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## Meeting Agenda

### Food Policy Advisory Council– December 12, 2018 10am – 11:30am

*Pasco Economic Development Council Board Room, 16506 Pointe Village Drive, Suite 101, Lutz, FL*

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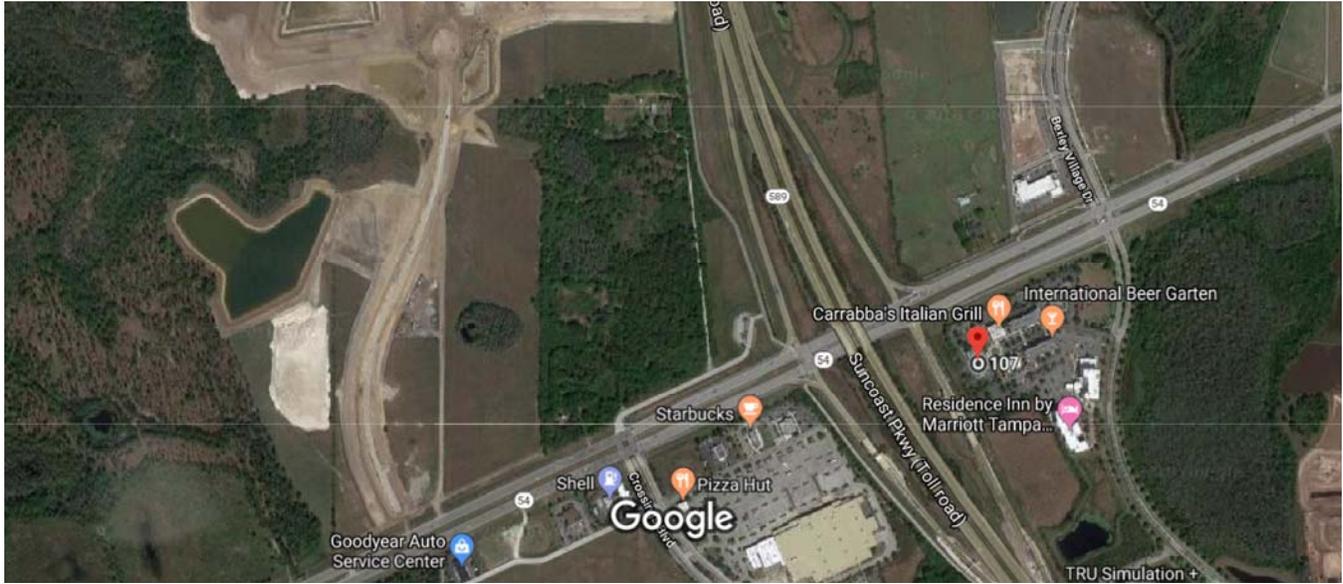
- 1. Welcome/Call to Order/Roll Call
- 2. Approval of Minutes/Meeting Notes
  - September 19, 2018
- Old Business:
  - 3. FPAC Membership
    - FPAC Vacancies
      - Farmers Market
        - Victoria E. Ray, Hudson Hydroponics
    - FPAC Applications
      - Non-Profit Organization
        - Maria Matheus, Youth and Family Alternatives, Inc.
    - 2019 Meeting Schedule (proposed)
  - 4. Urban Agricultural Ordinance Revisions
    - Garden Plan Permit (Gardens without Structures)
  - 5. Urban Agriculture – Community Gardening
    - Senior CARES
  - 6. Backyard Chickens
  - 7. Public Comment
- New Business:
  - 8. Information
    - Summary of Ethics, Sunshine Law and Public Records Requirements for Advisory Boards
    - Articles
  - 9. Other Business
- Next Meeting Date:
  - 10. March 13, 2019 10am – 11:30am, Board Room, 1<sup>st</sup> Floor, West Pasco Government Center, 8731 Citizens Drive, New Port Richey, FL 34654
- Adjournment

**Development Services/Planning & Development Department/Long Range Planning Division**

727-847-2411 | West Pasco Government Center, Suite 320 | 8731 Citizens Drive | New Port Richey, FL 34654



Pasco Economic Development Office  
16506 Pointe Village Drive, Lutz, FL



Imagery ©2018 DigitalGlobe, U.S. Geological Survey, Map data ©2018 Google 500 ft

**DELAYS**

Light traffic in this area

No known road disruptions. Traffic incidents will show up here.



## Meeting Minutes

### Food Policy Advisory Council– September 19, 2018 10am – 11:30am

Pasco County Internal Services Building, Multi-Purpose Rooms 129-130 7536 State Street, New Port Richey, FL 34654

• 1. Welcome/Call to Order/Roll Call

Mr. Wright, as Chairman, called the meeting to order, welcomed the guests and conducted the Roll Call. The FPAC members in attendance were: Mr. Jeff Wright; Dr. Dell DeChant, Vice Chair; Ms. Patricia Jackson, Ms. Susan L. (Susie) Hoeller, Secretary and ex-officio member Dr. Whitney Elmore. Since 4 voting members were present, a quorum was established.

Absent Members: Julie Hedine, Fanchone Gude, Megan Carmichael

Pasco County Planning and Development in attendance: Mary Helen Duke, Sr. Planner – Project Management and Ed Zotian, Planner I

• 2. Approval of Minutes/Meeting Notes  
○ June 13, 2018

There were no meeting minutes to approve from the June 13, 2018 meeting since a quorum was not available on that day. Meeting notes will be presented at next meeting.

• Old Business:

3. FPAC Membership

- Appointments – Patricia Joann Jackson, BayCare Behavioral Health/Tampa Bay Network to End Hunger (Non-Profit Organization Representative)

- Patty Jackson of Baycare Behavioral Health was welcomed as the new non-profit organization FPAC member.

- FPAC Vacancies

- Farmers Market

- Victoria Ray of Hudson Hydroponics was not present. Staff will reissue an invite for the next meeting. No action taken by FPAC on recommendation.

- FPAC Applications

- Non-Profit Organization

- Maria Matheus, Youth and Family Alternatives, Inc.

• Maria Matheus of Youth and Family Alternatives was present. She has been a resident for 22 years, used to work for the Salvation Army in communications and has served as a county back up Public Information Officer. She now works with Youth and Family Alternatives, which runs 3 youth shelters. She has experience as a Web Administrator and with Social Media. It was noted that while the NPO position was already filled, Ms. Matheus is very welcome to attend FPAC meetings as a member of the public to help move forward initiatives.

- 2018 Meeting Schedule (revised)

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- 2019 Meeting Schedule (proposed)

Dr. DeChant moved, seconded by Ms. Hoeller that the revised 2018 and proposed 2019 meeting schedules be adopted. The motion carried unanimously.

4. Mobile Vending Ordinance (adopted - handout)

This handout was distributed to all FPAC members and guests.

5. Pasco County Food Conference – Dr. Whitney Elmore

Dr. Elmore described in detail the upcoming local food systems Pasco County Food Conference she and her team are organizing for October 20, 2018 to be held at PHSC-Dade City. The conference will feature a wide range of local food and beverage producers and a brunch with menu items sourced from Pasco County producers and catered by Benedetto's. There will be a \$40 charge to cover the costs of renting the facility, etc.

There was a discussion about the food distribution problem for small food producers and retailers in Pasco County; Dr. DeChant noted the upcoming "Sweet Potato Roundup" in New Port Richey on October 6, 2018 to be held at the West Pasco Habitat for Humanity location; Ms. Duke noted that the county is looking to establish food truck courts in the US 19 corridor; and the need for more local food availability at local grocers – something consumers need to advocate for.

6. Backyard Chickens

Mr. Wright introduced Ms. Amanda Traurig, a guest at the meeting, who lives in a subdivision outside of the New Port Richey city limits (which is not zoned agricultural) gave a presentation concerning the pros and cons of backyard chickens. She also distributed an excellent handout which was well researched. Ms. Duke also provided a handout from the Centers for Disease Control (CDC) concerning salmonella risks with chickens. After a lengthy discussion about the many pros and cons of backyard chickens and the pros and cons of a potential ordinance; Ms. Hoeller made a motion to request the county legal department look at whether a pilot program is feasible to allow backyard chickens by vote of residents through an HOA. This motion was seconded by Dr. DeChant and passed unanimously.

7. Public Comment

There was no separate public comment outside of the backyard chicken discussion.

• New Business:

8. Urban Agriculture Registrations

- Senior CARES

Ms. Duke reported on this community garden registration, the first under the new Urban Agricultural Ordinance. There will be a celebration on October 25, 2018 at 2pm at the old Elfers School on Barker Drive in New Port Richey. FPAC members are encouraged to attend. The County will be issuing a joint press release to promote community gardening.

9. Urban Agricultural Ordinance Revisions

- Garden Plan Permit (Gardens without Structures)

Ms. Duke indicated that the Urban Agricultural Ordinance will be amended to only require registration not a permit for community gardens with no structures. Dr. DeChant moved to endorse this simplification to make community gardens more accessible to more sponsors and Ms. Jackson seconded the motion. The motion passed unanimously.

**Development Services/Planning & Development Department/Long Range Planning Division**

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10. FAPC Annual Report to BCC (Draft)

Ms. Duke has drafted a report for Mr. Wright to present to the BoCC as soon as a date and time can be scheduled.

11. Information

- o Summary of Ethics, Sunshine Law and Public Records Requirements for Advisory Boards
- o Articles

Ms. Duke distributed these materials.

12. Other Business

The FPAC members expressed their desire to hold a strategic planning workshop to plan for 2019 and Dr. Elmore suggested it be held in the evening to drive more citizen participation. Ms. Duke will look into a date and place and check schedules.

• Next Meeting Date:

13. December 12, 2018 10am – 11:30am, Conference Room Anclote/Cotee, Pasco County Utilities Administration Building, 19420 Central Boulevard, Land O' Lake's, FL 34637

• Adjournment

Mr. DeChant made a motion to adjourn and Ms. Jackson seconded it. Mr. Wright adjourned the meeting at 11:40 AM.



# PASCO COUNTY BOARD OF COUNTY COMMISSIONERS

West Pasco Government Center  
8731 Citizens Drive, Suite 340  
New Port Richey, FL 34654

Phone: (727) 847-8115  
Fax: (727) 815-7010

## APPLICATION FOR ADVISORY BOARD/COMMITTEE/COMMISSION

Advisory Board/Committee/Commission you are applying for:

FOOD POLICY ADVISORY COUNCIL

Are you willing to be considered for an alternate Board/Committee/Commission Yes  No

Are you a registered voter? (Need only answer if a requirement for the entity for which you are applying) Yes  No

Name VICTORIA E. REY

Address 12429 DEWORS AVENUE

City HUDSON State FL Zip 34667

I reside in Commission District # (can be found on back of your Voter Registration Card) 5

Are you a Year Round Resident? Yes  No

Do you reside in the unincorporated area? Yes  No

If no, please indicate city:

Home Phone [Redacted] Work Phone [Redacted] Cell Phone [Redacted]

Email [Redacted]

Employer SELF EMPLOYED

Address [Redacted]

Occupation (if retired, please indicate) RETIRED RN, PART-TIME FARMER

Please list any governmental Advisory Boards/Committees/Commissions on which you currently serve

The Board of County Commissioners strives to ensure equal access for minorities and women to serve on advisory boards/committees/commissions. Completing this information will help the County Commissioners Office compile information needed to comply with Florida State Statutes 760.80.

African American  Asian American  American Woman   
Hispanic American  Native American  Other [Redacted]

### For Office Use Only

Received: \_\_\_\_\_ Entered: \_\_\_\_\_  
Meets Qualifications: Yes  No  Forwarded to Department: \_\_\_\_\_  
Acknowledgement Sent: \_\_\_\_\_ BOCC Mtg Date: \_\_\_\_\_ Action: \_\_\_\_\_  
Letter Sent: \_\_\_\_\_

# APPLICATION FOR ADVISORY BOARD/COMMITTEE/COMMISSION

Complete the following. Please describe those facets of your background/experience which you feel may be useful for membership on this Board/Committee/Commission.

## Academic - Degrees, Diplomas

BSN - NURSING

## Professional - Certification

## Knowledge - Training, interest or experience

FARMING

## Community Involvement - List organizations/positions

INVOLVED IN PAC-A-SAC program through church

## Organizations - Memberships

### IMPORTANT INFORMATION

1. Eligibility for membership on certain advisory boards/committees/commissions requires a valid voter registration card.
2. Membership on certain advisory boards/committees/commissions requires financial disclosure or the submission of other information.
3. Florida State Statute 119.07 designates this application as a public document to be made available for anyone requesting to view it.
4. Pasco County Code of Ordinances Article V regulates Boards, Committees, Authorities, Councils, and Commissioners of the Board of County Commissioners.

The Board of County Commissioners of Pasco County, Florida does not discriminate upon the basis of any individual's disability status. This non discrimination policy involves every aspect of the Board's functions including one's access to, participation, employment, or treatment in its programs or activities. If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistant. Within two working days of your receipt of this notice, please contact Human Resources, West Pasco Government Center, 7536 State Street, New Port Richey, FL 34654; (727) 847-8030 and via 1-800-955-8771 if you are hearing impaired.

**By typing my name and submitting this application, I acknowledge this constitutes my signature under the Florida Electronic Signature Act.**

Electronic Signature

Type Name

VICTORIA KEY

Date

6/25/18

PLEASE NOTE: Application will remain active for one (1) year. Resumes may be included; however, the application MUST still be completed. Read Important Information section, then sign the application.

Revised 5/9/2018

Email Form



TAMPA, FL 335  
SAINT PETERSBURG, FL  
25 JUN 2010 PM 3:1

Jan 8/1/2/9  
Priority

Pasco County Board of  
County Commissioners

WEST Pasco Gov't Center

8731 CITIZENS DRIVE, STE 340

NEW PACT ROCHELY FL 34654

34654-557231



att: Food Policy Advisory Board



## **Food Policy Advisory Council**

### **Tentative FY 2018/2019 Meeting Schedule**

*2<sup>nd</sup> Wednesday of each month every 3 months\*  
Meeting locations vary. See schedule below for locations.*

**December 12, 2018 10:00am – 11:30am**

Pasco Economic Development Council Board Room  
16506 Pointe Village Drive  
Lutz, FL

**March 13, 2019 10am - 11:30am**

Board Room, 1<sup>st</sup> Floor  
West Pasco Government Center  
8731 Citizens Drive  
New Port Richey, FL 34654

**June 12, 2019 10:00am – 11:30am**

**\*\*Meeting Location Requested\*\***  
Room 102, Rasmussen College – Land O’Lakes Campus  
18600 Fernview St.  
Land O’Lakes, FL 34638

**September 11, 2019 10:00am – 11:30am**

**\*\*Meeting Location Requested\*\***  
UF/FAIS Extension  
One-stop Shop  
15029 14<sup>th</sup> Street, Dade City, FL 33523

**December 11, 2019 10:00am – 11:30am**

**\*\*Meeting Location Requested\*\***  
Conference Room Anclote/Cotee  
Pasco County Utilities Administration Building  
19420 Central Boulevard  
Land of Lakes, FL 34637

**CHAPTER 500. ZONING STANDARDS**

**SECTION 530. SUPPLEMENTAL REGULATIONS**

The provisions of this chapter shall be subject to such exceptions, additions, or modifications as provided by the following supplemental regulations.

**530.23. Community Gardens, Market Gardens and Community Farms**

A. Intent and Purpose

The intent of this Section is to:

- Allow the growing of crops and ornamental flowers within Pasco County while minimizing negative impacts to adjacent properties and the community;
- Encourage locally grown produce, promote healthy and nutritional food, and fill gaps in food accessibility within the County;
- Foster community engagement by providing opportunities for recreation education/training, special events, social interaction and economic potential benefits; and
- Provide green space and enhance community character.

The purpose of this Section is to establish design, operations, and maintenance standards for Community Gardens, Market Gardens and Community Farms in Pasco County.

B. Applicability

1. Community Gardens, Community Farms, and Market Gardens shall be deemed a Permitted Principal Use or Conditional Use, as per this Code Section 500, Table 530.23 - 1 "Table of Principal Uses and Conditional

Uses by District – Community Gardens, Market Gardens and Community Farms”. This section shall not apply to Home Gardening as defined in this Code, Appendix A.

2. Community Gardens, Market Gardens and Community Farms may be located on otherwise vacant properties, and shall be deemed the principal use until such time that the parcel is developed as per this Code. At that time, the subject Community Garden or Community Farm shall be deemed an accessory use.

C. Application, Permit and Fees

1. A permit shall be required for a Community Garden with structures, Market Garden with or without structures or Community Farm with structures.
2. Application and permit fees shall apply in accordance with this Code, Section 400 Permit Types and Application, Section 406.8 Garden Plan Permits.

D. Registration

Community Gardens and Community Farms are required to register annually with the Food Policy Advisory Council of Pasco County.

E. Permitted Uses

The following uses, as detailed in Table 530.23-1 shall be located on private property, on the ground or on a portion of a building roof or other structure. These uses may be located on public property with the written approval of the County Administrator or Designee.

1. Community Garden

A community garden is a garden used to grow and harvest food crops or ornamental plants (including flowers) with daily vehicle trips of greater than 14 vehicle trips per day and less than 100 vehicle trips per day, with limited use of heavy vehicles. Community gardens may be any size.

2. Market Garden

A market garden primarily sells and buys produce grown on-site or off-site including fruits, vegetables and other garden derived edibles with daily vehicle trips of more than 14 vehicle trips daily, and is less than 5 acres.

3. Community Farm

A community farm primarily grows produce, fruits, vegetables and other garden derived edibles primarily for distribution off-site with daily vehicle trips of 14 vehicle trips or more daily. Community farms may be any size.

**TABLE 530.23-1**

**Table of Principal Uses and Conditional Uses by District  
Community Gardens, Market Gardens and Community Farms**

Zoning District	PRINCIPAL USE			CONDITIONAL USE		
	Community Garden	Market Garden	Community Farm	Community Garden	Market Garden	Community Farm
A-C	X	X	X			
AC-1	X	X	X			
A-R	X	X	X			
AR-1	X	X	X			
AR-5	X	X	X			
AR-5MH	X	X	X			
E-R	X		X		X	
ER-2	X		X		X	
R-MH	X		X		X	
R-1MH	X		X		X	
R-2MH	X		X		X	
R-1	X		X		X	
R-2	X				X	X
R-4	X				X	X
MF-1						
MF-2	X				X	X
MF-3	X				X	X
MPUD	X				X	X
PO-1	X	X	X			
PO-2	X				X	X
C-1	X				X	X
C-2	X	X	X			
C-3	X	X	X			
I-1	X	X	X			
I-2				X	X	X

F. Development Standards

1. Community Gardens, Market Gardens, and Community Farms are allowable as a Permitted Principal Use in all Agricultural zoning districts.
2. Uses allowable as Permitted Principal Uses or Conditional Uses are detailed in the Table of Permitted Principal Uses and Conditional Uses for Community Gardens, Market Gardens and Community Farms as detailed in Table 530.23-1 Table of Permitted Principal Uses and Conditional Uses by District for Community Gardens, Market Gardens and Community Farms.

All of these uses shall meet the requirements outlined in Table 530.23-2. Those uses that are permitted Conditional Uses, shall meet the additional requirements identified during the Conditional Use permit process, in accordance with Chapter 400, Permit Types and Applications, Section 402 Use Permits, 402.3 Conditional Uses.

**TABLE 530.23-2  
Community Gardens, Market Gardens and Community Farms  
Development Standards**

<b>General Standards</b>			
<b>Standard</b>	<b>Community Garden</b>	<b>Market Garden</b>	<b>Community Farm</b>
A. Can be the primary use on a vacant parcel	X	X	X
B. If parcel is not vacant the garden or farm shall be an accessory to a business or residence.	X	X	X
C. Educational and charitable uses pertaining to the creation and operation of gardens or community farms are allowed	X	X	X
D. All state and federal regulations shall be met.	X	X	X
E. Allowed in Residential districts only if heavy vehicles do not exceed 10% of all vehicle trips		X	X

<b>Design Standards</b>			
<b>Standard</b>	<b>Community Garden</b>	<b>Market Garden</b>	<b>Community Farm</b>
A. Transportation review may be required in accordance with Section 901 of this Code.		X	X
B. A Garden Plan review is required by the County Administrator or designee. At a minimum, the Garden plan should: a) show the property size with readable dimensions; b) reflect existing streets	X	X	X

(label), easements or land reservations within the site; c) include proposed fencing and screening, if any; d) indicate any buildings to be removed or demolished; e) show setbacks to all structures and from adjoining property lines; f) show existing driveways and any changes proposed to said driveways; g) label adjacent property owners; and h) identify the source of water that will be used for irrigation purposes.  If structures are proposed, a Site Plan is required, consistent with this Code, Section 530.23 (See Table 530.23-3 Community Gardens, Market Gardens and Community Farms Required Site Plans.)			
C. Located on a vacant parcel will not require buffers	X		X
D. Accessory structures must follow set back guidelines and buffer requirements within the underlying zoning classification.	X	X	X
E. Accessory structures such as farm stands, hoop houses, green houses, storage shed, hydroponic and aquaponics systems enclosures can occupy up to one-third of the total available garden or farm area collectively. Raised bed or garden box structures should be of stone, bricks, concrete blocks, ACQ Ground Contact treated lumber, or cedar, redwood or synthetic wood. Railroad ties and old pressure treated lumber purchased prior to 2004 are prohibited for edible raised beds due to the potential for food contamination from creosote and arsenic.	X	X	X
F. Requested irrigation hook-up must use water conservation techniques (such as micro-irrigation or drip)	X	X	X
G. Gates, Fences and Walls in accordance with this Code, Chapter 1000 Miscellaneous Structure Regulations, Section 1003 Gates, Fences and Walls. No new chain linked fences permitted.	X	X	X
H. ADA accessible suitable materials may be used for disabled participants	X	X	X
I. Signs are permitted in accordance with this Code, Section 406.1	X	X	X
J. Composting plant material bins shall be located at the center or rear of the site	X	X	X
K. Must meet parking requirements of this Code, Section 907		X	X
L. Benches, Picnic Tables and garden art and similar amenities are allowed on-site. Acceptable garden art excludes recycled toilets, bathtubs, sinks, tires, refrigerators and other similar items.	X	X	X
M. All site drainage must be retained on-site and be in accordance with this Code.	X	X	X

N. All structures associated must meet Florida Building Code, unless specifically exempted by the Florida Statutes, Chapter 553.73.	X	X	X
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<b>Operational Standards</b>			
<b>Standard</b>	<b>Community Garden</b>	<b>Market Garden</b>	<b>Community Farm</b>
A. Sales are permitted in accordance with Section 66-97 of the Pasco County Code of Ordinances		X	X
B. In accordance with the Pasco County Code of Ordinances, Article IV, Division 2 Noise, Section 66-97 Specific Noises Prohibited and this Code, Ambient noises or other noises resulting from the sales operation shall not result in public nuisances as measured at the permittee's property lines and shall not generate noise in excess of that allowed by regulation of any local, State, or Federal agency.	X	X	X
C. Special events are limited to a maximum of 3 days per event	X		
D. Raw and processed sales of produce is allowed on or off-site		X	X
E. Employee(s) or equivalent are permitted, in addition to the property owner	X	X	X
F. A farm manager is required and equivalent employees are allowed, in addition to the property owner			X
G. The property owner must apply for the permit. A principal point of contact must be provided annually through an annual garden registration application.	X	X	X
H. In residential zones, motor vehicles associated with the operations of a garden/farm shall be in accordance with this Code, Section 530.16 (Parking and Storage of Commercial Vehicles and Commercial Equipment in Certain Areas is Prohibited). The use or operation of power tools or portable mechanical equipment used outdoors in residentially zoned districts is prohibited between sunset and sunrise so as to avoid disturbance in the community, in accordance with this Code.	X	X	X
I. Aquaponics and Hydroponics operations are allowed. Water conservation practices must be followed, at minimum in accordance with county, state and federal laws.		X	X
J. Pest, Herbicides and Fertilizer Products must be used in accordance with the label and Article IV, Section 42 of the Pasco County Code of Ordinances.	X	X	X

K. If selling or bartering raw or processed produce, a relevant license may be required to apply pest, herbicides and fertilizer products	X	X	X
L. Hours of operations shall be between sunrise to sunset.	X	X	X
M. The following activities are prohibited: amplified sound above 55 dBAs in accordance with this Code and the Pasco County Code of Ordinances, Article IV, Division 2. Crops which require any agricultural appurtenances related to pest mitigation above 55 dBAs as measured from the nearest adjacent property line, and crops prohibited by State or Federal law.	X	X	X
N. If there will be sales to the public the garden/farm owner or manager must participate in an annual food safety program as recommended by the University of Florida's Institute of Food and Agricultural Sciences (UF/IFAS) and produce a certification of such participation to the County upon request	X	X	X

<b>Maintenance Standards</b>			
<b>Standard</b>	<b>Community Garden</b>	<b>Market Garden</b>	<b>Community Farm</b>
A. Gardeners shall properly tend to the garden, for example Gardeners shall prepare planting areas for off-season in a manner that creates positive aesthetics in addition to controlling dust, erosion, and run-off. This shall include but is not limited to removal or tilling of dead plant debris, etc.	X	X	X
B. Equipment, fertilizers and pesticides must be secured at all times if left on-site with a locked storage box or equipment shed	X	X	X
C. Proper handling of composting will occur regularly to reduce odor	X	X	X
D. Trash and waste will be removed from site at the minimum weekly	X	X	X

**TABLE 530.23-3**

**Community Gardens, Market Gardens and Community Farms Require Site Plans**

Type	Site Plan Required	
	No Structures	Structures
Home Garden	No	Yes
Community Garden	No	Yes
Market Garden	Yes	Yes
Community Farm	Yes	Yes
If not exempt under Florida Statutes, Chapter 193.46		

3. Thresholds by Use Type are detailed in Table 530.23-4 for Vehicle Trips, Parking, Heavy Vehicles, Business Tax Receipts and Special Events.

**TABLE 530.23-4 Thresholds by Use Type**

Use Type	Vehicle Trips	Parking	Heavy Vehicles	Business Tax Receipt
Code Citation	Vehicle Trips in accordance with <i>Section 901 of this Code.</i>	Parking in accordance with Section 907.1 of this Code.	Heavy Vehicles in accordance with Section 901 of this Code.	Business Tax Receipt in accordance with Article II, Occupational License Tax, Section 102 of the Pasco County Code of Ordinances.
Community Garden	> 14 vehicle trips < 100 vehicle trips	No	Limited, max 2 per day	No
Market Gardens	> 14 vehicle trips	Yes	Yes	Yes
Community Farm	> 14 vehicle trips	Yes	Yes	Yes
If not exempt under Florida Statutes, Chapter 193.46				

**G. Community Gardens on Public Land**

1. Community Gardens are allowed on public lands through the use of a Land Use Agreement for non-profit entities engaged in community development activities. Community Gardens on lands funded by impact fees shall only be allowed as an interim use.

Community Farms may be allowed through ground lease agreements with the County, for profit with payment to the County to be specifically allocated to the Food Policy Advisory Council for its stated public purpose.

2. All public infrastructures on-site must retain or provide a direct access path, five (5) foot in width from the closest right-of-way (ROW) and have a five (5) foot clear buffer around such infrastructure. A hardscape damage waiver must be filed with the Pasco County Utilities Engineering & Contracts Management

Department.

3. The applicant shall register the garden and provide the County with a completed Community Garden application, which shall include:
  - a. Contact information of Garden Manager and Sponsor;
  - b. A narrative stating the purpose and objective of the Community Garden;
  - c. A not for profit entity must sponsor the garden and be the primary contracting entity for the Land Use Agreement and insurance;
  - d. A Land Use Agreement between the applicant and the County;
  - e. Approved Site Plan

# **PASCO COUNTY ADVISORY BOARDS**

## **SUMMARY OF ETHICS, SUNSHINE LAW AND PUBLIC RECORDS REQUIREMENTS FOR ADVISORY BOARDS**

**Prepared by Pasco County Attorney's Office  
Based on Materials Prepared by the Lee County Attorney's Office**

You have been appointed to a Pasco County advisory board and/or committee. Accordingly, you should be generally aware of Florida Laws that may affect your service and the conducting of board/committee public body business. This document is presented as a general outline of some of the important regulations relating to your public service. It is not intended to be an exhaustive analysis of all the parameters thereof and the fact situations that may be applicable, which can dictate any final conclusions. If upon review, you desire further information and/or analysis to any particular circumstances, please contact the Pasco County Attorney's Office, 727-847-8120.

1. **Florida Government-in-the Sunshine Law (Section 286.011, Florida Statutes)**. You should not communicate with another member of the same public body concerning matters which may foreseeable come before the body, except in an open public meeting.
2. **Public Records Law (Section 119.011, Florida Statutes)**. In general, all documents, letters, and materials prepared or received by you in connection with your public body business used to perpetuate, communicate, or formalize knowledge are open for public inspection and copying.
3. **Code of Ethics and Standards of Conduct (Section 112.313, Florida Statutes)**.
  - a. **Gifts**. You should not solicit or accept anything of value, including a gift, loan, reward, promise of future employment, favor, or service based upon any understanding that your vote, official action, or judgment would be influenced thereby.
  - b. **Unauthorized Compensation**. You, your spouse or child should not accept any compensation, payment, or thing of value if you, with the exercise of reasonable care, should know that it was given to influence your official action.
  - c. **Doing Business with One's Agency**. You should not while in your official capacity, either directly or indirectly purchase, rent, or lease any realty, goods, or services for your own agency from any business entity of which you or your spouse or child is an officer, partner, director, or proprietor or in which you or your spouse or child has a material interest. Nor should you while acting in a private capacity rent, lease, or sell any realty, goods, or services to Pasco County or any agency thereof, while you serve in an official public body capacity.
  - d. **Misuse of Public Position**. You should not corruptly use or attempt to use your official position or any property or resource which may within your trust, or perform your official duties, to secure a special privilege, benefit, or exemption for yourself or others.
  - e. **Conflicting Employment or Contractual Relationship**.
    - (1) You are prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with an agency of which you are an officer or employee.

- (2) You are prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between your private interest and public duties.
- f. Disclosure or Use of Certain Information. You should not disclose or use information not available to members of the general public, and gained by reason of your official position, for your personal gain or benefit or for the personal gain or benefit of any other person or business entity.
- g. Exemptions. The requirements relating to "Doing Business with One's Agency" and "Conflicting Employment or Contractual Relationship" may be waived in certain circumstances. In addition, the statute provides for various specific exceptions to compliance. Please contact the Pasco County Attorney's Office should you need specific guidance as to whether an exemption applies.
4. **Voting Conflicts (Section 112.3143, Florida Statutes).** You should not participate in any matter which would inure to your special private gain or loss, the special private gain or loss of any principal by whom you are retained, of the parent organization or subsidiary of a corporate principal by whom you are retained, without first disclosing the nature of your interest in the matter. A voting conflict form (Form 8B) must be filed with the meetings recording officer, be provided to the other members of the agency and be read publically at the next meeting. If the conflict is unknown or not disclosed prior to the meeting, you must orally disclose the conflict at the meeting when the conflict becomes known and file a voting conflict form.
5. **Disclosure of Financial Interest and Disclosure of Clients (Section 112.3145, Florida Statutes).** You may have been appointed to a Pasco County advisory body which due to its function in land planning and zoning or other responsibilities, you are required to comply with additional disclosure and filing requirements. You will be duly notified if you are required to meet these additional responsibilities.
- a. Form 1, Limited Financial Disclosure. In general, this form includes the reporting person's sources and types of financial interests, such as the names of employers and addresses of real property holdings. No dollar values are required to be listed. You are required to file within 30 days from the date of appointment and by July 1 of each year.
- b. Form 2, Quarterly Client Disclosure. This form includes the disclosure of the names of clients represented by yourself or by any partner or associate of your professional firm for a fee or commission before the County. Such representations do not include ministerial matters or representations on behalf of the County in your official capacity. The form should be filed quarterly and only when reportable representations were made during the quarter.
- c. Form 9, Quarterly Gift Disclosure. The form is filed on the last day of any calendar quarter following the calendar quarter in which you received a gift over \$100.00 other than gifts from relatives, gifts prohibited from being accepted (see below), gifts primarily associated with your business or employment and gifts otherwise required to be disclosed. The form is not filed if no such gift was so received.

- d. Gifts. You are prohibited from soliciting any gift from a political committee or lobbyist who has lobbied the County within the past 12 months or the partner, firm, employer, or principal of such a lobbyist. You are prohibited from directly or indirectly accepting a gift worth over \$100.00 from such a lobbyist; from a partner, firm, employer or principal of the lobbyist; or from a political committee.

## **FLORIDA GOVERNMENT-IN-THE-SUNSHINE LAW SECTION 286.011, FLORIDA STATUTES**

Provides for the public's right of access to governmental proceedings and the decision-making process.

### 1. **Basic Requirements**

- Meetings of public boards or committees must be open to the public;
  - Reasonable notice of such meetings must be given; and
  - Minutes of the meetings must be taken.
- a. Law is equally applicable to elected and appointed boards. Can apply to certain committee meetings of staff.
- b. Applies to any gathering of two or more members of the same board to discuss some matter which will foreseeably come before that board for action.

Question: Does it relate to board business? If so, there is a real probability that the matter will come up or if already decided, may come back before the board in some fashion.

Point: Do not discuss board business outside the properly noticed and scheduled board meeting.

- c. Applies to the entire decision-making process. It is the how and why officials decided to act, not merely the final decision. Thus, the law applies to discussions between two members on actionable issues whether the discussions are formal, informal, or preliminary in nature. In addition, it does not matter what communication method is used - telephone, electronic, mail, social media, etc.
- d. Members cannot discuss board business and/or reach a final decision by the use of secret ballots (votes must be open to review), codes, and/or the use of liaisons. Discussions between members must be audible to the public.
- e. Written correspondence between members. One member's position or information provided in writing to other members is generally okay; however, there must not be any interaction among the members related to the correspondence. The correspondence must not be used as a vehicle for a response or interaction from the other members or used as a substitute for open meeting actions. If written correspondence is circulated among members for

comment with such written comments and/or responses being provided to the other members, this is a violation of the requirements of the open meeting law. Even though the correspondence itself is subject to disclosure under the Florida Public Records Law, the interactive written communication can be held violative of the open-decision-making process. Due to the unintended consequence of other members providing responsive writings, the use of written correspondence by one member to other members outside the meeting is discouraged.

- f. Subcommittees: Subcommittee meetings are normally held to the same standard as the committee meetings. There is a limited exception for strictly fact-finding; however, if the subcommittee is making recommendations and/or taking other actions, they must comply with the open meeting requirements.
  
- g. Single Individual: Ordinarily the law does not apply to an individual member of the board. Certain factual circumstances, however, have arisen where in order to assure the public access to the decision-making process, the courts have concluded that the presence of two members of the same board is not necessary to trigger the open meeting law requirements; i.e.:
  - (1) The individual has been delegated de facto authority on behalf of the board to take actions and/or make decisions on its behalf. The individual functions as the board's alter ego. The open meeting law does not allow the board to circumvent the open process by having one member make decisions for them outside the public meeting.
  - (2) If the member has been authorized only to gather information or function as a fact-finder with all such matters being related back for board consideration at the open meeting, the law does not normally apply. Individual members, committees, and/or subcommittees delegated fact-finding and reporting activities can be an exception to the law. If used, caution dictates how such exception is first established, the authority given, and the need for full disclosure and discussion at the subsequent open meeting.
  
- h. Staff: Meetings of staff employees are not ordinarily subject to the Sunshine Law. Some exceptions may be where there is:
  - (1) A delegated decision-making function outside the ambit of the normal staff function; or
  - (2) A staff employee acting as a liaison between members; or
  - (3) A staff employee acting in place of members at the member's direction.

There are reported cases wherein the courts have held that an employee has ceased to function in his or her staff capacity when appointed to a specific committee or group that has been delegated authority to make material recommendations and/or take substantial acts that could affect certain rights and interests. In general, the courts look at the nature of the act performed, not the make-up of the committee or the proximity of the act to the final decision.

General Examples Noted: Certain appointed Budget, Grievance, and Bid Selection Committees. In creating a staff committee, it is important to review how and why members are selected, committee function in relation to the jobs of the members, and the intended results.

## 2. Meeting Requirements

- a. Meeting Place: Open to the public, access available, opportunity for public participation, out-of-town meetings are discouraged.
- b. Reasonable Notice: Time and manner. Factual circumstances dictate what is "reasonable." This is always better to provide as much notice as possible.
- c. Minutes: Promptly recorded and written. Can be a written summary or synopsis. A tape recording may be made but must be reduced to written minutes. If tape used, it is retained as a public record. Minutes must be retained and open for public inspection as a public record.
- d. Public Participation: Section 286.0114 requires members of the public be given a reasonable opportunity to be heard before official action (a vote) is taken on any proposition.

## 3. Penalties

- a. Individual:
  - (1) A Knowing Violation: 2<sup>nd</sup> Degree Criminal Misdemeanor  
60 Days/\$500.00  
State Attorney's Office
  - (2) Suspension and removal from official duties.
  - (3) Non-Criminal Infraction: Fine not to Exceed \$500.00  
State Attorney's Office.
  - (4) Attorney Fees: If civil action.
- b. Government Body:
  - (1) Civil action for injunctive or declaratory relief.
  - (2) Acts of the government body may be held void.
  - (3) Attorney fees may be imposed.

## **PUBLIC RECORDS SECTION 119.011(1), FLORIDA STATUTES**

All documents and materials made or received by the County and its advisory boards in connection with official business which are used to perpetuate, communicate, or formalize knowledge are considered Public Records.

All such materials, regardless of whether they are in final form, are open for public inspection and copying unless the Legislature has specifically exempted them from disclosure.

The term "Public Record" is not limited to traditional written documents. It includes such materials as tapes, photographs, sound recordings, e-mail, film, etc.

If the purpose of the document and/or material prepared in connection with the official business is to perpetuate, communicate, or formalize knowledge, it is a public record regardless of whether it is in final form or the ultimate product of a board or staff. Thus, however prepared, if any such document is circulated for review, comment, or information, it is a public record, even if marked or intended to be a "preliminary" or "draft" document.

It is only those uncirculated materials which are merely preliminary or precursors to future documents that are not in and of themselves intended to serve as final evidence of the knowledge to be recorded which are not public records.

Examples: Preliminary notes to be used in preparing a public record, uncirculated rough drafts not intended for filing, or final evidence of knowledge.

### **THE PUBLIC HAS THE RIGHT TO INSPECT AND COPY PUBLIC RECORDS:**

#### Inspection and Copying Points:

- Custodian must keep records secure and readily available.
- Custodian must allow the record to be inspected and examined by any person desiring to do so, at any reasonable time.
- Inspection can be done under reasonable conditions, but a custodian may not impose a condition of inspection which operates to restrict the right of access. The custodian's role is to see that the record is reasonably protected from alteration or destruction, but not to frustrate the inspection.
- No special or legitimate interest need be shown by the individual requesting to inspect a public record.
- Custodian cannot refuse a request on the basis that the request is "over broad."
- A request need not be in writing or contain any special information.
- Custodian not required to answer questions, create or reformat its records in a particular form.

- Custodian must allow inspection and copying within limited reasonable time. No automatic delay is permissible. Custodian must retrieve the record, review for any exemptions, and delete any portion of the required claimed exempt from disclosure.
- If a record is exempt from inspection pursuant to law, the basis for the refusal to release their record must be provided. If only a portion of the record is exempt, that portion only can be deleted, but the remaining record must be provided for inspection.
- All exemptions of a public record or portions of a public record must be specifically authorized by law. Exemptions are strictly construed in favor of open records.
- The custodian can charge the fees as authorized by Florida Statute for copies of Public Records; and
- Public records are maintained, stored, and then destroyed pursuant to the rules of the State of Florida.

Penalties:

- Individual:
  - Willful and Knowing Violation: 1<sup>st</sup> Degree Criminal Misdemeanor  
One Year/\$1,000.00  
State Attorney's Office
  - Non-Criminal Infraction - Fine not to Exceed \$500.00  
State Attorney's Office
- Government Body:
 

Injunctive/Declaratory Civil Action: Reasonable costs and attorney fees imposed.