proxy (email)

3. Special Meetings

- a. A special meeting may be requested by any Advisory Council member with a written request by the Chair when necessary. Planned special meetings as requested shall be reviewed, discussed, and approved by a majority vote prior to the scheduled meeting.
- b. When a vote is needed but a special meeting is not possible, refer to Article 7, Section 2 Absentee voting.

4. Remote Meetings

- a. Members of the Advisory Council or any committee appointed by the Council may participate in a meeting by or using one or more means of remote communication through which all the members may simultaneously participate with each other during the meeting.
- b. Participation by such means shall constitute presence in person for the meeting.

5. Place of Meetings

- a. All meetings shall be held at the principal office of the PHL or at any other place designated by the Advisory Council.

6. Quorum

- a. A majority of the number of members holding the office shall constitute a quorum for the transaction of business at any council meeting.
- b. If a quorum is not present for a scheduled meeting, the meeting shall be rescheduled.

7. Manner of Acting

- a. The act of the majority of the members present at a meeting at which there is a quorum shall be the act of the council, unless a vote of a greater number is required by these Bylaws, PHSCA Bylaws or Pinellas County.

8. Presumption of Assent

- a. A member of PHL Advisory Council present at a council meeting at which action on any matter is taken shall be presumed to have assented to the action taken unless his or her dissent or abstention is entered in the minutes of the meeting, or unless such member files a written dissent or abstention to such action with the person acting as secretary of the meeting before the adjournment thereof.
- b. Such right to dissent or abstain shall not apply to a member who voted in favor of such action.



Palm Harbor Library (PHL)
Advisory Council Bylaws

9. Resignation

- a. Any member may resign at any time by delivering written notice to the Chair or the secretary at the registered office of the Palm Harbor Library. Any such resignation shall take effect at the time specified therein, or if the time is not specified, upon delivery thereof and, unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

10. Removal or Termination of a Member

- a. At a special meeting called expressly for the removal or termination of a member, a member may be removed by two-thirds of the votes cast by the members present (a quorum of membership must be present).

11. Committees

- a. The Advisory Council, according to the resolution adopted by a majority of the members then in office, may designate and appoint one or more standing or temporary committees, each of which shall consist of one or more members. Such committees shall have and exercise the authority of the members when conducting committee affairs, for fact finding only. The Advisory Council retains overall responsibility for reviewing, adopting, and/or rejecting the fact-finding recommendations or conclusions.

12. Compensation

- a. The members shall receive no compensation for their service as members on behalf of the PHL Advisory Council.

ARTICLE 8. APPOINTMENTS

1. Open Application Period

- a. Typically, the Advisory Council open application period is June 15th – July 15th annually. Open Advisory Council Positions will be posted.

2. PHL Advisory Council Applications

- a. Application for the Advisory Council will be available at the Palm Harbor Library or online at (<https://www.palmharborlibrary.org/>).

3. Interview Process

- a. Applicants who are meeting the qualifications will be interviewed by the Palm Harbor Library Advisory Council and Director no later than August 31.

4. Advisory Council Notification

- a. By majority vote, The Palm Harbor Library Advisory Council and the Director will make a formal recommendation for appointment at the September Advisory Council Meeting.

5. Appointee Notification

- a. The appointee(s) will be notified by the Palm Harbor Advisory Councils Executive Board and Director by October 1st.



Palm Harbor Library (PHL)
Advisory Council Bylaws

6. New Term
 - a. The new term begins October 1st and continues for two years (*ending on September 30th*).
7. Outgoing members
 - a. Outgoing members must turn over all PHL materials pertinent to their membership to the secretary within thirty days after their term has expired.

ARTICLE 9 ADMINISTRATIVE PROVISIONS

1. Books and Records
 - a. The Palm Harbor Library shall keep at its registered office copies of its current Articles of Incorporation and Bylaws; correct and adequate records of accounts and finances; minutes of the proceedings of its members and council, and any minutes which may be maintained by committees of the council; records of the name, address and classification (State, County, Local records) if applicable of each member, and of the name and post office address of each officer; and such other records as may be necessary or advisable.
 - b. Approved copies shall be stored via the PHL electronic records management system.
2. Fiscal Year
 - a. The fiscal year for the Advisory Council begins October 1st and ends September 30th.
3. Rules of Procedure
 - a. The rules of procedure at meetings of the Advisory Council and committees shall be rules contained in Robert's Rules of Order on Parliamentary Procedure.
4. These Bylaws may be altered, amended, or repealed when required by a majority vote of the Advisory Council membership.
5. Conflict of Interest Statement

Note: this statement aligns with the Conflict-of-Interest policy adopted by PHCSA.

A conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social factors – could compromise his or her judgment, decisions, or actions in the workplace.

- a. The Advisory Council members of the Palm Harbor Library shall not accept any gift, entertainment, service, loan, or promise of future benefits from any person who either personally or whose employees might benefit or appear to benefit from such council or committee member's connection with the agency, unless the facts of such benefit, gift, service, or loan are disclosed in good faith and are authorized by the council.
- b. Council and committee members are expected to work out for themselves the most



Palm Harbor Library (PHL)
Advisory Council Bylaws

gracious method of declining gifts, entertainment, and benefits that do not meet this standard.

- c. No Advisory Council or committee members should perform, for any personal gain, services to any supplier of goods or services, as employee, consultant, or in any other capacity which promises compensation of any kind, unless the fact of such transaction or contracts are disclosed in good faith, and the council or committee authorizes such a transaction.
- d. Similar association by a family member of the council or committee member or by any other close relative may be inappropriate. No council or committee member or any member of his/her family should have any beneficial interest in, or substantial obligation to any supplier of goods or services or any other organization that is engaged in doing business with or serving the Palm Harbor Library.
- e. This policy statement is not intended to apply to gifts and/or similar entertainment of nominal value that clearly are in keeping with good business ethics and do not obligate the recipient.
- f. Any matter of question or interpretation that arises relates to this policy should be referred to the Chair for decision and/or for referral to the full Advisory Council for decision, where appropriate.



**THE PALM HARBOR FRIENDS OF THE LIBRARY, INC.
BY-LAWS**

ARTICLE I — NAME

The name of this organization shall be the PALM HARBOR FRIENDS of the LIBRARY, INC., a non-profit corporation.

ARTICLE II — PURPOSE

This is a volunteer, non-profit organization whose purpose shall be to maintain an association of people interested in supporting quality library services in the community through fundraising, volunteerism and serving as advocates for the library programs. In addition this library organization will focus public attention on library services, facilities and needs as well as to stimulate endowments and bequests to the Palm Harbor Public Library.

ARTICLE III — MEMBERSHIP

Section 1. Membership in this organization shall be open to all people who support its purpose and shall entitle each member or family to one vote at the general membership meetings.

Section 2. There shall be three classes of members. Membership dues shall be as designated by the Board of Directors, effective October 1, 2016.

Individual: \$15.00

Family: \$25.00

Life: \$125.00 with Giving Tree Leaf

ARTICLE IV — OFFICERS AND BOARD OF DIRECTORS

Section 1. The officers of this organization shall be President, Vice President, Secretary and Treasurer. They shall constitute the Executive Board. The chairpersons of each standing committee are the Board of Directors.

Section 2. The Director of the Palm Harbor Library and the Immediate Past President of this organization shall function as non-voting ex officio members of the Board of Directors.

Section 3. The President shall preside at all meetings of the membership and Board of Directors, shall appoint all committee chairpersons with the approval of the Executive Board, and shall function as ex officio member of all committees. *The



President must have a background of being a volunteer in the Palm Harbor Library for at least one year.

Section 4. The Vice President/President Elect shall perform the duties of the President in his or her absence, may serve as member or chairperson of any committee, and shall perform such other duties as are assigned by the President. *The Vice President/President Elect must have a background of being a volunteer in the Palm Harbor Library for at least one year.

Section 5. The Secretary shall keep a record of all meetings of the membership, the Board of Directors, and the Executive Board, preserve all current records, maintain and update the Policy Procedure Manual as needed and be custodian of all records of the organization which no longer are needed for current operations, but have historical significance.

Section 6. The Treasurer shall receive all money, property and gifts to the organization; shall pay all bills authorized by the Board of Directors, investigate investment options, make reports at all meetings of the membership, Board of Directors and Executive Board and insure other financial concerns such as tax filing and annual audits are completed as required.

Section 7. The permanent Board of Directors shall consist of the Executive Board, the chairpersons of the following committees: Membership, Communications, Bookstore Manager, Fundraising/ Programming, and Literacy.

A) The membership committee shall be responsible for recruiting new members, keeping membership records, and collecting annual dues.

B) The communications committee shall be responsible for sending thank you cards and other correspondence, creating and distributing regular electronic or print communications to members, and maintaining the Friends' website and email account.

C) The Fundraising /Programming committee will organize fundraising projects as needed and determined by the Board of Directors, coordinate with the Library staff on all programs which would benefit the Palm Harbor Library, the Literacy Program and plan the annual general meeting of the membership.



D) The book store manager will coordinate and communicate with the Board of Directors and represent the book store at monthly meetings.

E) The Literacy Director shall serve on the Board of Directors in order to coordinate and communicate literacy needs.

F) The immediate Past President shall provide historical information to the Board of Directors, shall act as Parliamentarian at all meetings, shall represent the organization at formal events when the current President or Vice President is unable to attend and shall be responsible for outreach to other Friends organizations. The Past President shall serve as the Chair of the Nominating Committee.

ARTICLE V – CONTRACTS AND AGREEMENTS

All proposed contracts or agreements presented to the Friends of the Palm Harbor Library, Inc. must be pre-approved by the board before signature by the President or his/her designee.

ARTICLE VI — FUNDS

Section 1. All money, property, and gifts shall be considered as donations to a non-profit organization and must be used exclusively for the benefit of the Palm Harbor Friends of the Library and the Palm Harbor Library. If the organization is disbanded, all remaining assets shall be given to the Palm Harbor Library a (501(c)(3)) organization, to be used exclusively for the benefit of the Palm Harbor Library.

Section 2. All revenue generated by the bookstore will remain and only be used by the Palm Harbor Friends of the Library, Inc.

Section 3. All money shall be deposited in a Federally Insured Financial Institution, with preference given to local Institutions, in the name of the Palm Harbor Friends of the Library, Inc., and disbursed by the Treasurer as directed by the Board of Directors.

Section 4. The records of the Treasurer shall be audited by a CPA annually.



ARTICLE VII — MEETINGS

Section 1. A meeting of the membership shall be required during the last quarter of the fiscal year, July 1 – September 30, for the election and installation of officers and transaction of other business. Special meetings of the membership may be called by the Executive Board or by the President with at least a two week notice. A quorum at a general meeting shall be 50% + 1 of those members present.

Section 2. The Board of Directors shall meet monthly at a regular time and place determined by the Board unless a meeting is canceled with prior approval by the Board of Directors. Special meetings may be called by the President with a two-week notice. A quorum for the Board of Directors shall be 50%+1. With prior approval, the Board may grant an “excused” absence that shall not be counted against the Board member’s attendance.

Section 3. All meetings shall be as follows: Roll Call; Approval of the minutes of the preceding meeting; Treasurer’s Report; Library Director’s Report; Old and unfinished business; New business; Reports of committees; and Adjournment.

Section 4. Board members may attend board meetings by legally permissible electronic means up to twice in a fiscal year. Attendance by electronic means may only occur if a quorum is present at the meeting. For purposes of this subsection, electronic means shall mean electronic media technology which provides for interactive video and audio feed.

Section 5. The Board may vote to replace any Board member who is absent (unexcused) from 3 meetings, unable to perform or guilty of negligence or criminal conduct.

ARTICLE VIII — ELECTIONS

Section 1. At least sixty days prior to the end of the fiscal year, the President shall appoint a Nominating Committee of three members. The immediate Past President shall serve as the Chair of the Nominating Committee. The Nominating Committee shall present a slate of officers at the annual meeting. Nominations from the floor will be considered with the written approval of the individual nominated, if not present, or orally, if the nominee is present. Election shall be by a quorum of 50% + 1 of those present.



Section 2. Term of office for the Executive Board shall be for two years beginning the first day of October. No person shall be elected to the same office for more than two consecutive terms. Serving by appointment to fill a vacancy until the next regular election shall not be a bar to serving two full terms by election. There is no limit of consecutive terms of office for the remaining Board of Directors.

Section 3. Any vacancy in office shall be filled for the remainder of the term through appointment by the Executive Board.

Section 4. Outgoing officers and directors must turn over all materials pertinent to their office to the incoming officers and directors within thirty days after the election.

ARTICLE IX— AMENDMENTS

Amendment of the By-laws may be accomplished by vote of 50% + 1 of the members present and voting at a regular, annual or special meeting of the membership, provided that the members are informed two weeks prior to the meeting.

ARTICLE X — By-laws must be reviewed by the board every 2 years beginning in 2016.

ARTICLE XI — AGENCY AND ADVISORY COUNCIL APPOINTMENTS

Section 1. The Executive Board shall appoint from the Palm Harbor Friends of the Library Board of Directors and the Palm Harbor Library Advisory Council, with the approval of the Board of Directors, one person to serve for a term of two years, on the Board of Directors of the Palm Harbor Community Services Agency, commencing their term of office the first day of January. The selected individual can be appointed for additional two-year terms subject to approval each time by the Board of Directors.

Section 2. The Executive Board shall appoint from the active membership of Palm Harbor Friends of the Library, seven persons to serve a term of two years on the Palm Harbor Library Advisory Council, commencing their term of office on the first day of October. Appointments shall be on an alternative basis; appointing three in one year, and four the following year. They can be reappointed for additional two-year terms subject to approval each time by the Board of Directors.



Section 3. The Palm Harbor Friends of the Library Board of Directors may vote to replace any Palm Harbor Community Services Agency board member or Palm Harbor Library Advisory Council member who is absent from three unexcused meetings, unable to perform or guilty of negligence or criminal conduct.

ARTICLE XII — PARLIAMENTARY AUTHORITY

Section 1. If there be any conflict between the provisions of the articles of incorporation and these bylaws the provisions of the articles of incorporation shall govern.

Section 2. The rules contained in Robert's Rules of Order shall govern in all cases to which they are applicable and in which they are not inconsistent with these bylaws.

The foregoing were adopted as the revised Bylaws for the PALM HARBOR FRIENDS OF THE LIBRARY, INC., a (501)(C3) corporation not for profit under the Laws of the State of Florida, by the Board of Directors on August 20, 2018.
PALM HARBOR FRIENDS OF THE LIBRARY, INC.

By: President Attest:

Amended May 8, 2007

Amended March 9, 2010

Amended November 8, 2011

Amended February 12, 2013

Amended December 9, 2013

Amended August 30, 2015

Amended December 8, 2014

Amended September 3, 2016

Amended September 29, 2018

Amended September 29, 2020

Amended September 30, 2021

7

East Lake Community Library

Draft

EAST LAKE COMMUNITY LIBRARY (ELCL)
ADVISORY BOARD BY-LAWS
(Revised May 5, 2015)

Section 1. The purpose of the ELCL advisory board, hereinafter referred to as the “board,” shall be to support quality library services in the community by providing general advisory oversight of the East Lake Community Library, including but is not limited to budget, policy and planning review, advocacy and annual evaluation of the library director." The board works with and through the library director and does not have direct operational authority.

Section 2. Responsibilities of the board shall be:

- To recruit, select, and recommend a candidate for library director to the Palm Harbor Community Services Agency, hereinafter called “PHCSA;”
- To conduct an annual performance review and recommend compensation to PHCSA;
- To advise the director on policy and planning for quality library service, including plans for growth and expansion of facilities and services;
- To advise and review the development of the library's budgets, including operational and capital budgets and recommend their adoption by PHCSA;
- To review budgeted expenditures and budget adjustments monthly and endorse budget requests over \$5000, which are submitted to PHCSA for approval;
- If needed, represent the library during budget hearings.
- To advocate for the library and assist the director in fostering community support.

Section 3. The advisory board is as follows:

- **Size:** The board consists of at least seven (7) or nine (9) members.
- **Term:** Board members may serve a two year term. They may serve two consecutive two-year terms. Under certain conditions, members’ terms may be extended, provided the extension is in the best interest of the Library and represents no conflict with any existing government authority.
- **Appointment:** New members of the Board are ratified by a majority vote of the sitting board.
- **Recommended Composition:**
 - Member(s) of the community whose business or residence is within the East Lake fire district. To the extent possible, the board should broadly reflect the community. Representatives are self-nominated or the result of an ad hoc

- nominating committee recommendation and are ratified in accordance with the election procedures of the Board.
 - A member of the Friends of the East Lake Community Library, nominated by the Friends and ratified in accordance with the election procedures of the Board.
 - A library volunteer, currently and actively in service at the library, nominated by the director and volunteer coordinator and ratified in accordance with the election procedures of the Board.
 - A member of the Foundation of the East Lake Community Library, nominated by the Friends and ratified in accordance with the election procedures of the Board.
- Designated members of the board serve as a liaison to the Friends of ELCL and to the Foundation.
- One member of the board represents ELCL on the PHCSA governing board. This representative is nominated by the Board and is ratified in accordance with the election procedures of the Board. Term length on the PHCSA board is two years. Under certain conditions, members' terms may be extended, provided the extension is in the best interest of the Library and represents no conflict with any existing government authority.
- Board terms are staggered to minimize disruption to Board business and to provide as much continuity as possible.
- **Officers:** Board Chair, Vice Chair, Secretary, and Treasurer positions will be elected by a majority vote of the sitting Board during the October meeting of each year.
- **Committees:** Board ad hoc committees will be commissioned on an as needed basis and will report results and make recommendations to the full Board for approval.
- **Meetings:** The Advisory Board will meet on the second Tuesday of each month at 6:00 pm in the East Lake Community Library (or as often as is necessary to complete its duties and responsibilities.) All meetings will be open to the public.
- **Quorum:** Four (4) members of a seven (7)-member board, or five (5) members of a larger board will constitute a quorum. Recommendations and decisions of the board require a majority vote. Votes of five (5) members of a seven (7)- member board, or six (6) members of a larger board are required to change the by-laws.
- Board members may not miss more than three (3) unexcused meetings per year. Members missing four (4) unexcused meetings in a calendar year will be subject to Board removal. Removing a member from the Board requires a Board vote.

8

East Lake Recreation

Draft

**AMENDED AND RESTATED BY-LAWS OF
EAST LAKE YOUTH SPORTS ASSOCIATION, INC.**

ARTICLE I – NAME

The name of this organization shall be “East Lake Youth Sports Association, Inc.”

ARTICLE II – AUTHORITY AND GOVERNING DOCUMENTS

Pursuant to the “East Lake Recreation Services Operating Agreement” dated October 1, 2014, the East Lake Youth Sports Association, Inc. (ELYSA) shall act in an advisory capacity to the Palm Harbor Community Services Agency, Inc. (PHCSA). The East Lake Youth Sports Association, Inc. shall also be known as the “East Lake Recreation Advisory Board” (Advisory Board).

ARTICLE III – PURPOSE

The purpose of this organization is to advise and make recommendations to the Director of Recreation & the PHCSA board, on the provision of recreation programs in the East Lake Recreation Services District. The responsibilities of the Advisory Board include:

- a. Assisting and advising PHCSA in the selection and employment of the Recreation Director.
- b. Assisting and advising the Recreation Director in the provision of recreation services for the East Lake District, including operational policies, capital expenditures, infrastructure projects and long term planning for the complex facilities.
- c. Advising PHCSA as provided in the October 1, 2014 agreement with PHCSA and recommend ideas and solutions on a community-wide basis in all matters relating to suitable and positive recreational experiences for the residents of the East Lake taxing district.

ARTICLE IV – BOARD MEMBERS

Section I: Membership

The membership shall consist of seven (7) members or such other number as the board of directors shall determine. The board shall at all times consist of at least one (1) representative with a maximum of two (2) representatives from each organization that has a user group agreement with the East Lake Recreation District. A majority of directors must reside within the East Lake taxing district. There shall be no more than twelve (12) directors on the board at any one time and a quorum will consist of at least one half of all members.

Section II: Term

Members will serve annual terms from October 1st to September 30th of each year with the ability to succeed themselves. Members may be removed by a two thirds vote of the entirety of the sitting board on motion by any member.

Section III: Selection of Board Members

The Advisory Board President shall appoint, as necessary during the year when a vacancy occurs and in August of each year a nominating committee, consisting of not less than three (3) persons. The Nominating Committee will recommend nominees as may be required for election by the board as board members. Each nominee must have been solicited and have given consent to serve. Nominations may be made from the floor but only if prior approval of the nominee has been received. Elections will be held, yearly at the September meeting of the board and during the year as needed.

Section IV: Officers

The board shall at a minimum consist of: a President, a Vice-President, a Secretary, and a Treasurer.

Section V: Officer Duties

The President shall convene and facilitate scheduled board meetings.

The Vice President position shall chair committees as designated by the board. The Vice President will assume meeting duties in the President's absence.

The Secretary shall be responsible for keeping records of all board actions, including overseeing the taking of minutes at all board meetings, sending out meeting announcements, distributing agendas and copies of minutes and maintaining corporate records.

The Treasurer shall make a financial report at each board meeting, facilitate budget preparation, maintain financial records, disbursement of funds and ensure fiscal compliance with school, county, state, and federal regulations.

Section VI: Duties of the Board

- A. The board shall meet on a regular basis and shall inform itself concerning recreational programs of the East Lake taxing district. The board shall advise the PHCSA regarding issues concerning the recreational programs within the East Lake taxing district.
- B. The board shall review and consider community recreational needs in all matters pertaining to both passive and active recreational programs and related facilities within the East Lake taxing district.
- C. Each December the board shall establish annual goals and objectives.
- D. The board will promote good public relations between PHCSA and the Recreation Director and the various groups and entities using the recreational facilities within the East Lake taxing district. The board may establish such

standing or special committees as it deems necessary to promote a successful operation.

- E. The board shall promote the betterment of recreational opportunities within the taxing district through fundraising and education of all constituencies.
- F. Each board member will contribute at least 12 hours of voluntary time in addition to board attendance.
- G. The board shall appoint one board member to serve for a term of two years to the Board of Directors of the Palm Harbor Community Services Agency (PHCSA).
- H. The board may vote to replace the PHCSA appointee if member is absent from three meetings, unable to perform or guilty of negligence or criminal conduct. With prior approval, the board may grant an "excused" absence that shall not be counted against the member's attendance.

ARTICLE V - MEETINGS

Section I:

Meetings of the board shall generally be held one (1) time per month but no less than quarterly and the time and place shall be at the board's discretion. All meetings shall be announced and posted at least two days prior to the meeting and all meeting places shall be accessible to the public.

Section II:

Special meetings may be called by the President, upon request of any three (3) members of the board, or at the request of the chairman of PHCSA. Notice of any special meeting shall be not less than two (2) days prior to the day of the meeting.

ARTICLE VI – AMENDMENTS

These Bylaws may be amended at a regular or special meeting of the Board of Directors by a vote of the majority of a quorum of the board present in person.

ARTICLE VI – EFFECTIVE DATE

These Bylaws shall be effective as of this 30th day of September, 2014 and shall supersede any other document or past practice.

President

Attest:

By: _____
Secretary

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