TRANSPORTATION PLANNING ORGANIZATION

Marion County Commission Auditorium
601 SE 25th Avenue, Ocala, FL 34471

January 24, 2017
4:00 PM

AGENDA

1. **CALL TO ORDER AND ROLL CALL**

2. **PROOF OF PUBLICATION**

3. **ACTION ITEMS**

   A. **TRANSIT SHELTER CONTRACT**
   Staff will present the transit shelter proposal for the 11 identified locations for review and approval. Staff is recommending that this agenda item be withdrawn and the standard bid process be followed and brought back to the TPO Board for the February Board Meeting.

   B. **COMMUNITY ASSISTANCE BUS PASS POLICY**
   Staff will present a policy to provide criteria for community partnering agencies to be eligible for bus pass requests. Staff is recommending approval of this policy.

   C. **UNITED WAY BUS PASS REQUEST**
   Scott Quintel, President and CEO of the United Way of Marion County is requesting bus passes as part of the United Way Strong Families Initiative. Staff is recommending approval of this request.

   D. **ELECTRONIC AGENDA**
   Staff will present a request to the Board to eliminate paper agendas to the Board and utilize paperless electronic agendas. Staff is presenting approval of this request.

4. **DISCUSSION ITEMS**

   A. **SUNSHINE LAW REVIEW**
   City Of Ocala Attorney Pat Gilligan will present the Florida Sunshine Law requirements as it pertains to elected officials and staff.

   B. **TRANSIT DEVELOPMENT (TDP) PLAN UPDATE**
   Staff will present a progress report on the TDP update and outline the next steps.

5. **CONSENT AGENDA**

6. **COMMENTS BY FDOT**

   A. **Florida Transportation Plan Policy Element**

   B. **District Five Work Program Public Hearing 2016**

7. **COMMENTS BY TPO STAFF**

8. **COMMENTS BY TPO MEMBERS**

9. **PUBLIC COMMENT (Limited to 5 minutes)**

10. **ADJOURNMENT**

If reasonable accommodations are needed for you to participate in this meeting, please call the TPO Office at (352)629-8297 forty-eight (48) hours in advance so arrangements can be made.

Pursuant to Chapter 286.0105, Florida Statutes, if a person decides to appeal any decision made by the TPO with respect to any matter considered at this meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

The next regular meeting of the Ocala/Marion County Transportation Planning Organization will be held on February 28, 2017.

MEMORANDUM

JANUARY 23, 2017

TO: TPO MEMBERS

FROM: MICHAEL DANIELS, DIRECTOR

SUBJECT: TRANSIT SHELTERS

Due to concerns regarding the requirements to meet the standards needed to "piggy back" onto an existing competitively bid contract, the transit shelter contract will undergo the standard bid process and as a result, no action will be taken on the transit shelters until the bid process has been completed. The transit shelter bid process will be started this week and staff is planning to take this item to the February Board meeting.

At the October 25, 2016 TPO Board meeting, a motion was passed to bid out the construction of 11 transit shelter and corresponding site work. Staff is recommending that staff enter into a contract with Spencer Fabrications for the transit shelter installation and site work. The costs for the shelters and site work are provided. Spencer Fabrication has provided these shelters in Sarasota County and this contract would "piggy back" onto their existing competitively bid contract. Staff has provided the following information below:

- Transit shelter locations
- Transit shelter installation and site work cost quote
- Transit Shelter design(s)
- Existing Sarasota County Contract

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January 18, 2017

TO: **TPO Board Members**

FROM: **Kenneth Odom, Transportation Planner**

RE: **Community Assistance Pass & Discounted Fare Policy**

In an effort to assist various non-profit agencies serving different transportation disadvantaged citizen groups within Marion County, SunTran has issued free bus passes throughout the years. The demand for those passes have increased significantly in recent years. While the TPO Board has typically approved most requests under careful scrutiny, they are becoming more and more frequent to the point that it will not be possible to approve all requests in the future.

The TPO Board recently directed staff to develop a policy that would establish guidelines to follow when bus pass requests are received from outside agencies. Following that directive, TPO staff have researched numerous other fixed-route systems and developed a DRAFT policy tailored to the unique characteristics of SunTran.

The DRAFT policy has been included for your review. TPO staff will present the DRAFT document and solicit the TPO Board for comments and/or recommendations regarding this SunTran Community Assistance Pass & Discounted Fare Program.

If you have any questions regarding the SunTran Community Assistance Pass & Discounted Fare Program, please feel free to contact the TPO staff at 629-8297.

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SunTran Community Assistance Pass & Discounted Fare Programs

SunTran and the Ocala/Marion County Transportation Planning Organization (TPO) understand how important it is to have reliable mobility options available in order to carry on with day-to-day responsibilities in every person's life. It is the goal of these agencies to provide those citizens of Marion County, who need transportation assistance, with dedicated transportation services in order to allow those individuals or families to have access to life sustaining and medical services, employment searches, education and WIC or other basic needs services.

In order to assist our riders, SunTran offers Community Assistance Pass and a Discounted Fare Programs. While the goal of each program is very similar, the programs are significantly different. While discounted fares are available to individual riders based on certain conditions, community assistance bus passes are only available for purchase by qualified organizations. SunTran does not distribute Community Assistance passes directly to individuals.

Communty Assistance Pass Program

The SunTran Community Assistance Pass program is designed to allow transportation disadvantaged rider's access to vital services through the assistance of *qualified organizations*. These organizations are responsible for the acquisition and distribution of passes to those individuals who are in need of transportation support.

Qualified Organizations

Any 501(c)(3) organization that is an established *community partner* of either the City of Ocala or the Marion County Board of County Commissioners, and is committed to serving the citizens of Marion County, is permitted to apply for the SunTran Community Assistance Pass Program. The organization must submit an application to the offices of the Ocala/Marion County TPO for initial staff review. Applications are available at *http://www.ocalafl.org/government/city-departments/suntran*. Required application information will include the purpose of the request, goal of the overall program that the bus passes will benefit, clear dates indicating the beginning and ending of the program, the number of passes requested and the number of participants expected to be involved in the program.

After initial review of the application is submitted, TPO staff will contact the applying agency for an interview in order to discuss the terms of the program that the community assistance passes will be distributed under. Final judgement of the application will be determined by the TPO Board at their earliest available regularly scheduled meeting.

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Community Partners

A Community partner may be, but is not limited to, the following: local, state, national, international, public, community-based, private, governmental and academic organization. Partnerships will promote social service assistance, workforce development, continuing education or health/medical service.

Terms & Conditions

An eligible organization MUST:

- Be a 501(c)(3) not for profit organization;
- Provide services in the health, education or social services field;
- Agree to adhere to all bus pass usage guidelines as outlined in this program;
- Be a community partner with either the City of Ocala or the Marion County Board of County Commissioners.

Community assistance passes may be issued when:

- The individual has reasonable access to the existing SunTran routes;
- The trip(s) are for access to medical or life-sustaining services;
- The trip(s) are for social service appointments such trips to unemployment offices, the Department of Human Services, Social Security offices, etc;
- The trip(s) are for access to basic needs services such as food, clothing and shelter;
- The trip(s) are for adult education services for individuals seeking to obtain a GED;
- The trip(s) are for employment searches or job interviews;
- The trip(s) are to and/or from employment until the receipt of the individual's first paycheck.

Community assistance passes may NOT be used for:

- Regular school attendance or extracurricular activities;
- Transportation to community/special events;
- Shopping (other than for basic services food, clothing or shelter);
- Given to volunteers or staff members;
- Sale to individuals;
- Given away as prizes or giveaways;
- Probation/Parole office appointments.

Community Assistance Pass Purchase

Upon final approval, the applicant will be permitted to place an order to purchase Community Assistance Bus passes at a standard discounted rate of fifty percent (50%) or at terms approved by the TPO Board. SunTran staff will have five (5) business days to prepare the order and an invoice to cover billing of the order. The passes will be available to be picked up at 1805 NE 30th Avenue, Bldg. #900, Ocala, FL 34470 or, if requested, can be mailed to the applicant. Full payment must be made before receipt of Community Assistance bus passes.

Grandfather Clause

The following Community Partners who currently receive bus passes or tokens shall be grandfathered in to receive bus passes or tokens at the following rates. If for any reason these bus passes/tokens are not requested within a calendar year by the following Community Partners, then the grandfather clause expires and all terms of this policy must be met:

Organization	Tokens	Regular Monthly Passes	Cost	Annual Revenue
Devereux Kids	100		$1.50	$150.00
Vets for Vets	360		$1.50	$540.00
United Way		120	$45.00	$5,400.00
Ocala Social Services		120	$45.00	$5,400.00
Totals	460	240		$11,490.00

Discounted Fare Program

Discounted fares are available to individual riders either through daily trip discounts or through monthly passes. Discounted fares are available through youth/student, senior/disabled, Medicare card holder or veteran discounts.

Terms & Conditions

Daily Fares

Discounted daily fares have individual requirements that must be met and/or documented in order to pay the limited rate when boarding the bus.

- Youth/Student Fare ($1.10)
  Student ID from Marion County Educational Institution or Florida ID indicating age is between 6 to 19 years of age.

- Senior/Disabled/Medicare Card Fare ($0.75)
  Riders 65 years or older must provide Florida ID indicating correct age or disabled rider must provide a valid Medicare card.

- Military Veteran ($0.75)
  Veterans must show valid military ID or Veterans Administration ID

- Children Five Years or Younger
  Children five years or younger may ride for free when accompanied by a paying adult.

Monthly Fare Card Rates

Monthly fare cards are available for purchase at authorized outlets by individual riders.

- Regular Monthly Fare $45.00
- Youth/Student $34.00
- Senior/Disabled $23.00

Monthly Fare Card Purchase Locations

Monthly fare cards can be purchased at:

- Publix – Heather Island Plaza — Red Route
  7578 SE Maricamp Road

- Publix – Forty East Shopping Center — Blue Route
  3450 East Silver Springs Boulevard

- Publix – Pearl Britain Plaza — Yellow Route
  2655 NE 35th Street

• College of Central Florida Building #35, Room #102	Orange & Purple Route

January 18, 2017

TO: **TPO Board Members**

FROM: **Kenneth Odom, Transportation Planner**

RE: **United Way – Strong Families Initiative Bus Pass Request**

The United Way of Marion County has recently completed a family outreach pilot program called the Strong Families Initiative and after much success are ready to begin a second round with fifteen new families. Mr. Scot Quintel, President & CEO United Way of Marion County, will describe the overall program and report on the achievements of the pilot families.

In July of 2016, the Ocala/Marion TPO approved of the participation of SunTran in this program by providing thirty (30) free bus passes to some of the participating families. Mr. Quintel once again requests that the TPO Board consider the participation of SunTran in this program by providing twenty-five (25) free/discounted bus passes to assist participating clients who otherwise would not have transportation.

If you have any questions regarding this request for bus passes or the Strong Families Initiative, please feel free to contact the TPO staff at 629-8297.

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STRONG FAMILIES INITIATIVE PROPOSAL

Introduction to the Strong Families Initiative (SFI)

According to the fall of 2014 Asset Limited Income Constrained Employed (A.L.I.C.E.) report 44% of Marion County families struggle to meet their financial needs. To address this, United Way of Marion County is launching our Strong Families Initiative. Strong Families goal is to increase financial stability for the participating families. This program will serve 70-80 adults and children each year.

United Way's Strong Families is a collaborative family outreach initiative launched and led by United Way Marion of County. Strong Families is a unique initiative that leverages our relationships with more than nine (9) non profit partners. Strong Families, in collaboration with employers, local colleges, financial institutions and agencies, seeks to provide families with the best and most comprehensive resources, wraparound support and the services they need to reach real and lasting financial stability. United Way's Strong Families Initiative helps families build stronger financial futures by acquiring skills and education, obtaining better jobs and developing good financial habits.

United Way has partnered with Creative Services, Community Action, Habitat for Humanity, Interfaith, Ocala Housing Authority, Open Arms Village, Shepherd's Lighthouse, The Salvation Army and Volunteers of America.

Needs Statement

Strong Families is requesting continuation of support in the form of bus passes for each participant requiring assistance with transportation. Access to transportation is a barrier that many of our families face. Reliable transportation is critical so that participants are able to access the services this initiative provides. By supplying bus passes for families, SunTran will help ensure that families can participate fully.

United Way of Marion County is requesting bus passes for each participant for the length of time they are participating in the Strong Families Initiative. Specifically, this would require up to 120 bus passes for each skill building session (30 participants x 4 monthly passes).

How Strong Families works:

Through this initiative, United Way of Marion County is partnering with local agencies and serving identified families who can benefit from this effort to increase their financial stability.

Some of the major components of the initiative are:

- Skill Building – 15 weeks of skill building sessions (2 cycles per year).
- Case Management – A case manager will meet with families bi-weekly-- The goals of this case management will include: 1.) Providing resources for each families needs

2.) Ensuring all families is attending the skill building sessions.
3.) Tracking the family's progress toward their goals.

Evaluation

Strong Families Initiative tracks the following data such as:

- Goals for the family – (each family establishes and identifies reasonable goals to meet.)
- Monitor progress towards those goals.
- Current level of public assistance that the family is receives.
- Referrals to other social services.
- Reduction of public services after becoming a Strong Families participant.

Thank you for your consideration of

United Way of Marion County's Strong Families Initiative

MEMORANDUM

JANUARY 20, 2017

TO: TPO MEMBERS

FROM: MICHAEL DANIELS, DIRECTOR

SUBJECT: ELECTRONIC AGENDA

Staff is considering the option of eliminating paper agendas to the TPO Board and seeks the Boards direction. The Marion County Commission and Ocala City Council currently utilize paperless electronic agendas to conduct meetings. In addition the agenda and the packet are posted to the TPO website and available to all Board members and as well as the public.

Staff is considering the following option:

1. The agenda and packet is prepared by staff in an electronic version that is posted on the TPO website and linked to all Board members. The resulting electronic agenda is the same as currently posted and no additional work is required. The paper agenda is eliminated saving staff time.
2. Board members prepare for the meeting using their personal electronic device by accessing the agenda posted on the City's Website.
3. At each meeting, a TPO provided tablet is available on the dais for use by each Board member. The tablet remains in possession of the TPO and are utilized for each Board.
4. At the meeting the elected official can access the agenda and packet using the tablet.

The benefits of eliminating paper agendas include:

- Save staff time;
- Eliminate paper and ink costs.

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Table 1: Costs Associated with Paper copies

Office Supplies	Monthly Costs	Staff Time
Paper	$32	
Dividers	$93	
Ink	$1,310	
Estimated Staff Time		8 hours
Total Cost Per Month	**$1,435**	

Table 2: Costs Associated with Electronic Agendas

Material	Initial Purchase	Staff Time
12 Tablets	$4,668	
Estimated Staff Time		1 hour

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2017 Municipal Government Seminar
(Ethics, Public Records, Sunshine Law, Quasi-Judicial Hearings)

FLORIDA'S CODE OF ETHICS

I. History of Florida's Ethics Laws. Florida has been a leader among the states in establishing ethics standards for public officials and recognizing the right of her people to protect the public trust against abuse. Our state constitution was revised in 1968 to require that a code of ethics for all state employees and non-judicial officers prohibiting conflict between public duty and private interests be prescribed by law the "Code of Ethics for Public Officers and Employees" adopted by the Legislature is found in Chapter 112 (Part III) of the Florida Statutes. Foremost among the goals of the Code is to promote the public interest and maintain the respect of the people for their government. The Code is also intended to ensure that public officials conduct themselves independently and impartially, not using their offices for private gain other than compensation provided by law. While seeking to protect the integrity of government, the Code also seeks to avoid the creation of unnecessary barriers to public service. Criminal penalties which initially applied to violations of the Code were eliminated in 1974 in favor of administrative enforcement. The Legislature created the Commission on Ethics that year "to serve as guardian of the standards of conduct" for public officials, state and local.

II. Role of the Commission on Ethics. In addition to its constitutional duties regarding the investigation of complaints, the commission:

- Renders advisory opinions to public officials.
- Prescribes forms for public disclosure.
- Prepares mailing lists of public officials subject to financial disclosure for use by Supervisors of Elections and the Commission in distributing forms and notifying delinquent filers.
- Makes recommendations to disciplinary officials when appropriate for violations of ethics and disclosure laws, since it does not impose penalties.
- Administers the Executive Branch Lobbyist Registration Law.
- Maintains financial disclosure filings of constitutional officers and state officers and employees.
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.
- Administers automatic fines for public officers and employees who fail to timely file required annual financial disclosure.
- May file suit to void contracts.

III. The Ethics Laws. The ethics laws generally consist of two types of provisions, those prohibiting certain actions or conduct and those requiring that certain disclosures be made to the public. The laws summarized below apply generally to all public officers and employees, state and local, including members of advisory bodies. The principal exception to this broad coverage is the exclusion of judges, as they fall within the jurisdiction of the Judicial Qualifications Commission.

A. Prohibited Actions or Conduct.

1. Solicitation and Acceptance of Gifts. Public officers, employees, local government attorneys, and candidates are prohibited from soliciting or accepting anything of value, such as a gift, loan, reward, promise of future employment, favor, or service that is based on an understanding that their vote, official action, or judgment would be influenced by such gift.

2. Unauthorized Compensation. Public officers or employees, local government attorneys, and their spouses and minor children are prohibited from accepting any compensation, payment, or thing of value when they know, or with the exercise of reasonable care should know, that it is given to influence a vote or other official action.

3. Misuse of Public Position. Public officers and employees, and local government attorneys are prohibited from corruptly using or attempting to use their official positions to obtain a special privilege for themselves or others.

4. Disclosure or Use of Certain Information. Public officers and employees, and local government attorneys are prohibited from disclosing or using information not available to the public and obtained by reason of their public positions for the personal benefit of themselves or others.

B. Prohibited Employment and Business Relationships.

1. Doing Business with one's Agency.

(a) A public employee acting as a purchasing agent, or public officer acting in an official capacity, is prohibited from purchasing, renting, or leasing any realty, goods, or services for his or her agency from a business entity in which the officer or employee, his or her spouse, or child own more than a 5% interest.

(b) A public officer or employee, acting in a private capacity, also is prohibited from renting, leasing, or selling any realty, goods, or services to his or her own agency if the officer or employee is a state officer or employee, or, if he or she is an officer or employee of a political subdivision, to that subdivision or any of its agencies.

2. Conflicting Employment or Contractual Relationship.

(a) A public officer or employee is prohibited from holding any employment or contract with any business entity or agency regulated by or doing business with his or her public agency.

(b) A public officer or employee also is prohibited from holding any employment or having a contractual relationship which will pose a frequently recurring conflict between private interests and public duties or which will impede the full and faithful discharge of public duties.

3. Exemptions. The prohibitions against doing business with one's Agency and having conflicting employment may not apply:

(a) When the business is rotated among all qualified suppliers in a city or county.

(b) When the business is awarded by sealed, competitive bidding and the official, his or her spouse, or child have not attempted to persuade agency personnel to enter the contract.

C. Restrictions on Appointing, Employing, and Contracting with Relatives.

1. Anti-Nepotism Law. A public official is prohibited from seeking for a relative any appointment, employment, promotion or advancement in the agency in which he or she is serving or over which the official exercises jurisdiction or control. No person may be appointed, employed, promoted, or advanced in or to a position in an agency if such action has been advocated by a related public official who is serving in or exercising jurisdiction or control over the agency; this includes relatives of members of collegial government bodies.

2. Exemption. No elected public officer is in violation of the conflicting employment prohibition when employed by a tax exempt organization contracting with his or her agency so long as the officer is not directly or indirectly compensated as a result of the contract, does not participate in any way in the decision to enter into the contract, abstains from voting on any matter involving the employer, and makes certain disclosures.

D. Voting Conflicts of Interest. No county, municipal, or other local public officer shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which the officer knows would inure to the special private gain or loss of any Principal by whom he or she is retained, of the parent organization or subsidiary of a corporate principal by which he or she is retained, of a relative, or of a business associate. The officer must publicly announce the nature of his or her interest before the vote and must file a memorandum of voting conflict on Commission FORM 8B with the meeting's recording officer within 15 days after the vote occurs disclosing the nature of his or her interest in the matter.

E. Disclosures. Conflicts of interest may occur when public officials are in a position to make decisions that affect their personal financial interests. This is why public officers and employees, as well as candidates who run for public office, are required to publicly disclose their financial interests. The disclosure process serves to remind officials of their obligation to put the public interest above personal considerations. It also helps citizens to monitor the considerations of those who spend their tax dollars and participate in public policy decisions or administration. All public officials and candidates do not file the same degree of disclosure; nor do they all file at the same time or place. Thus, care must be taken to determine which disclosure forms a particular official or candidate is required to file.

IV. Penalties. There are no criminal penalties for violation of the Code of Ethics. Penalties for violation of those laws may include: impeachment, removal from office or employment, suspension, public censure, reprimand, demotion, reduction in salary level, forfeiture of no more than one third salary per month for no more than twelve months, a civil penalty not to exceed $10,000, and restitution of any pecuniary benefits received.

V. Advisory Opinions. Conflicts of interest may be avoided by greater awareness of the ethics laws on the part of public officials and employees through advisory assistance from the Commission on Ethics. Any public officer, candidate for public office, or public employee in Florida who is in doubt about the applicability of the standards of conduct or disclosure laws to himself or herself, or anyone who has the power to hire or terminate another public employee, may seek an advisory opinion from the Commission about himself or herself or that employee.

The Public Records Law

I. What is a public record that is open to inspection? Florida Statute, § 119.011(1), F.S., defines "public records" to include:

> 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.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business that are used to perpetuate, communicate or formalize knowledge. *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980). All such materials, regardless of whether they are in final form, are open for public inspection unless the Legislature has exempted them from disclosure. *Wait v. Florida Power & Light Company*, 372 So. 2d 420 (Fla. 1979). The term "public record" is not limited to traditional written documents. As the statutory definition states, "tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission" can all constitute public records.

II. What agencies are subject to the Public Records Act? Florida Statute, § 119.011(2), F.S., defines "agency" to include:

> "any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency".

Article I, s. 24, Fla. Const., establishes a constitutional right of access to any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except those records exempted by law pursuant to Art. I, s. 24, Fla. Const., or specifically made confidential by the Constitution.

(a) Practical considerations.

1. Advisory boards. The definition of "agency" for purposes of Ch. 119, F.S., is not limited to governmental entities. A "public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency" is also subject to the requirements of the Public Records Act. The Attorney General's Office has

concluded that the records of an employee advisory committee, established pursuant to special law to make recommendations to a public hospital authority, are subject to Ch. 119, F.S., and Art. I, s. 24(a), Fla. Const. AGO 96-32. *And see* Inf. Op. to Nicoletti, November 18, 1987, stating that the Loxahatchee Council of Governments, Inc., formed by eleven public agencies to study and make recommendations on local governmental issues was an "agency" for purposes of Ch. 119, F.S.

2. Private organizations. A more complex question is presented when a private corporation or entity provides services for, or receives funds from, a governmental body. The term "agency," as used in the Public Records Act, includes private entities "acting on behalf of any public agency." Section 119.011(2), F.S. The Florida Supreme Court has stated that this broad definition of "agency" ensures that a public agency cannot avoid disclosure by contractually delegating to a private entity that which would otherwise be an agency responsibility. *News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc.*, 596 So. 2d 1029 (Fla. 1992). While the mere act of contracting with, or receiving public funds from, a public agency is not sufficient to subject a private entity to Ch.119, F.S., the following discussion considers when the statute has been held applicable to private entities.

a. Private entities created pursuant to law or by public agencies. The fact that a private entity is incorporated as a nonprofit corporation is not dispositive as to its status under the Public Records Act, but rather the issue is whether the entity is "acting on behalf of " a public agency. The Attorney General's Office has issued numerous opinions advising that if a private entity is created by law or by a public agency, it is subject to Ch. 119 disclosure requirements. The following are some examples of such entities: Pace Property Finance Authority, Inc., created as a Florida nonprofit corporation by Santa Rosa County to provide assistance in the funding and administration of certain governmental programs, AGO 94-34; South Florida Fair and Palm Beach County Expositions, Inc., created pursuant to Ch. 616, F.S., AGO 95-17; rural health networks established as nonprofit legal entities to plan and deliver health care services on a cooperative basis pursuant to s. 381.0406, F.S., Inf. Op. to Ellis, March 4, 1994. *And see* s. 20.41(8), F.S., providing that area agencies on aging, described as "nongovernmental, independent, not-for-profit corporations" are "subject to [the Public Records Act], and, when considering any contracts requiring the expenditure of funds, are subject to ss. 286.011-286.012, relating to public meetings."

b. Private entities contracting with public agencies or receiving public funds. There is no single factor which is controlling on the question of when a private corporation, not otherwise connected with government, becomes subject to the Public Records Act. However, the courts have held that the mere act of contracting with a public agency is not dispositive. *See, e.g., News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc., supra* (private corporation does not act "on behalf of " a public agency merely by entering into a contract to provide architectural services to the agency); *Parsons & Whittemore, Inc. v. Metropolitan Dade County*, 429 So. 2d 343 (Fla. 3d DCA 1983); *Stanfield v. Salvation Army*, 695 So. 2d 501, 503 (Fla. 5th DCA 1997) (contract with county to provide services does not in and of itself subject the organization to Ch.

119 disclosure requirements). *And see Weekly Planet, Inc. v. Hillsborough County Aviation Authority,* 829 So. 2d 970 (Fla. 2d DCA 2002) (fact that private development is located on land the developer leased from a governmental agency does not transform the leases between the developer and other private entities into public records). Similarly, the receipt of public funds, standing alone, is not dispositive of the organization's status for purposes of Ch. 119, F.S. *See Sarasota Herald-Tribune Company v. Community Health Corporation, Inc.,* 582 So. 2d 730 (Fla. 2d DCA 1991) (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); and *Times Publishing Company v. Acton,* No. 99-8304 (Fla. 13th Cir. Ct. November 5, 1999) (attorneys retained by individual commissioners in a criminal matter were not "acting on behalf of " a public agency for purposes of Ch. 119, F.S., even though county commission subsequently voted to pay the legal expenses in accordance with a county policy providing for reimbursement of legal expenses to officers successfully defending charges filed against them arising out of the performance of their official duties). *Cf.* Inf. Op. to Cowin, November 14, 1997 (fact that nonprofit medical center is built on property owned by the city would not in and of itself be determinative of whether the medical center's meetings and records are subject to open government requirements). The courts have relied on "two general sets of circumstances" in determining when a private entity is "acting on behalf of " a public agency and must therefore produce its records under Ch. 119, F.S. *See Weekly Planet, Inc. v. Hillsborough County Aviation Authority,* 829 So. 2d 970, 974 (Fla. 2d DCA 2002); *B & S Utilities, Inc. v. Baskerville-Donovan, Inc.,* 988 So. 2d 17 (Fla. 1st DCA 2008), *review denied,* 4 So. 3d 1220 (Fla. 2009); and *County of Volusia v. Emergency Communications Network, Inc.,* 39 So. 3d 1280 (Fla. 5th DCA 2010). These circumstances are discussed below.

(1) "Totality of factors" test. Recognizing that "the statute provides no clear criteria for determining when a private entity is 'acting on behalf of ' a public agency," the Supreme Court adopted a "totality of factors" approach to use as a guide for evaluating whether a private entity is subject to Ch. 119, F.S. *News and Sun- Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc.,* 596 So. 2d 1029, 1031 (Fla. 1992). The factors listed by the Supreme Court in *Schwab* include the following:

1) the level of public funding;
2) commingling of funds;
3) whether the activity was conducted on publicly-owned property;
4) whether the contracted services are an integral part of the public agency's chosen decision-making process;
5) whether the private entity is performing a governmental function or a function which the public agency otherwise would perform;
6) the extent of the public agency's involvement with, regulation of, or control over the private entity;
7) whether the private entity was created by the public agency;
8) whether the public agency has a substantial financial interest in the private entity;
9) for whose benefit the private entity is functioning.

(2) Delegation test. While the mere act of contracting with a public agency is not sufficient to bring a private entity within the scope of the Public Records Act, 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), approved, 729 So. 2d 373 (Fla. 1999); and *Weekly Planet, Inc. v. Hillsborough County Aviation Authority,* 829 So. 2d 970, 974 (Fla. 2d DCA 2002) (when a public entity delegates a statutorily authorized function to a private entity, the records generated by the private entity's performance of that duty become public records). Stated another way, business records of entities which merely provide services for an agency to use (*e.g.*, legal professional services) are probably not subject to the open government laws. *Memorial Hospital-West Volusia, Inc., supra.* But, if the entity contracts to relieve the public body from the operation of a public obligation such as operating a jail or providing fire protection, the open government laws apply. *Id. And see Dade Aviation Consultants v. Knight Ridder, Inc.,* 800 So. 2d 302, 307 (Fla. 3d DCA 2001) (consortium of private businesses created to manage a massive renovation of an airport was an "agency" for purposes of the Public Records Act because it was created for and had no purpose other than to work on the airport contract; "when a private entity undertakes to provide a service otherwise provided by the government, the entity is bound by the Act, as the government would be"); and *Fox v. News-Press Publishing Company,*545 So. 2d 941, 943 (Fla. 2d DCA 1989) (upholding a trial court decision finding that business records maintained by a towing company in connection with its contract with a city were public records, as the company "was clearly performing what is essentially a governmental function, i.e., the removal of wrecked and abandoned automobiles from public streets and property"). *See also* AGO 08-66 (Public Records Act applies to not-for-profit corporation contracting with city to carry out affordable housing responsibilities and screening applicant files for such housing). *Compare* AGO 87-44 (records of a private nonprofit corporation pertaining to a fund established for improvements to city parks were not public records since the corporation raised and disbursed only private funds and had not been delegated any governmental responsibilities or functions).

III. What kinds of agency records are subject to the Public Records Act? Every possible type of record would be included. For example, public records would include computer records, e-mail, post-it notes, correspondence, investigative notes, personnel files, medical records, attorney notes, police investigative reports and personal financial records to name but a few examples. There are statutory exceptions, but those exceptions are strictly construed.

(a) Practical considerations.

- Email? Yes.
- Voicemail? Yes.
- Text messaging? Yes.
- Facebook/Twitter/Social media? Yes.
- Unrecorded private conversations? No.

(b) Drafts and Notes. While the broad definition of the term "public record" ensures that the public's right of access includes preliminary and non-final records, the *Shevin* decision recognizes that not every record made or received in the course of official business is prepared to "perpetuate, communicate or formalize knowledge." Accordingly, preliminary drafts or notes prepared for the personal use of the writer may constitute mere "precursors" of public records *if* they are not intended to be the final evidence of the knowledge recorded. *See Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla.1980). *And see* the discussion of "attorney notes" on pages 120-121. Thus, public employees' notes to themselves "*which are designed for their own personal use* in remembering certain things does not fall within the definition of 'public record.'" (e.s.) *Justice Coalition v. The First District Court of Appeal Judicial Nominating Commission*, 823 So. 2d 185,192 (Fla. 1st DCA 2002). *Accord Coleman v. Austin*, 521 So. 2d 247 (Fla. 1st DCA 1988), holding that preliminary handwritten notes prepared by agency attorneys and intended only for the attorneys' own personal use are not public records. *See also* AGO 10-55 (handwritten personal notes taken by city manager to assist in remembering matters discussed during manager's interviews of city employees are not public records "if the notes have not been transcribed or shown to others and were not intended to perpetuate, communicate, or formalize knowledge"); and Inf. Op. to Trovato, June 2, 2009 (to the extent city commissioner has taken notes for his own personal use and such notes are not intended to perpetuate, communicate, or formalize knowledge, personal notes taken at a workshop or during a commission meeting would not be considered public records). The relevant test is whether the records have been prepared to "perpetuate, communicate, or formalize knowledge of some type." *See* AGO 05-23, stating that "it is only uncirculated materials that are not in and of themselves intended to serve as the final evidence of the knowledge to be recorded that fall outside of the definition of a public record." *Accord* AGO s 10-55 ("non-final documents need not be communicated to anyone in order to constitute a public record"), and 04-15 (tape recordings of staff meetings made at the request of the executive director by a secretary for use in preparing minutes of the meeting are public records because "they are made at the request of the executive director as an independent record of the proceedings, and, unlike tapes or notes taken by a secretary as dictation, are intended to perpetuate the discussion at a staff meeting"). *See also* Inf. Op. to McLean, December 31, 1998 (where council member's notes represent "formalized knowledge" and thus constitute public records, "the use of portions of the notes to generate another document to be distributed to other members of the council does not create an exception from the Public Records Law for such portions of the notes").

IV. To what extent may an agency regulate or limit inspection and copying of public records? Agency-imposed restrictions are invalid Florida Statute, § 119.07(1)(a), F.S., which establishes a right of access to public records in plain and unequivocal terms:

> Every person who has custody of a public record shall permit the record to be inspected and examined by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public record or the custodian's designee. The custodian shall furnish a copy or a certified copy of the record upon

payment of the fee prescribed by law . . . and for all other copies, upon payment of the actual cost of duplication of the record.

The custodian "is at all times responsible for the custody of public records but when a citizen applies to inspect or make copies of them it is his duty to make provision for this to be done in such a manner as will accommodate the applicant and at the same time safeguard the records." *Fuller v. State ex rel. O'Donnell*, 17 So. 2d 607 (Fla. 1944). Thus, the right of inspection may not be frustrated or circumvented through indirect means such as the use of a code book. *State ex rel. Davidson v. Couch,* 158 So. 103, (Fla. 1934) (right of inspection was "hindered and obstructed" by city "imposing conditions to the right of examination which were not reasonable nor permissible under the law"). Accordingly, the "reasonable conditions" referred to in s. 119.07(1), F.S., do not include anything that would hamper or frustrate, directly or indirectly, a person's right of inspection and copying. The term "refers not to conditions which must be fulfilled before review is permitted but to reasonable regulations that would permit the custodian of records to protect them from alteration, damage, or destruction and also to ensure that the person reviewing the records is not subjected to physical constraints designed to preclude review." *Wait v. Florida Power & Light Company*, 372 So. 2d 420, 425 (Fla. 1979). The Public Records Act is applicable to letters or other documents received by a public official in his or her official capacity. AGO 77-141. As with other public records, upon receipt of a public records request for correspondence, the custodian should retrieve the records, review them for exemptions and allow public inspection of the ‘nonexempt material.

V. What are the statutory exemptions? The exemptions themselves are quite numerous. Examples of the common exemptions are: active criminal investigations, autopsy reports, “Baker Act” reports, juvenile records, sexual assault records, law enforcement and judicial officer information, hospital and medical records, education records, child abuse records to name a few. For city council there probably are not any that would routinely apply.

VI. What fees may lawfully be imposed for inspecting and copying public records? Providing access to public records is a statutory duty imposed by the Legislature upon all record custodians and should not be considered a profit-making or revenue-generating operation. Thus, public information must be open for inspection without charge unless otherwise expressly provided by law. *State ex rel. Davis v. McMillan*, 38 So. 666 (Fla. 1905). Accordingly, an agency is not authorized to impose a fee upon persons who wish to listen to tape recordings of city commission meetings. An agency may not precondition the inspection of a public document on the payment of a fee; the fact that the record sought to be inspected is a tape recording as opposed to a written document is of no import insofar as the imposition of a fee for inspection is concerned.

Section 119.07(1)(b), F.S., authorizes the imposition of a special service charge when the nature or volume of public records to be inspected is such as to require *extensive* use of information technology resources, or *extensive* clerical or supervisory

assistance, or both. The charge must be reasonable and based on the labor or computer costs actually incurred by the agency. Thus, an agency may adopt a policy imposing a reasonable special service charge based on the actual labor cost (base hourly salary) for clerical personnel who are required, due to the nature or volume of a public records request, to safeguard such records from loss or destruction during their inspection. AGO 00-11. In doing so, however, the county's policy should reflect no more than the actual cost of the personnel's time and be sensitive to accommodating the request in such a way as to ensure unfettered access while safeguarding the records.

An agency is also required to provide *copies* of public records if asked. Florida Statute, § 119.07(1), F.S., provides that the custodian shall furnish a copy or a certified copy of a public record upon payment of the fee prescribed by law. *See*, *Fuller v. State ex rel. O'Donnell,* 17 So. 2d 607 (Fla. 1944)

What fees may be charged for copies? Chapter 119 does not prohibit agencies from providing informational copies of public records without charge. AGO 90-81. An agency may, however, charge a fee for copies provided that the amount of the fee does not exceed that authorized by Ch. 119, F.S., or established elsewhere in the statutes for a particular record. If no fee is prescribed elsewhere in the statutes, s. 119.07(1)(a), F.S., authorizes the custodian to charge a fee of up to 15 cents per one-sided copy for copies that are 14 inches by 8½ inches or less. An agency may charge no more than an additional 5 cents for each two-sided duplicated copy. A charge of up to $1.00 per copy may be assessed for a certified copy of a public record. For other copies, the charge is limited to the actual cost of duplication of the record. Section 119.07(1)(a), F.S.

VII. How long must an agency retain a public record? Florida Statute, § 119.05, provides that whoever has custody of public records shall deliver such records to his or her successor at the expiration of his or her term of office or, if there is no successor, to the records and information management program of the Division of Library and Information Services of the Department of State.

Florida Statute, § 119.01(4), requires agencies to establish a program for the disposal of records without sufficient legal, fiscal, administrative, or archival value pursuant to retention schedules established by the records and information management program of the Division of Library and Information Services (division) of the Department of State (department). Agency orders that comprise final agency action and that must be indexed pursuant to s. 120.53(1), shall be permanently maintained pursuant to applicable procedures of the department. Section 119.041(2). Section 257.36(6), states that a "public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the division." The division is required to adopt reasonable rules relating to destruction and disposition of records. The rules establish procedures for submission of records-retention schedules, for the physical destruction or other disposal of records, and standards for the reproduction of records for security or with a view to the disposal of the original record.

Florida's Government-in-the-Sunshine Law

I. Introduction. The Sunshine Law recognizes a Public Policy of Open Government. "The people will ever suspect the remedies for the diseases of the state where they are wholly excluded from seeing how they are prepared". George Savile (1 Marquis of Halifax, 1633- 1695) Although George Savile's strong endorsement of open government occurred more than three centuries ago, his cogent observation is still relevant today.

II. What is the scope of the Sunshine Law? Florida's Government in the Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. The law is equally applicable to elected and appointed boards and has been applied 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. There are three basic requirements of Florida Statute, § 286.011:

(1) meetings of public boards or commissions must be open to the public;

(2) reasonable notice of such meetings must be given; and

(3) minutes of the meetings must be taken.

III. What agencies are covered by the Sunshine Law? The Government in the Sunshine Law applies to any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision. For example the following are boards subject to the Sunshine Law: county and municipal boards, downtown redevelopment task force, board of adjustment, beautification committee, board of governors of municipal country club, interlocal agreement boards and regional sewer facility boards.

A. Advisory boards. Publicly created advisory boards whose powers are limited to making recommendations to a public agency and which possess no authority to bind that agency in any way <u>are subject to</u> the Sunshine Law.

B. Fact-finding committees. A limited exception to the applicability of the Sunshine

Law to advisory committees has been recognized for committees established for fact-finding only. When a committee has been established strictly for, and conducts only, fact-finding activities, *i.e.*, strictly information gathering and reporting, the activities of that committee are not subject to the Sunshine Law.

C. Private organizations. The Attorney General's Office has recognized that private organizations generally are not subject to the Sunshine Law unless the private organization has been created by a public entity, has been delegated the authority to perform some governmental function, or plays an integral part in the decision-making

process of a public entity. AGO 07-27. However, the Sunshine Law applies to private entities created by law or by public agencies, and to private entities providing services to governmental agencies and acting on behalf of those agencies in the performance of their public duties.

a. Private entities created pursuant to law or by public agencies. The Supreme Court has stated that "[t]he Legislature intended to extend application of the 'open meeting' concept so as to bind every 'board or commission' of the state, or of any county or political subdivision over which [the Legislature] has dominion or control." *City of Miami Beach v. Berns,* 245 So. 2d 38, 40 (Fla. 1971). Thus, if a private entity has been created by law or by a public agency to perform a public function, the Sunshine Law generally applies. *See* AGO 00-08 ("a board or commission created by a public agency or entity is subject to section 286.011, Florida Statutes"). For example, in AGO 04-44, the Attorney General advised that a nonprofit corporation established by state law to manage corrections work programs of the Department of Corrections, was subject to the Sunshine Law. *And see* AGO s 98-42 (association legislatively designated as the governing organization of athletics in Florida public schools), 97-17 (not-for-profit corporation created by a city redevelopment agency to assist in the implementation of its redevelopment plan), and 98-01(board of trustees of an insurance trust fund created pursuant to collective bargaining agreement between a city and the employee union). *Cf.* s. 20.41(6) and (8), F.S., providing that area agencies on aging, described as "nongovernmental, independent, not-for-profit corporations" are "subject to [the Public Records Act], and, when considering any contracts requiring the expenditure of funds, are subject to ss. 286.011-286.012, relating to public meetings."

b. Private entities providing services to public agencies. Much of the litigation regarding the application of the open government laws to private organizations doing business with public agencies has been in the area of public records, and the courts have often looked to Ch. 119, F.S., in determining the applicability of the Sunshine Law. *See Cape Coral Medical Center, Inc. v. News-Press Publishing Company, Inc.,* 390 So. 2d 1216, 1218n.5 (Fla. 2d DCA 1980) (inasmuch as the policies behind Ch. 119, F.S., and s. 286.011, F.S., are similar, they should be read together); *Wood v. Marston,* 442 So. 2d 934, 938 (Fla. 1983); and *Krause v. Reno,* 366 So. 2d 1244, 1252 (Fla. 3d DCA 1979). As the courts have emphasized in analyzing the application of Ch. 119, F.S., to entities doing business with governmental agencies, the mere receipt of public funds by private corporations, is not, standing alone, sufficient to bring the organization within the ambit of the open government requirements. *See, e.g., News and Sun-Sentinel Company v. Schwab, Twitty & Hanser Architectural Group, Inc.,* 596 So. 2d 1029 (Fla. 1992) (records of private architectural firm not subject to Ch. 119, F.S., merely because firm contracted with school board). Similarly, a private corporation performing services for a public agency and receiving compensation for such services is not by virtue of this relationship alone subject to the Sunshine Law unless the public agency's governmental or legislative functions have been delegated to it. *McCoy Restaurants, Inc. v. City of Orlando,* 392 So. 2d 252 (Fla. 1980) (airlines are not by virtue of their lease with the aviation authority public representatives subject to the Sunshine Law); and

AGO 98-47 (Sunshine Law does not apply to private nongovernmental organization when the organization counsels and advises private business concerns on their participation in a federal loan program made available through a city). *Cf.* AGO 80-45 (the receipt of Medicare, Medicaid, government grants and loans, or similar funds by a private nonprofit hospital does not, standing alone, subject the hospital to the Sunshine Law); and Inf. Op. to Gaetz and Coley, December 17, 2009 (mere receipt of federal grant does not subject private economic development organization to Sunshine Law). However, although private entities are generally not subject to the Sunshine Law simply because they do business with public agencies, the Sunshine Law can apply if a public entity has delegated "the performance of its public purpose" to a private entity. *Memorial Hospital-West Volusia, Inc.* v. News-Journal Corporation, 729 So. 2d 373, 382-383 (Fla. 1999). Thus, in *Keesler v. Community Maritime Park Associates, Inc.*, 32 So. 3d 659, 660 (Fla. 1st DCA 2010), *review denied,* 47 So. 3d 1289 (Fla. 2010), the court deemed it "undisputed" that a not-for-profit corporation charged by the City of Pensacola with overseeing the development of public waterfront property "is subject to the requirements of the Sunshine Law." *Compare Memorial Hospital-West Volusia, Inc. v. News-Journal Corporation*, 927 So. 2d 961 (Fla. 5th DCA 2006), in which the Fifth District applied the "totality of factors" test set forth in *News and Sun- Sentinel Co. v. Schwab, Twitty & Hanser Architectural Group, Inc., supra,* and determined that a private corporation that purchased a hospital it had previously leased from a public hospital authority was not "acting on behalf of " a public agency and therefore was not subject to the Public Records Act or the Sunshine Law. In accordance with these principles, the Attorney General's Office has found meetings of the following entities to be subject to the Sunshine Law: Family Services Coalition, Inc., board of directors, performing services for the Department of Children and Families which services would normally be performed by the department, AGO 00-03; Astronauts Memorial Foundation when performing duties funded under the General Appropriations Act, AGO 96-43; nonprofit organization designated by county to fulfill role of county's dissolved cultural affairs council, AGO 98-49; nonprofit corporation specifically created to contract with county for operation of a public golf course on county property acquired by public funds, AGO 02-53; downtown redevelopment task force which, although not appointed by city commission, stood in place of the city commission when considering downtown improvement issues, AGO 85-55; and a private nonprofit corporation, if the county accepts the corporation's offer to review, recodify and prepare draft amendments to the county zoning code, AGO 83-95. *Cf.* Inf. Op. to Bedell, December 28, 2005 (private nonprofit organization which entered into an agreement with a city to operate a theater, received city funding in the form of a loan for this purpose, and leased property from the city, should comply with the Sunshine Law when holding discussions or making decisions regarding the theater).

c. Application of the Sunshine Law to specific private entities.

(1) Direct-support organizations. In AGO 05-27, after reviewing the responsibilities of a nonprofit corporation created pursuant to statute as a direct-support organization and the organization's relationship to the public agency, the Attorney General's Office concluded that the organization was subject to the Sunshine Law. *See also* Inf. Op. to Chiumento, June 27, 1990 (Sunshine Law applies to school district direct-support

organizations created pursuant to statute; although the direct support organizations "constitute private nonprofit corporations, they seek to assist the district school board in carrying out its functions of meeting the educational needs of the students in the county"). *And see* AGO s 92-53 (John and Mable Ringling Museum of Art Foundation, Inc., established pursuant to statute as a not-for-profit corporation to assist the museum in carrying out its functions subject to Sunshine Law), and 11-01 (Sunshine Law applies to Biscayne Park Foundation, Inc., created as a nonprofit foundation to act as an instrumentality on behalf of the Village of Biscayne Park and intended to enhance the Village's opportunities to raise monies through special events, sponsorships, donations, and grants for the Village).

(2) Economic development organizations. The Sunshine Law applies to a private economic development entity when there has been a delegation of a public agency's authority to conduct public business such as carrying out the terms of the county's economic development strategic plan. AGO 10-30. *See also* AGO 10-44 (Sunshine Law applies to nonprofit corporation delegated authority to carry out the terms of the county's green economic development plan). *Compare* Inf. Op. to Gaetz and Coley, December 17, 2009 (open government laws did not apply to private economic development corporation since no delegation of a public agency's governmental function was apparent and the corporation did not appear to play an integral part in the decision-making process of the agency). *Accord* Inf. Op. to Hatcher and Thornton, September 15, 1992 (Sunshine Law not applicable to private nonprofit corporation established by local business people to foster economic development where no delegation of legislative or governmental functions by any local governmental entity has occurred and the corporation does not act in an advisory capacity to any such entity).

IV. What is a meeting subject to the Sunshine Law? The Sunshine Law extends to the discussions and deliberations as well as the formal action taken by a public board or commission. There is no requirement that a quorum be present for a meeting of members of a public board or commission to be subject to Florida Statute, §. 286.011. Instead, the law is applicable to *any* gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which *foreseeable action* will be taken by the public board or commission. Thus, discussions between two members of a three-member complaint review board regarding their selection of the third member of the board must be conducted in accordance with the Sunshine Law. It is the how and the why officials decided to so act which interests the public, not merely the final decision.

V. What types of discussions are covered by the Sunshine Law?

A. Informal discussions, workshops. The Sunshine Law applies to *any* gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which *foreseeable action* will be taken by the public board or commission. As the Florida Supreme Court said, "collective inquiry and discussion stages" are embraced within the terms of the statute. *Town of Palm Beach v. Gradison*, 296 So. 2d 474, 477 (Fla. 1974).

B. Investigative meetings. The Sunshine Law is applicable to investigative inquiries of public boards or commissions. The fact that a meeting concerns alleged violations of laws or regulations does not remove it from the scope of the law. AGO 74-84; *Canney v. Board of Public Instruction of Alachua County*, 278 So. 2d 260 (Fla. 1973).

C. Meetings to consider confidential material. The Florida Supreme Court has stated that in the absence of a statute exempting a meeting in which privileged material is discussed, Florida Statute, § 286.011, should be construed as containing no exceptions. *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971).

D. Legal matters. In the absence of a legislative exemption, discussions between a public board and its attorney are subject to Florida Statute, § 286.011. *Neu v. Miami Herald Publishing Company*, 462 So. 2d 821 (Fla. 1985). *But see, Florida Parole and Probation Commission v. Thomas*, 364 So. 2d 480 (Fla. 1st DCA 1978), stating that all decisions taken by legal counsel to a public board need not be made or approved by the board; thus, the decision to appeal made by legal counsel after private discussions with the individual members of the board did not violate Florida Statute, § 286.011. There are statutory exemptions, however, which apply to some discussions of pending litigation between a public board and its attorney.

E. Settlement negotiations or strategy sessions related to litigation expenditures. Section 286.011(8), F.S., provides: Notwithstanding the provisions of subsection (1), any board or commission of any state agency or authority or any agency or authority of any county, municipal corporation, or political subdivision, and the chief administrative or executive officer of the governmental entity, may meet in private with the entity's attorney to discuss pending litigation to which the entity is presently a party before a court or administrative agency, *provided certain conditions are met:*
(a) The entity's attorney shall advise the entity at a public meeting that he or she desires advice concerning the litigation.(b) The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures. (c) The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussion and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the entity's clerk within a reasonable time after the meeting. (d) The entity shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the persons chairing the meeting shall announce the commencement and estimated length.

F. Disciplinary proceedings, grievances, and appeals. A meeting of a commission to conduct an employee termination hearing is subject to the Sunshine Law. The Sunshine Law applies to board discussions concerning grievances. AGO 76-102. *And see, Palm Beach County Classroom Teacher's Association v. School Board of Palm Beach County*, 411 So. 2d 1375 (Fla. 4th DCA 1982), in which the court affirmed the

lower tribunal's refusal to issue a temporary injunction to exclude a newspaper reporter from a grievance arbitration hearing. A collective bargaining agreement cannot be used "to circumvent the requirements of public meetings" in s. 286.011, F.S. *Id*. at 1376. *See also*, AGO 84-70 (staff committee created to make nonbonding recommendations to a county administrator regarding disposition of employee grievances is subject to s. 286.011, F.S.).

G. Employee advisory boards. Advisory boards whose powers are limited to making recommendations to a public agency and which possess no authority to bind that agency in any way are subject to the Sunshine Law. *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). *See also*, AGO 92-26 (personnel committee responsible for making recommendations to the city council on personnel matters subject to s. 286.011, F.S.). A limited exemption to the applicability of the Sunshine Law has been recognized for citizen or staff advisory committees established for fact-finding only. Thus, in *Bennett v. Warden*, 333 So. 2d 97 (Fla. 2d DCA 1976), the court held that a fact-finding committee appointed by a community college president to report to him on employee working conditions was not subject to the Sunshine Law.

H. Evaluations. Meetings of a board to evaluate employee performance are not exempt from the Sunshine Law. *See*, AGO 89-37 (Sunshine Law applies to meetings of a board of county commissioners when conducting job evaluations of county employees). A board that is responsible for assessing the performance of its chief executive officer (CEO) should conduct the review and appraisal process in a proceeding open to the public as prescribed by Florida Statute, § 286.011, instead of using a review procedure in which individual board members evaluate the CEO's performance and send their individual written comments to the board chairman for compilation and subsequent discussion with the CEO. AGO 93-90. However, meetings of individual school board members with the superintendent to discuss the individual board members' evaluations do not violate the Sunshine Law when such evaluations do not become the board's evaluation until they are compiled and discussed at a public meeting by the school board for adoption by the board. AGO 97-23.

I. Interviews. The Sunshine Law applies to meetings of a board of county commissioners when interviewing applicants for county positions appointed by the board, when conducting job evaluations of county employees answering to and serving at the pleasure of the board, and when conducting employment termination interviews of county employees who serve at the pleasure of the board. AGO 89-37. S*ee*, AGO 75-37 (state commission must conduct interviews relating to hiring of its lawyer in public); and AGO 71-389 (district school board conducting employment interviews for district school superintendent applicants would violate the Sunshine Law if such interviews were held in secret).

J. Selection and screening committees. The Sunshine Law applies to advisory committees created by an agency to assist in the selection process. For example, in *Wood v. Marston*, 442 So. 2d 934 (Fla. 1983), a committee created to screen applications and make recommendations for the position of a law school dean was held to be subject to

Florida Statute, § 286.011. However, if the sole function of the screening committee is simply to gather information for the decision-maker, rather than to accept or reject applicants, the committee's activities are outside the Sunshine Law. Thus, in *Cape Publications, Inc. v. City of Palm Bay*, 473 So. 2d 222 (Fla. 5th DCA 1985), the district court considered whether certain activities of the city and the city manager violated the Sunshine Law. The city charter placed sole responsibility for the selection of the police chief in the city manager. However, when it became necessary to select a new chief of police, the city manager asked several people to sit in on the interviews. The only function of this group was to assist the city manager in acquiring information on the applicants he had chosen by asking questions during the interviews and then discussing the qualifications of each candidate with the city manager after the interview. The court stated that because the record demonstrates that the committee selected by the city manager had the sole function of assisting him with "fact-finding," to supply him with the necessary information so that he could properly exercise his duties and responsibility in selecting a new chief of police, and because the committee had no decision-making function such as authority to screen, interview or recommend applicants to the city manager, the group was not a "board" within the contemplation of the Sunshine Law.

K. Purchasing or bid evaluation committees. A committee appointed by a college's purchasing director to consider proposals submitted by contractors was deemed to be subject to the Sunshine Law because its function was to "weed through the various proposals, to determine which were acceptable and to rank them accordingly." *Silver Express Company v. District Board of Lower Tribunal Trustees*, 691 So. 2d 1099, 1100 (Fla. 3d DCA 1997). *Accord*, Inf. Op. to Lewis, March 15, 1999 (panels established by state agency to create requests for proposals and evaluate vendor responses are subject to the Sunshine Law). In *Port Everglades Authority v. International Longshoremen's Association, Local 1922-1*, 652 So. 2d 1169, 1170 (Fla. 4th DCA 1995), the court ruled that a board's selection and negotiation committee violated the Sunshine Law by requesting that bidders voluntarily excuse themselves from each others' presentations. The court found that the committee's actions "amounted to a *de facto* exclusion of the competitors, especially since the 'request' was made by an official directly involved with the procurement process."

L. Quasi-judicial proceedings. The Florida Supreme Court has stated that there is no exception to the Sunshine Law which would allow closed-door hearings or deliberations when a board or commission is acting in a "quasi-judicial" capacity. *Canney v. Board of Public Instruction of Alachua County*, 278 So. 2d 260 (Fla. 1973).

M. Real property negotiations. In the absence of a statutory exemption, the negotiations by a public board or commission for the sale or purchase of property must be conducted in the sunshine. *See, City of Miami Beach v. Berns*, 245 So. 2d 38, 40 (Fla. 1971) (city commission not authorized to hold closed sessions to discuss condemnation issues). In addition, if the authority of the public board or commission to acquire or lease property has been delegated to a single member, that member is subject to s. 286.011, F.S., and is prohibited from negotiating the acquisition or lease of the property in secret. AGO 74-294.

N. Members of different boards. The Sunshine Law does not apply to a meeting between individuals who are members of *different* boards *unless* one or more of the individuals has been delegated the authority to act on behalf of his or her board. *Rowe v. Pinellas Sports Authority*, 461 So. 2d 72 (Fla. 1984). An individual city council member may, therefore, meet privately with an individual member of the municipal planning and zoning board to discuss a recommendation made by that board since two or more members of either board are not present, provided that no delegation of decision-making authority has been made and neither member is acting as a liaison.

O. Mayor and a member of the city council. If the mayor is a member of the council or has a voice in decision-making through the power to break tie votes, meetings between the mayor and a member of the city council to discuss some matter which will come before the city council are subject to the Sunshine Law. If the mayor and city administrator are both members of a committee which is responsible for making recommendations to the city council on personnel matters, discussions between the mayor and city administrator on matters which foreseeably will come before the personnel committee for action are governed by s. 286.011, F.S.). Where, however, the mayor is *not* a member of the city council and does not possess any power to vote even in the case of a tie vote but possesses only the power to veto legislation, then the mayor may privately meet with an individual member of the city council without violating the Sunshine Law, provided the mayor is not acting as a liaison between members and neither the mayor nor the council member has been delegated the authority to act on behalf of the council.

VI. What are the notice and procedural requirements of the Sunshine Law?

A. Reasonable notice required. The Sunshine Law requires "reasonable notice" of all meetings. Notice is required even though meetings of the board are "of general knowledge" and are not conducted in a closed door manner. An agency must give notice at such time and in such a manner as will enable the media and the general public to attend the meeting. The purpose of the notice requirement is to apprise the public of the pendency of matters that might affect their rights, afford them the opportunity to appear and present their views, and afford them a reasonable time to make an appearance if they wish.

B. Inspection trips. Members of a public board or commission are not prohibited under the Sunshine Law from conducting inspection trips. However, if discussions relating to the business of the board will occur between board members during an inspection trip, then the requirements of s. 286.011, F.S., must be met -- advance notice must be given, the public must be afforded a reasonable opportunity to attend, and minutes must be promptly recorded and made available for inspection. In some cases, it may not be possible to invite the general public to attend inspection trips.

C. Luncheon meetings. Public access to meetings of public boards or commissions is the key element of the Sunshine Law and public agencies are advised the Attorney General to avoid holding meetings in places not easily accessible to the public.

That office, therefore, has suggested that public boards or commissions avoid the use of luncheon meetings to conduct board or commission business.

D. Out-of-town meetings. For a meeting to be "public," the public must be given advance notice and provided with a reasonable opportunity to attend. Accordingly, a school board workshop held outside county limits over 100 miles away from the board's headquarters violated the Sunshine Law where the only advantage to the board resulting from the out-of-town gathering (elimination of travel time and expense due to the fact that the board members were attending a conference at the site) did not outweigh the interests of the public in having a reasonable opportunity to attend. Rhea v. School Board of Alachua County, 636 So. 2d 1383 (Fla. 1st DCA 1994). The court refused to adopt a rule prohibiting any board workshops from being held at a site more than 100 miles from its headquarters; instead, the court held that a balancing of interests test is the most appropriate method to determine which interest predominates in a given case.

E. Inaudible discussions. A violation of the Sunshine Law may occur if, during a recess of a public meeting, board members discuss issues before the board in a manner not generally audible to the public attending the meeting. Although such a meeting is not clandestine, it nonetheless violates the letter and spirit of the law.

F. Exclusion of certain members of the public. The term "open to the public" as used in the Sunshine Law means open to all persons who choose to attend. Authority to adopt reasonable rules in providing an opportunity for public participation which ensure the orderly conduct of a public meeting and which require orderly behavior on the part of those persons attending, may be adopted by a public board. For example, a rule which limits the amount of time an individual may address the board could be adopted provided that the time limit does not unreasonably restrict the public's right of access.

G. Secret ballots. Board members are not prohibited from using written ballots to cast a vote as long as the votes are made openly at a public meeting, and the ballots are maintained and made available for public inspection in accordance with the Public Records Act. There is nothing wrong with the votes being recorded on the vote sheet as long as they are made openly at a public meeting and so long as the vote sheets are available for public inspection. By contrast, a secret ballot violates the Sunshine Law.

H. Abstention from voting. Section 286.012, F.S., provides: No member of any state, county or municipal governmental board, commission, or agency who is present at any meeting of any such body at which an official decision, ruling, or other official act is to be taken or adopted may abstain from voting . . . a vote shall be recorded or counted for each such member present, except when, with respect to any such member, there is, or appears to be, a possible conflict of interest under . . . s. 112.311, s. 112.313, or s. 112.3143, F.S. (e.g.) Within 15 days of the vote, the officer must disclose the nature of his or her interest in a memorandum filed with the person responsible for recording the minutes of the meeting who shall incorporate the memorandum in the minutes. Section 112.3143(3)(a), F.S.

VII. What are the statutory exceptions to the law? The Sunshine Law is to be liberally construed while exceptions to the law are to be narrowly construed. As a statute enacted for the public benefit, the Sunshine Law should be liberally construed to give effect to its public purpose while exemptions should be narrowly construed. The courts have recognized that the Sunshine Law should be construed so as to frustrate all evasive devices.

VIII. What are the consequences for violations of the Sunshine Law?

A. Criminal penalties. Any public officer who *knowingly* violates the Sunshine Law is guilty of a misdemeanor of the second degree. A person convicted of a second degree misdemeanor may be sentenced to a term of imprisonment not to exceed 60 days and/or fined up to $500.

B. Removal from office. The Governor may suspend an elected or appointed public officer who is indicted or informed against for any misdemeanor arising directly out of his or her official duties. If convicted, the officer may be removed from office by executive order of the Governor.

C. Noncriminal infractions. The Sunshine Law also imposes noncriminal penalties for violations by providing that any public officer violating the provisions of the Sunshine Law is guilty of a noncriminal infraction, punishable by a fine not exceeding $500.

D. Attorney's fees. Reasonable attorney's fees will be assessed against a public officer found to have violated. Attorney's fees may be assessed against the individual members of the board except in those cases where the board sought, and took, the advice of its attorney; such fees may not be assessed against the individual members of the board.

QUASI-JUDICIAL MEETINGS
JENNINGS AND SNYDER

I. Basic Property Rights:

* Article I, Section 2 of the Florida Constitution entitles every Florida citizen to "acquire, possess and protect property".

* Article I, Section 9 of the Florida Constitution holds that persons shall not be "deprived of life, liberty, or property without due process of law".

* Fifth Amendment of U.S. Constitution likewise holds that "no persons shall be … deprived of life, liberty or property without due process of law. Due process starts with you.

II. Jennings v. Dade County, 589 So. 2d 1337 (Fla. 3rd DCA 1991) Land use decision affecting limited number of property owners is "quasi-judicial" action rather than "legislative" action.

* Quasi-judicial proceedings are not controlled by strict rules of evidence and procedure.

* Quasi-judicial hearing generally meets basic due process requirements if parties are provided notice of hearing and opportunity to be heard.

* In quasi-judicial zoning proceedings, parties must be able to present evidence, cross-examine witnesses, and be informed of all facts upon which a council or commission acts.

* Ex parte communication between landowner's lobbyist and county commissioners before they voted to approve use variance for landowner could violate due process despite adjacent landowner's actual or constructive knowledge of communication and failure to subpoena lobbyist.

* Ex parte communications are inherently improper and are anathema to quasi-judicial proceedings; quasi-judicial officer should avoid all such contacts where they are identifiable.

* Occurrence of ex parte communication in quasi-judicial proceeding does not mandate automatic reversal.

* Upon aggrieved party's proof that ex parte contact occurred with decision makers in quasi-judicial proceeding, its effect is presumed to be prejudicial, unless defendant proves contrary by competence evidence.

* In determining prejudicial effect of ex parte communication allegedly violating due process in quasi-judicial proceeding, trial court should consider the following criteria: what was gravity of ex parte communication; whether contacts may have influenced agency's ultimate decision; whether party making improper contacts benefited from agency's ultimate decision; whether contents of communications were unknown to opposing parties; and whether vacating of agency's decision on remand for new proceedings would serve useful purpose.

* Once claim of prejudicial ex parte communication in quasi-judicial proceeding before county commission is established, offending party will be required to prove absence of prejudice.

III. Statutory Changes. Subsequent to Jennings the legislature passed the following statute:

> **286.0115. Access to local public officials; quasi-judicial proceedings on local government land use matters**
>
> (1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.
>
> (b) As used in this subsection, the term "local public official" means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.
>
> (c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.
>
> 1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.
>
> 2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them.

Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decision making body who is not a party or party- intervenor shall be allowed to testify before the decision making body, subject to control by the decision making body, and may be requested to respond to questions from the decision making body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decision making body shall assign weight and credibility to such testimony as it deems appropriate. <u>A party or party- intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.</u>

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decision making body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decision making body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decision making body. All decisions of the decision making body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

IV. Board of County Commissioners of Brevard County v. Snyder, 627 So. 2d 469 (Fla. 1993)

* Rulings of county board of commissioners acting in its **quasi-judicial capacity** are subject to appellate review and will be upheld only if they are supported by **substantial competent evidence**.

* It is character of hearing that determines whether or not county board action is legislative or quasi-judicial, for purposes of judicial review; generally speaking, legislative action results in formulation of a general rule of policy, whereas judicial action results in application of a general rule of policy.

* Comprehensive re-zonings affecting a large portion of the public are legislative in nature, and are subject to "fairly debatable" standard of review; however, rezoning actions which can be viewed as policy application, rather than policy setting, and which have an impact on a limited number of persons or property owners are quasi-judicial in nature; on such review they are subject to strict scrutiny and to substantial evidence standard.

* Even where denial of a zoning application would be inconsistent with comprehensive plan, local government should have discretion to decide that maximum development density should not be allowed provided governmental body approves some development that is consistent with the plan and government's decision is supported by substantial, competent evidence.

* Landowner who demonstrates that proposed use is consistent with comprehensive zoning plan is presumptively entitled to such use if opposing governmental agency fails to prove by clear and convincing evidence that specifically stated public necessity requires a more restricted use; property owner is not necessarily entitled to relief by proving such consistency when agency action is also consistent with plan.

* Landowner seeking to rezone property has burden of proving that proposal is consistent with comprehensive plan and complies with all procedural requirements of zoning ordinance; burden thereupon shifts to governmental board to demonstrate that maintaining existing zoning classification with respect to the property accomplishes a legitimate public purpose; board will have burden of showing refusal to rezone property is not arbitrary, discriminatory, or unreasonable; if board carries burden, application should be denied.

* Although zoning board is not required to make findings of fact in making decision on landowner's application to rezone property, it must be shown there was competent substantial evidence presented to the board to support its ruling in order to sustain its action, upon review by certiorari in circuit court.

* Although zoning board is not required to make findings of fact in making decision on landowner's application to rezone property, it must be shown there was competent substantial evidence presented to the board to support its ruling in order to sustain its action, upon review by certiorari in circuit court.

V. Post Snyder decisions:

***** **Martin County v. Yusem, 690 So.2d 1288 (Fla. 1997)** Amendments to comprehensive land use plans are legislative decisions that are subject to "fairly debatable" standard of review, even when amendments to plans are being sought as part of rezoning application in respect to only one piece of property.

* FN6. We do note that in 1995, the legislature amended section 163.3187(1)(c), Florida Statutes, which provides special treatment for comprehensive plan amendments directly related to proposed small-scale development activities. **We do not make any findings concerning the appropriate standard of review for these small- scale development activities.**

* Every subsequent District Court of Appeal ruling, however, has ruled that small-scale land use development activities are subject to "fairly debatable" standard of review.

January 18, 2017

TO: **TPO Board Members**

FROM: **Kenneth Odom, Transportation Planner**

RE: **Transit Development Plan & Transportation Disadvantaged Service Plan Update**

The Transit Development Plan (TDP) is a ten-year plan that guides funding and serves the mobility needs of all users of the fixed route transit system (SunTran). It is required by the Florida Department of Transportation and is updated annually with a major update to be completed every five-years.

The Ocala/Marion TPO has retained Tindale Oliver & Associates Inc. to assist with the development of the major update that began in November 2016. To this point, the public involvement processes have begun and fifteen of nine of ten stakeholders have been interviewed by the consultant. TPO staff have also prepared candidate lists for three separate focus group meetings that will be taking place on February 1st and two public involvement exercises that will take place in February at the Paddock Mall and at WalMart on east SR 40.

TPO staff will present a brief synopsis of the public involvement activities to date as well as inform the TPO Board on what the next steps will be and how we plan on the entire process to develop.

If you have any questions regarding the TDP or any of the projects included, please feel free to contact the TPO staff at 629-8297.

121 S.E. Watula Avenue • Ocala, Florida 34471
Telephone: (352) 629-8297 • Fax: (352) 629-8240 • www.ocalamariontpo.org

TPO Meeting

presented to

OCALA/MARION COUNTY TPO

presented by

Jamie Kersey/FDOT

Completing FLORIDA'S STREETS

FTP Florida Transportation Plan

SIS Strategic Intermodal System

FDOT

January 10, 2017

Agenda

- **FTP Implementation Update**
- **Complete Streets Update**

FTP Florida Transportation Plan SIS Strategic Intermodal System


Centennial
FDOT
1915 ★ 2015
FLORIDA TRANSPORTATION PLAN
POLICY ELEMENT
DECEMBER 2015
FloridaTransportationPlan.com
FTP
Florida Transportation Plan
SIS
Strategic Intermodal System

FTP Goals

Safety *and* **Security** *for residents, visitors, businesses*

Agile, Resilient, *and* **Quality** *transportation infrastructure*

Efficient and Reliable Mobility
for people and freight

More Transportation Choices
for people and freight

Transportation solutions that support Florida's global **Economic Competitiveness**

Transportation solutions that support **Quality Places** *to live, learn, work, and play*

Transportation solutions that enhance Florida's **Environment** *and* **Conserve Energy**

FTP Florida Transportation Plan
SIS Strategic Intermodal System

FTP Implementation Update

- **Ongoing Partner Engagement**
- **National Recognition**
- **FTP Champions**
- **Plan Alignment**

FTP Florida Transportation Plan SIS Strategic Intermodal System

Ongoing Partner Engagement

Organization	Date
Florida Regional Councils Association	Dec 7, 2016
Small County Coalition	Nov 17, 2016
Rural Economic Development Summit	Sep 18, 2016
American Planning Association FL Annual Conference	Sep 8, 2016
Florida Public Transportation Association Board	Aug 10, 2016
Complete Streets Workshops	Nov & Dec 2016
Florida League of Cities	Dec 9, 2016
Florida Seaport Transportation and Economic Dev. Council	Mar 2017
Florida Trucking Association (tentative)	Apr 2017
American Public Works Association	May 2017

National Recognition

- **Transportation Research Board scenario planning conference– August 2016**
- **Interstate Futures Study group – December 2016**
- **Transportation Research Board annual meeting – January 2017**
  - » Poster – Public and Partner Outreach, FTP Open House
  - » Poster – Fresh Ideas, FTP Implementation

Champions

	FTP Implementation Committee Champion	FDOT Champion
Safety	**Bruce Grant** Enterprise Florida-Florida Defense Alliance	**Carmen Monroy** Office of Policy Planning
Infrastructure	**Jim Ely** Transportation & Expressway Authority Membership of Florida	**Courtney Drummond** Chief Engineer
Mobility	**Hon. Susan Haynie** Metropolitan Planning Organization Advisory Council	**Chris Edmonston** Systems Planning Office
Choices	**Laura Cantwell** AARP Florida	**Brenda Young** District 5
Economic Competitiveness	**Sally Patrenos** Floridians for Better Transportation	**Amie Goddeau** District 4
Quality Places	**Pat Steed** Florida Regional Councils Association	**Gail Holley** State Engineering & Operations Office
Environment & Energy	**Janet Bowman** The Nature Conservancy	**Jim Wood** Chief Planner

Alignment with Other Statewide Plans

Policy Plans

- SIS Policy Plan (3/2016)
- Strategic Highway Safety Plan (8/2016)
- Seaport and Waterway System Plan (8/2016)
- Motor Carrier System Plan (Winter 2016)
- Rail System Plan (2017)
- Aviation System Plan (2017)

Handbooks, Guides, Manuals

- Complete Streets Implementation Plan (12/2015)
- Work Program Instructions
- 2016 Performance Report (Spring 2017)
- Complete Streets Handbook (Spring 2017)

FTP Florida Transportation Plan SIS Strategic Intermodal System

Complete Streets on State Roads

- **Flexibility in Planning & Design**
  - » For state roads, similar to existing processes for regional and local roads
  - » Standardizing flexibility into tools and decisions
- **Context Classifications**
  - » Common language
  - » Not new to many communities or local governments
- **Planning & Design Approach**

FDOT Completing FLORIDA'S STREETS

FTP Florida Transportation Plan SIS Strategic Intermodal System

FTP & Complete Streets

FTP Goals

- Safety and Security
- Agile, Resilient, Quality Infrastructure
- Efficient and Reliable Mobility
- More Transportation Choices
- Support Global Economic Competitiveness
- Support Quality Places to Live, Learn, Work & Play
- Support Florida's Environment and Conserve Energy

Complete Streets Principles

FTP Florida Transportation Plan

SIS Strategic Intermodal System

Context Classifications

FTP Florida Transportation Plan

SIS Strategic Intermodal System

Context Classifications: Common Language

ITE/CNU Context Zones

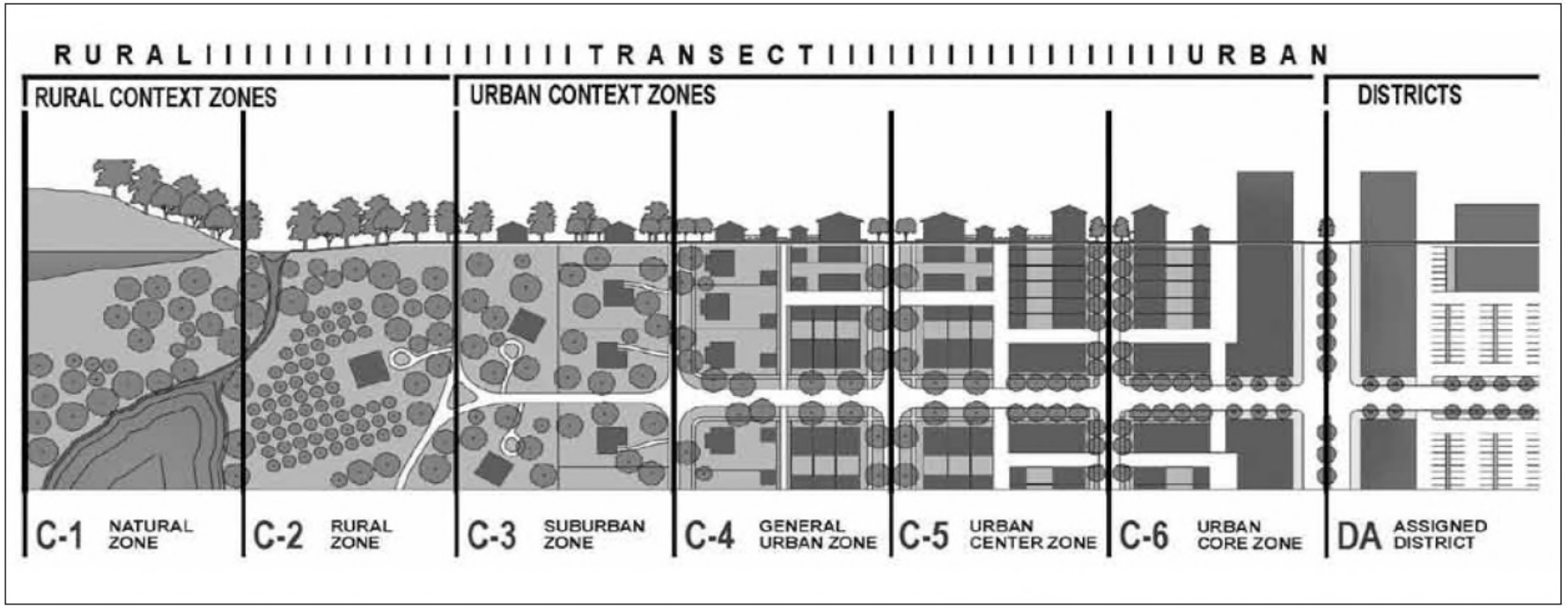

Figure 4.4 Illustration of a gradient of development patterns ranging from rural in Context Zone 1 (C-1), to the most urban in C-6. Source: Duany Plater-Zyberk and Company.

FTP Florida Transportation Plan SIS Strategic Intermodal System

Planning & Design Flexibility

PROPOSED DESIGN SPEEDS BASED ON CONTEXT CLASSIFICATION FOR NON-LIMITED ACCESS FACILITIES

Context Classification	Design Speeds (MPH)
C1-Natural	55-70
C2-Rural	50-70
C2T-Rural Town	25-45
C3R-Suburban Residential	35-55
C3C-Suburban Commercial	35-55
C4-Urban General	30-45
C5-Urban Center	25-35
C6-Urban Core	25-30

Additional guidance will be developed on the application of design speed on SIS facilities.

FTP Florida Transportation Plan

SIS Strategic Intermodal System

Complete Streets Handbook

- **Handbook:**
  - » Integrates Complete Streets approach in planning & design of state roads
  - » Explains importance of collaboration with regional & local partners
  - » Establishes context classification
- **External Draft for partner comment - April 2017**
- **Final Complete Streets Handbook for State Roads - June 2017**

Planning & Designing for Complete Streets

- **DOT planning manuals and processes**
  - » Community planning
  - » ETDM
- **DOT project manuals and processes**
  - » Project Development Process
  - » FDOT Design Manual
  - » Access Management Manual
- **Maintenance & Operations**

Contact Information

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Or

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Q1: When will the Complete Streets Handbook be available to the public?

A: The Complete Streets Handbook will be available for review in April 2017.

The handbook is being reviewed and revised within FDOT now. The current plan is to make the handbook available for review by partner agencies and the public at large in April 2017. The final version will be released in June 2017.

Q2: What are the FDOT context classifications and how are they used?

A: What: The FDOT context classifications are a framework for transportation planning that provides enough flexibility to make each project look like it belongs in the location it will go, while also providing enough guidelines to make sure the project will be safe and effective. Florida's environment is divided into eight classifications ranging from a completely natural environment without buildings, to a dense urban downtown. The classifications are similar to SmartCode form-based code (a new kind of land use zoning), transects and context zones.

Under the Context Sensitive Solutions label, FDOT has for many years allowed flexibility when planning projects on the State Highway System (SHS) so that the community's context would be reflected. Most recently, the *Transportation Solutions that Support Quality Places to Live, Learn, Work, and Play* goal of the 2016 Florida Transportation Plan has a specific objective about creating transportation systems that reflect community values, visions, and needs.

To be more systematic in supporting this flexibility, FDOT has adopted a complete street approach to planning and design. We have eight classifications:

Context Sensitive Solutions (CSS)

The Federal Highway Administration (FHWA) defines CSS as a collaborative, interdisciplinary, approach that involves all stakeholders in developing a transportation facility that complements its physical setting and preserves scenic, aesthetic, and historic and environmental resources while maintaining safety and mobility.

The application of CSS principles within the transportation planning process assists communities reach their transportation goals by encouraging the consideration of land-use, transportation, and infrastructure needs in an integrated manner. When transportation planning reflects community input and takes into consideration the impacts on both natural and human environments, it also promotes partnerships that lead to "balanced" decision making.

- C1-Natural – Lands preserved in a natural or wilderness condition, including lands unsuitable for settlement due to natural conditions.
- C2-Rural – Sparsely settled lands; may include agricultural land, grassland, woodland, and wetlands.
- C2T-Rural Town – Small concentrations of developed areas immediately surrounded by rural and natural areas; includes many historic towns.
- C3R-Suburban Residential – Mostly residential uses within large blocks and a disconnected/sparse roadway network.
- C3C-Suburban Commercial – Mostly non-residential uses with large building footprints and large parking lots. Buildings are within large blocks and a disconnected/sparse roadway network.

- C4-Urban – General Mix of uses set within small blocks with a well-connected roadway network. May extend long distances. The roadway network usually connects to residential neighborhoods immediately along the corridor and/or behind the uses fronting the roadway.

- C5-Urban Center – Mix of uses set within small blocks with a well-connected roadway network. Typically concentrated around a few blocks and identified as part of the community, town, or city of a civic or economic center.

- C6-Urban Core – Areas with the highest densities and with building heights within FDOT classified Large Urbanized Areas (population >1,000,000). Many are regional centers and destinations. Buildings have mixed uses, are built up to the roadway, and are within a well-connected roadway network.

How: The FDOT context classifications are officially assigned at the project scoping phase. After looking at the current and future community's environment to determine the context classification, the planner will choose transportation elements that fit within the parameters of that classification.

The FDOT context classification and transportation characteristics, such as the road's functional class, will be used together when applying complete street planning or design considerations. The details are currently being prepared as part of design manual updates.

Q3: Who will determine the FDOT context classification?

A: FDOT will have the final determination of the context classification to be used for state transportation projects (i.e., for roads on the State Highway System (SHS), including the Strategic Intermodal System (SIS)).

The measures that will be used to determine the context can be based on existing development patterns or future visions of the community. Collaboration with the local and regional agencies and governments associated with the project is important. In an ideal situation, a future vision for an area or corridor will be documented and approved by the community's governing body, such as in its comprehensive plan and land development codes. Community redevelopment area master plans or sector plans are other possible examples.

Q4: When and how will the FDOT context classification be determined?

A: When: The FDOT context for state projects will be determined as early as possible in the planning, design, and maintenance cycle.

In fact, a District could decide to proactively determine the context for all state facilities, or all facilities in a specific area (e.g., an urbanized area). At any point, a District is able to collaborate with a community to identify a road's context. (Note: Interstates and limited access facilities are considered "complete" given their transportation purposes.)

How: Each FDOT District will decide how best to incorporate a complete street planning and design approach in its processes given some common elements. For example, some Districts have scoping teams and tools to identify and tag projects for increased community collaboration and flexibility.

There will be complete streets related actions to take during project planning, programming, design, and maintenance. To address new, longer term projects identified as part of the MPO long range planning process, Districts will identify the context classification of state projects during the environmental screening stage and collaborate with affected local governments as part of Long Range Transportation Plan (LRTP) preparation, or ad hoc, if need be. For new projects (planning, design, and maintenance) being programmed as part of the annual work program process (i.e., the new fifth year), the context will be determined and used to influence the work effort. As appropriate and feasible, a complete street approach will be used for planning and design of projects already programmed. For state projects[1], the project manager (or designee, such as a scoping team member, growth management liaison, or MPO liaison) is responsible for coordinating with affected local and regional governments and agencies during the determination of the context classification.

Q5: How does the complete street planning and design approach apply to Strategic Intermodal System (SIS) facilities?

A: FDOT will look to retain SIS functionality as part of the complete street approach with more flexibility than in the past. Multiple partners working collaboratively to find solutions is key with the complete street approach, whether for a SIS facility, or state or local road.

The SIS is composed of facilities of statewide and regional significance with the objective of supporting interregional connectivity, intermodal connectivity, and economic development. To local communities, a SIS facility can serve as a corridor connecting communities or may be a main street for a town.

A complete street planning and design approach is rooted in balancing needs and conditions to achieve multiple outcomes as best as possible. For example, some Districts have worked with communities to shift SIS corridors to avoid main street areas and have designated alternate SIS routes or connectors to support interregional travel and local needs simultaneously.

Q6: How does the complete street planning and design approach influence funding?

A: FDOT will continue to use the same funding categories (federal, state, and local funds) with the complete street planning and design approach.

Context classification allows FDOT greater flexibility in designs and the complete street approach helps match roads to their locations. We want to "put the right road in the right place." But FDOT will still have to use the same funding categories as today. To make best use of these opportunities, we need to plan more carefully for what we want, and where, and line up the appropriate funding to make it happen. There is no new funding, but FDOT has the chance to use our old funding sources in more specific ways than before, by understanding place better than we have before. This also means we will continue to rely on local partners to provide enhancements in designs that traditional funding sources may not support (e.g., decorative lighting, or patterned facilities).

[1] Note: Exceptions may apply when timing is critical, such as for emergency repair projects.

Q7: What happens before the Complete Streets Handbook is released and a context based design manual is created?

A: Although the Handbook and associated design manuals are not yet released, FDOT is incorporating the complete street planning and design approach in existing state projects and will continue to do so.

> Communities can reach out to FDOT project managers and initiate the collaboration process that can lead to incorporating flexibility into plans and designs. The released Handbook will provide the context language and direction for a more consistent application of a complete street planning and design approach. Similarly, design manual updates will support flexibility and tradeoff decisions that must be considered when delving more deeply into local conditions.

Q8: How does a community coordinate with FDOT before projects are identified?

A: Communities are encouraged to reach out to their district FDOT staff to coordinate with FDOT before projects are identified. A community' district FDOT staff contact could be a: complete streets coordinator, bike/pedestrian coordinator, safety specialist, metropolitan planning organization (MPO) liaison, or growth management coordinator.

> Communities are encouraged to reach out any district FDOT staff. Each District will address community collaboration differently. For some of the more urban Districts, Complete Streets coordinators are designated. Other Districts will rely on bike/ped coordinators, safety specialists, MPO liaisons, or growth management coordinators. A community is encouraged to reach out to any of these parties who will assist in directing the request appropriately. A District is able to collaborate with a community to identify a road's context at any time.

Q9: How does a community request a reconsideration of the context classification if they disagree with the decision?

A: If a community determines their needs are not accommodated, they may petition the manager of the project. (A District may set up another mechanism for reaching consensus with a community.)

> Determining the context classification will be based on multiple land development and transportation factors. Undoubtedly, trade-offs and balancing among these factors will influence the context classification chosen for a specific state project. In some situations, the transportation context may take precedence. For instance, interstates and limited access facilities are considered "complete" regardless of the nearby communities. In other situations, the context classification may take precedence, for instance, in an area where the community has a long standing, well-documented plan and implementation system for creating a new vision.

Florida Department of
TRANSPORTATION

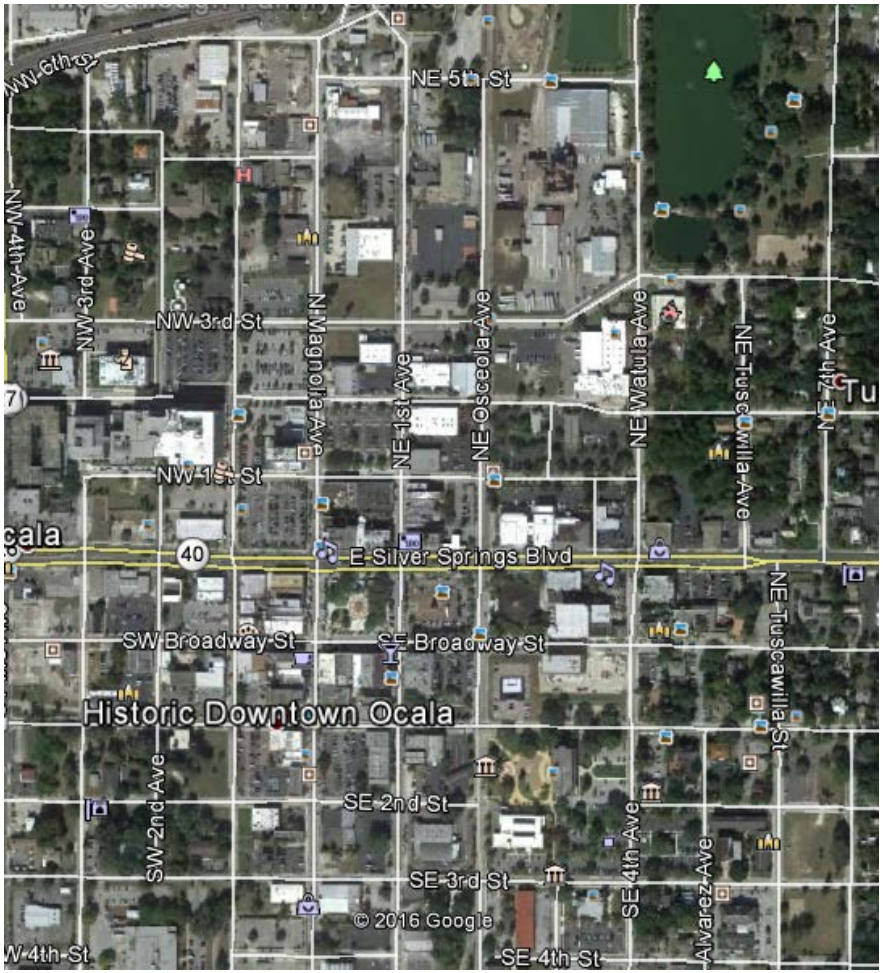
MARION COUNTY

D5 WPPH 2016

FLORIDA DEPARTMENT OF TRANSPORTATION | WORK PROGRAM PUBLIC HEARING

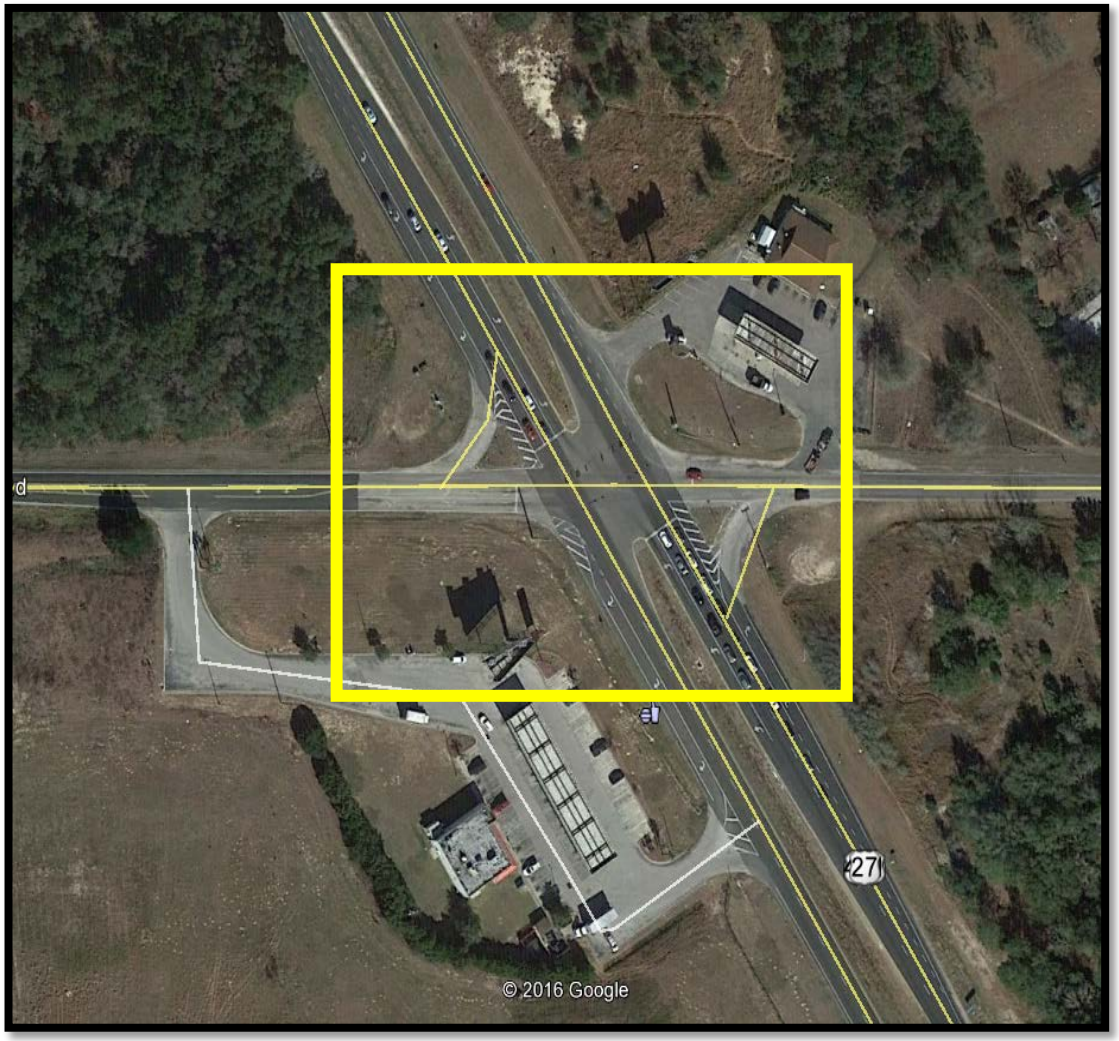
Off-system priority 1:
Osceola Trail from SE 3rd St. to NE 5th St.

- **FM No.:** 439310-1
- **Work Mix:** Bike Path/Trail
- **Phase:** Construction
- **Years Funded:** FY 2018
- **Cost:** $1 Million



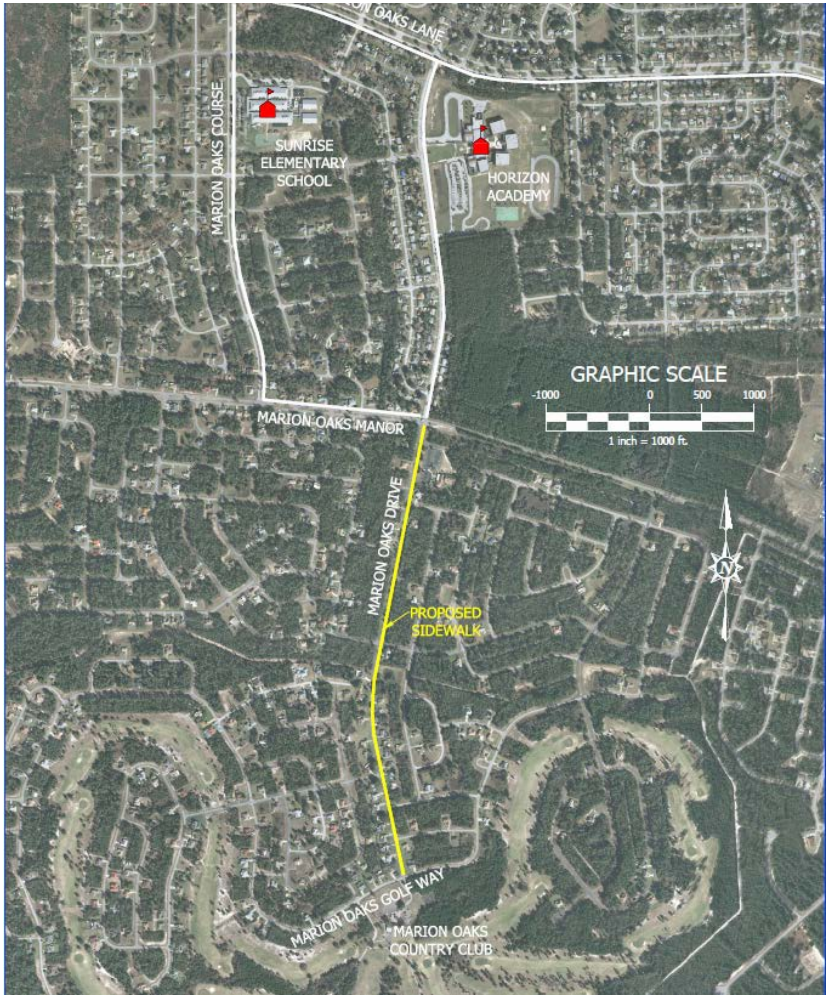
Off-system priority 6: Sunset Harbor Road at US 441

- **FM No.:** 436407-2
- **Work Mix:** Intersection Improvement
- **Phase:** Construction
- **Years Funded:** FY 2017
- **Cost:** $45,005-CIGP, $45,005-Local Funds



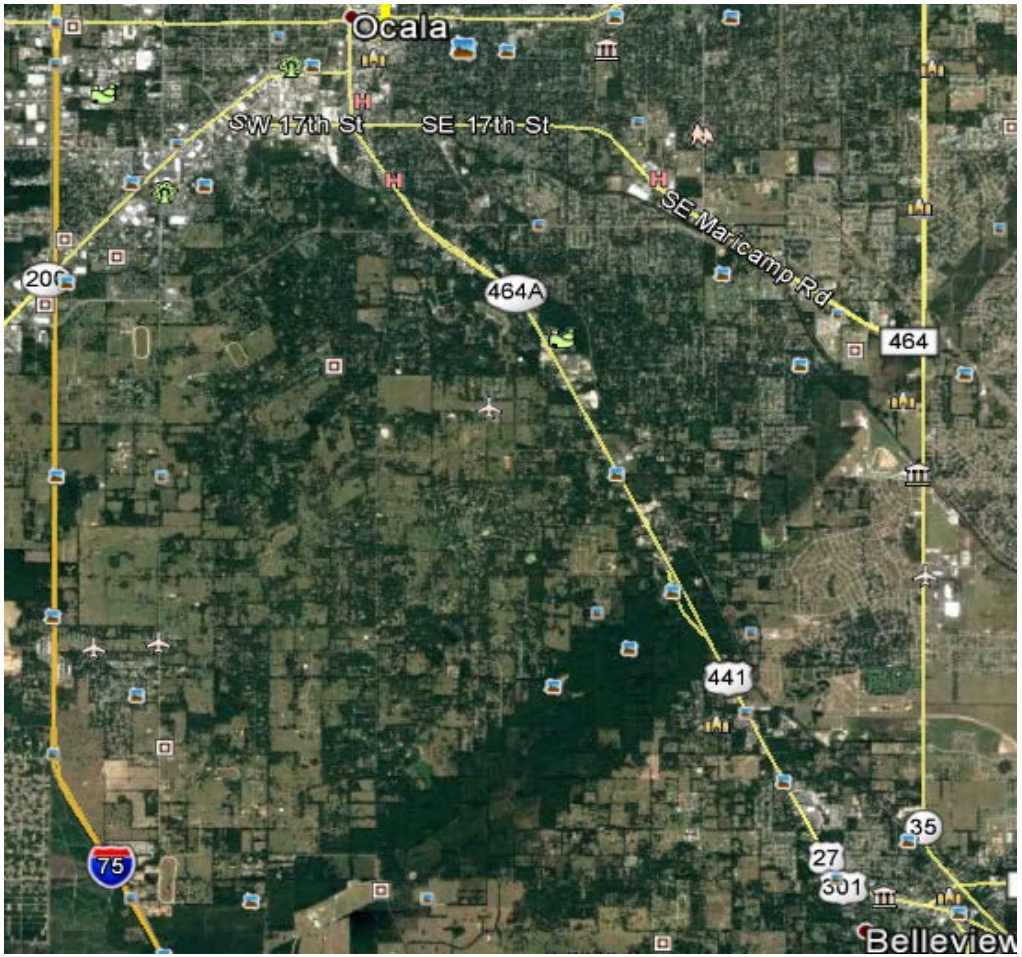
Off-system priority 7: Marion Oaks (Sunrise/Horizon Schools) Sidewalks from Marion Oaks Golf Way to Marion Oaks Manor

- **FM No.:** 440880-1
- **Work Mix:** Sidewalk
- **Phase:** Design / Construction
- **Years Funded:** FY 2019 / FY 2021
- **Cost:** $35,201 / $275,661



US 441 from Baseline Rd to SR 200

- **FM No.:** 439238-1
- **Work Mix:** Resurfacing
- **Phase:** Design / Construction
- **Years Funded:** FY 2018 /FY 2020
- **Cost:** $2.3 Million / $19 Million



I-75

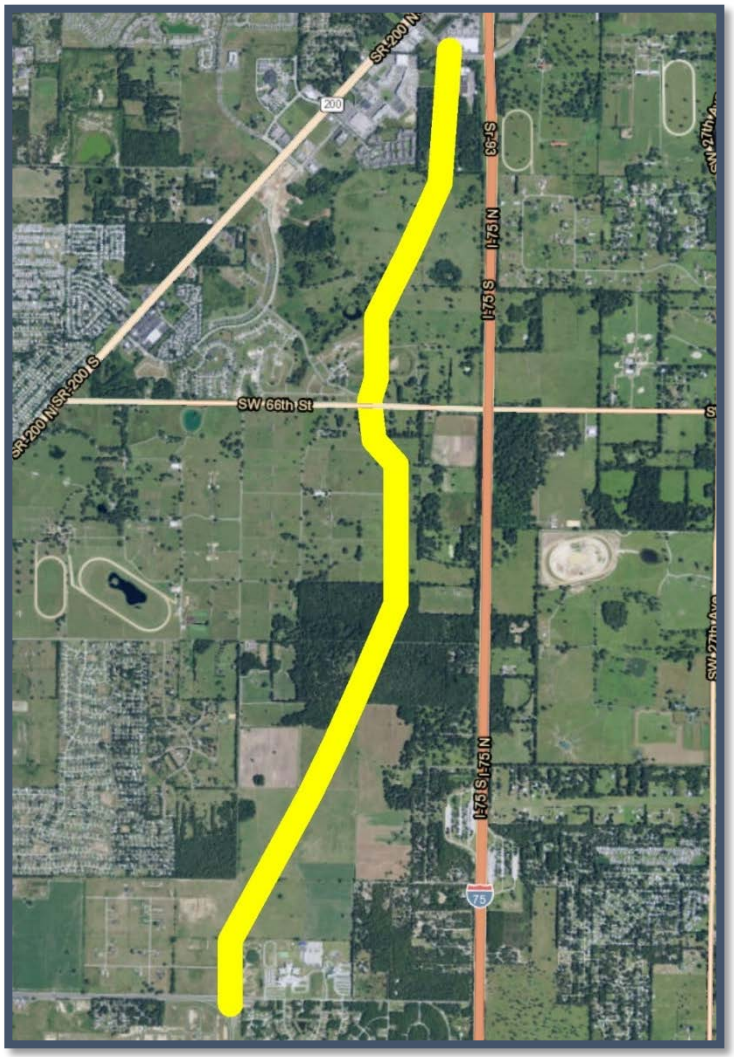
Frame On System (Interstate State Hwy)

- **FM No.:** 440900-1
- **Work Mix:** ITS Communication System
- **Phase:** Design / Construction
- **Years Funded:** FY 2018 / FY 2019
- **Cost:** $859,132 / $5.6 Million

- **FM No.:** 440900-2
- **Work Mix:** ITS Communication System
- **Phase:** Design / Construction
- **Years Funded:** FY 2018 / FY 2019
- **Cost:** $322,460 / $1.9 Million

Off-system priority 3:
SW 49th Avenue from SW 95th St. to SW 42nd St.

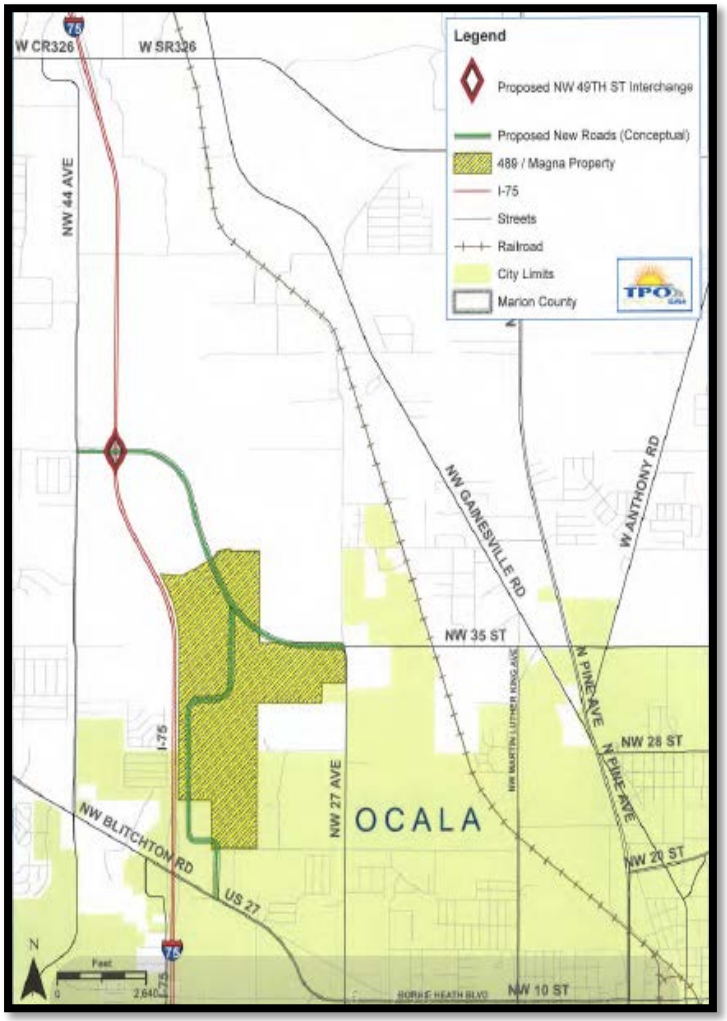
- **FM No.:** 435549-1
- **Work Mix:** New Alignment
- **Phase:** Construction
- **Years Funded:** FY 2019
- **Cost:** $7,841,066-CIGP, $8,448,934-Local Funds (increased CIGP and decreased Local Funds: $440,845)



I-75 at 49th Street

End of NW 49th St. to End of NW 35th St.

- **FM No.:** 435209-1
- **Work Mix:** New Interchange
- **Phase:** Design
- **Deferred:** FY 2021 to FY 2022
- **Cost:** $3.5 Million

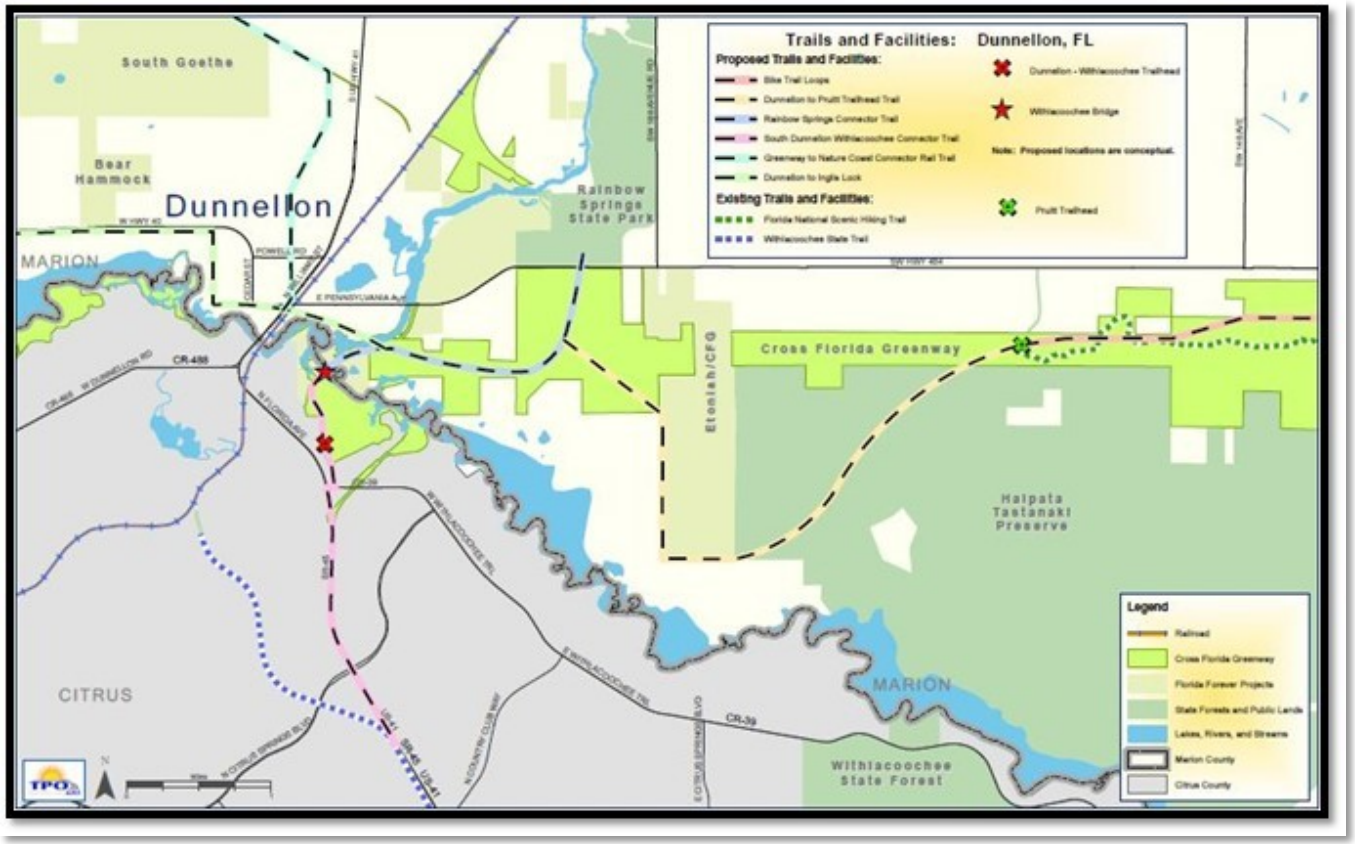


Pruitt Trail

Withlacoochee Bridge Trail at S Bridges Rd to SR 200

- **FM No.:** 435484-1
- **Work Mix:** Bike Path / Trail
- **Phase:** Construction
- **Deferred:**

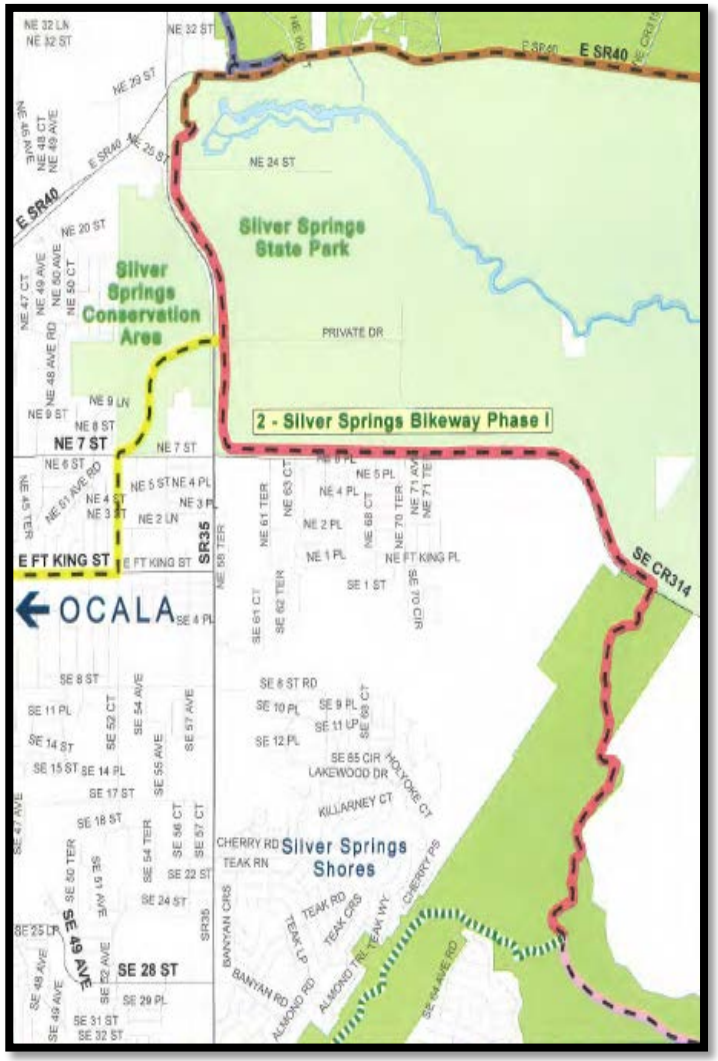
  FY 2021 to FY 2022
- **Cost:** $3.7 Million



Silver Springs Trail

SE 64th Ave Trailhead to Silver Springs State Park

- **FM No.:** 435486-1
- **Work Mix:** Bike Path/Trail
- **Phase:** Construction
- **Deferred:** FY 2018 to FY 2020
- **Cost:** $4.5 Million



January 10, 2017

CONSTRUCTION

Financial Project No.	Description	Work Mix Description	Contractor Name	Original Amount	Original Contract	Work Begin	Status	Lane Closures
238693-1	SR 35 (Baseline Road) from SE 92nd Loop to SR 464	ADD LANES & RECONSTRUCT	D.A.B. CONSTRUCTORS, INC.	$17,605,644.00	850	8/28/2015	Time started on 8/28/2015 with design. Working with utilities on relocation and drainage issues. Working in basin 1, 2, 3 4, and 5with drainage placement. Working in Pond 1 and 2 for embankment, subgrade and base. Working on drainage basin issues with design.	No planned lane closures this week
427280-1	US 441 (SR 25) from NW 35th to CR 25A	RESURFACING	ANDERSON COLUMBIA CO., INC.	$8,636,536.00	340	11/29/2015	Milling and resurfacing is mostly complete will start on friction course soon. NW 100th St. intersection turn lanes are paved, median cross over work is remaining. Rebuilding intersection at CR 25A and US 441	Tuesday January 3, 2017 to Saturday, January 10, 2017 7 a.m. to 5 p.m. Inside or outside lane closures on US 441 at NW 100th Street for paving and to construct directional median opening. Detour for northbound CR 25A to US 441 to reconstruct the roadway at CR 25A North.
430643-1	I-75 from North of US 27 Interchange to the Alachua County Line	RESURFACING	ANDERSON COLUMBIA CO., INC.	$26,022,554.27	520	6/27/2015	Milling and resurfacing going south and north bound on the inside and middle lanes. This is completed with a dual lane closure. Working on ramps at SR 326.	Tuesday January 3, 2017 to Saturday, January 10, 2017 7:30 p.m. to 6 a.m. Southbound and Northbound outside and center lane closures between CR 318 and County line for paving the center, and outside lane and outside shoulder.

437818	Landscape at CR318	Landscaping	Frankie Valdez Co Inc.	$407,700.00	820	10/31/2016	The work on landscaping is almost completed. Will start Establishment soon.	None planned
432421-1	SR 40 from NE 25th Ave to West of NE 10th Street	INTERSECTION IMPROVEMENTS	Masci General Contractor	$1,085,603.74	150	11/7/2016	Working on Widening areas with asphalt placement.	None planned
435466-1	Landscaping at I 75 at SR 200 and US 27	Landscaping	Gainesville Landscape Contractors	$594,750.00	870	08/21/15	Contract in plant establishment time frame now.	N/A

TRAFFIC OPERATIONS

Financial Project No.	Description	Status
435686-1	US 441 @ SE 98th Lane	Construct left turn lanes NB & SB Directions on US 441. Design programmed in FY 2018, construction programmed in FY 2020.
436129-1	SR 200 at SW 60th Avenue Traffic Ops	Construct westbound left turn lanes design plans under review. Started on 4/18/2016, time is 60 day contract for P&S Paving (turn lane).-Complete 9/14/16. A milling and resurfacing project that ends at the intersection will pick up the eastbound dual lefts (and modifications to the southbound median), design scheduled FY 2016 and construction scheduled for FY 2019 (436879-1).
	CR 326 at US 27-change flashing beacon to full signal	The signal at US 27 & CR 326 was completed and made operational 9/14/2016.
	US 41 Dunnellon pedestrian crossing RRFB's- Withlacoochee River to River Drive	Design phase is now complete.
238002-3	SR 40 and SW 140th Avenue - change flashing beacon to full signal	Work Order #2 has been issued. This will convert the existing flashing beacon to a fully operational traffic signal at the intersection of SR 40 and SW 140th Ave. Contract time for this is 90 days.

Contact Information:
Jamie Kersey, TPO Liaison
386-943-5338
jamie.kersey@dot.state.fl.us

Mike McCammon, Ocala Operations Engineer
(352) 620-3001
Michael.McCammon@dot.state.fl.us

For additional information please go to www.cflroads.com

I-75 Corridor Relief – Project Overview

The I-75 corridor from Wildwood, Florida to Alachua, Florida experiences severe safety and congestion issues that are equivalent to a more urbanized area. The project corridor experiences at least one full closure per direction every nine days and experienced over 14,000 crashes from 2011 to 2014. US 301 thru Ocala and US 441 thru Gainesville are typically used for detour during incident and congestion management.

This project will deploy the TSM&O technologies to better manage, operate and maintain the multi-modal transportation system to create a truly Multi-modal Integrated Corridor Management (MMICM). The emerging technologies proposed in this project to be deployed are Automated Traffic Signal Performance Measures (ATSPM), Adaptive Signal Control Technology (ASCT), Signal Phasing and Timing (SPaT) decoder, Road Side Units (RSUs), Automatic Vehicle Location (AVL) data integration, Pedestrian Push Button Technology (PPBT), and On Board units (OBU).

Following table shows the breakdown on the technology use:

Technology	Function	Locations	Benefits
1. ATSPM	Manage, operate, and maintain the traffic signals in real-time	Gainesville traffic signals	Improved traffic flow and timely maintenance of the system
2. ASCT	To automate management and operation of traffic signals in real-time	Ocala traffic signals	Improved traffic flow
3. Application Programming Interface (API)	Develop application for pedestrian, bicyclist, transit, for smartphone	Project wide	Provide smartphone application to the users
4. RSU	To broadcast SPaT, road weather, and other Basic Safety Message (BSM) and Basic Information Message (BIM)	Gainesville and Ocala traffic signals and I-75 mainline	Improved safety and traffic flow
SPaT Decoder	To make SPaT information available for RSU broadcasting	Gainesville and Ocala traffic signal cabinets	Improved safety and traffic flow
AVL data integration	To make transit information available to the traffic signal controller and to CV using RSU	Gainesville and Ocala Transit system	Improved transit operation through the network
5. OBU	To test the Connected Vehicle (CV) technology for two-way communication	Gainesville and Ocala Local Agency Vehicles	Field testing and verification
6. Fiber Optic Cable (FOC) Deployment	To provide communications to the roadways not currently have FOC	Few arterials in Ocala and on portions of US 441 and US 301	Arterials connected and communicating back to traffic operations center

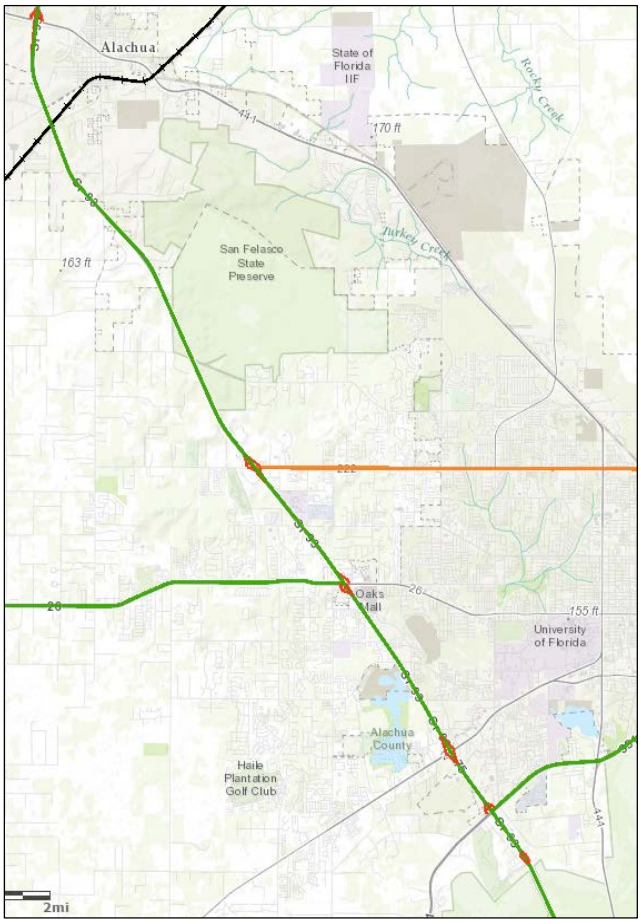
A decision support system to activate detour on freeways will be developed for this corridor and local agency notification will be provided to manage and operate the corridor in coordination with the respective FDOT Districts using existing Center to Center (C2C) communications. University of Florida to do the before and after analysis. The overall cost of the technology and the system is estimated to be ~$10.7M.

Table 1. Project Corridor Summary

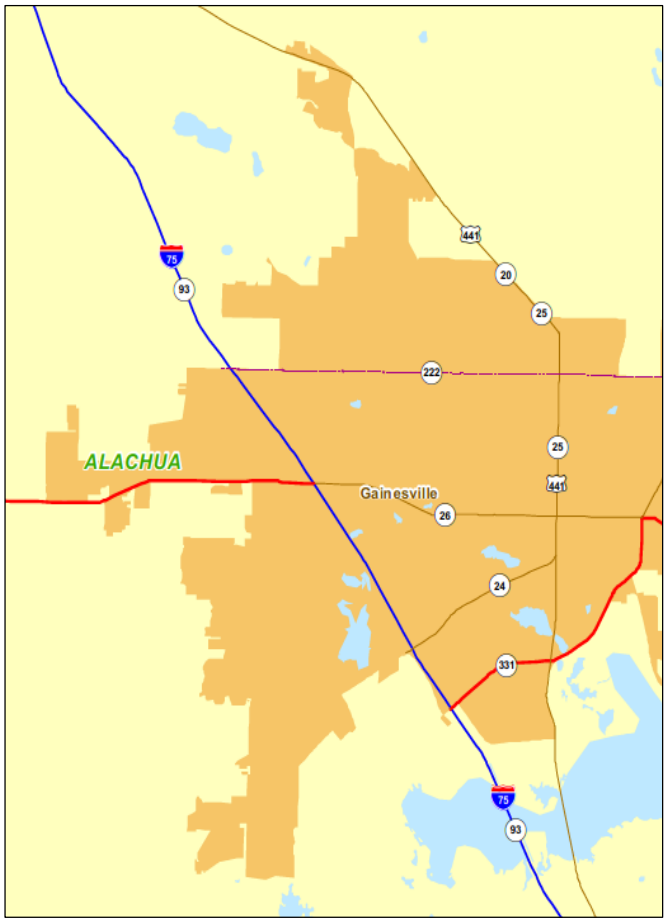
Corridor	Direction	Limits	SIS/NHS
I-75	North South	Wildwood to Alachua	SIS
SR 200	East West	Ocala: I-75 to US 301	NHS
SR 40	East West	Ocala: I-75 to US 301	NHS
US 27/SR 500	East West	Ocala: I-75 to US 301	NHS
SR 326	East West	Ocala: I-75 to US 301	SIS
SW 27th Avenue	**North South**	**Ocala: SR 200 to SR US 27**	**N/A**
US 301	North South	Turnpike to US 441	NHS
US 441	North South	SR 301 to Alachua	NHS
SR 331	East West	I-75 to US 441	SIS
SR 24	East West	I-75 to US 441	NHS
SR 24A	**East West**	**SR 24 to US 441**	**N/A**
SR 26	East West	I-75 to US 441	NHS
SR 222	East West	I-75 to US 441	SIS
SR 221	**North South**	**SR 331 to SR 26**	**N/A**

Bold: neither SIS nor NHS

Figure 1. SIS/NHS Map for Gainesville



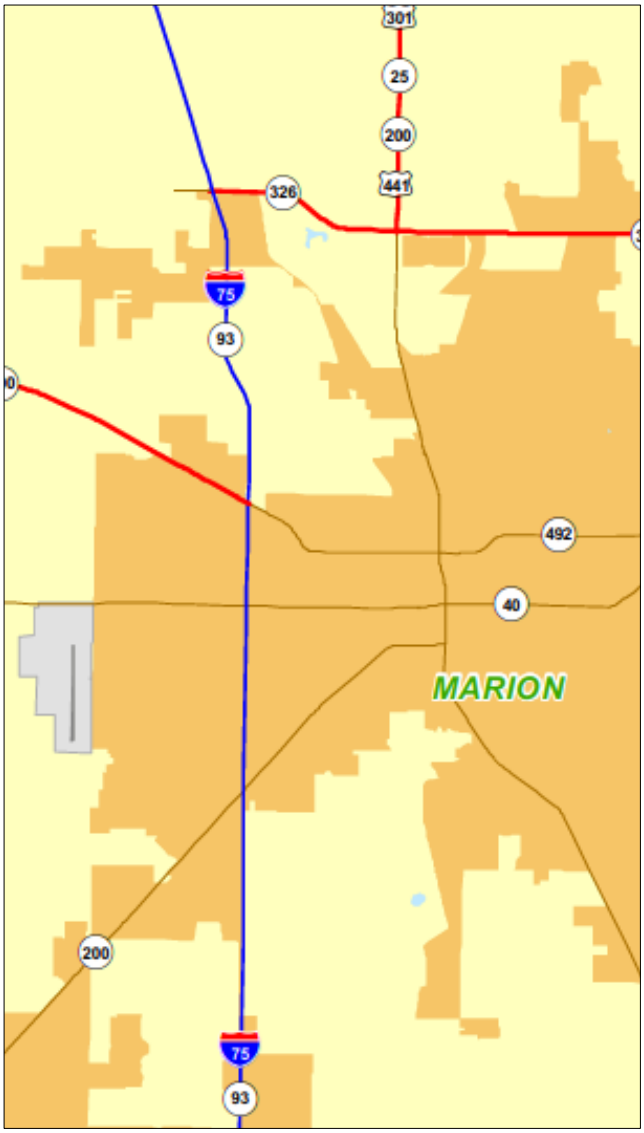
Legend: Green = SIS, Orange = SIS Connector



Legend: Blue/Pink = SIS; Brown = NHS; Red = Other Principal Arterials

Figer 2. SIS/NHS Map for Ocala

Legend: Green = SIS, Pink = SIS Connector



Legend: Blue = SIS; Brown = NHS; Red = Other Principal Arterials

Florida Department of Transportation

RICK SCOTT
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720-6834

JIM BOXOLD
SECRETARY

January 5, 2017

Re: **Public Meeting**
State Road 200 (SW College Road) at Interstate 75 Turn Lanes Design Project, from SW 38th Court to SW 36th Avenue, Marion County, Florida
FPID Number: 435659-2-52-01

Dear Government Partner:

On behalf of the Florida Department of Transportation (FDOT), I invite you to a public meeting for the State Road 200 (SW College Road) design project that involves the addition of turn lanes around the Interstate 75 (I-75) interchange. The project limits extend from SW 38th Court to SW 36th Avenue in Ocala.

The improvements in this interchange area include:

- Adding a left turn lane for westbound SW College Road leading to the I-75 southbound on-ramp;
- Adding a left turn lane for eastbound SW College Road leading to the I-75 northbound on-ramp;
- Adding a second right turn lane to the I-75 northbound off-ramp;
- Adding a second left turn lane to the I-75 northbound off-ramp;
- Adding a right turn lane for eastbound SW College Road leading to the I-75 southbound on-ramp; and
- Extending and widening the right turn lane for westbound SW College Road leading to the I-75 northbound on-ramp.

These improvements will take place within existing right-of-way, so no additional right-of-way is needed. Construction is funded for this project for Fiscal Year 2018.

The meeting will be 5-7 p.m. on Tuesday, January 31, 2017 at Hilton Ocala, 3600 SW 36th Avenue, Ocala.

The purpose of this meeting is to present information and to receive public input regarding the proposed improvements. The meeting will be an open house format. Project information will be available for review along with a project presentation that will run on a continuous loop. FDOT representatives will be available to discuss the project, answer questions, and receive comments. The attached map identifies the project limits and the meeting location.

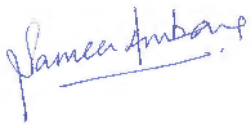
Public participation is solicited without regard to race, color, national origin, age, sex, religion, disability or family status. Persons wishing to express their concerns relative to FDOT

compliance with Title VI may do so by contacting Jennifer Smith, FDOT District Five Title VI Coordinator, by phone at 386-943-5367 or by email at jennifer.smith2@dot.state.fl.us.

Persons with disabilities who require special accommodations under the Americans with Disabilities Act or persons who require translation services (free of charge) should contact Laura Turner, AICP, Project Public Involvement Coordinator, by phone at 407-620-5095 or by email at turnerlk1@aol.com at least seven days prior to the meeting. If you are hearing or speech impaired, please contact us by using the Florida Relay Service, 1-800-955-8771 (TDD) or 1-800-955-8770 (Voice).

For information about this project, please contact Sameer Ambare, P.E., FDOT Project Manager, by email at sameer.ambare@dot.state.fl.us by phone at 386-943-5232. Media inquiries should be directed to Steve Olson, FDOT Public Information Officer, by phone at 386-943-5479 or by email at steve.olson@dot.state.fl.us. Project information will be available by going to www.cflroads.com.

Sincerely,



Sameer Ambare, P.E.
FDOT District Five Project Manager

Attachment

Project Location Map
State Road 200 (SW College Road) at Interstate 75
Turn Lanes Design Project
(FPID: 435659-2-52-01)