

GULF BREEZE CITY COUNCIL
REGULAR MEETING AGENDA

OCTOBER 19, 2015
MONDAY, 6:30 P.M.
COUNCIL CHAMBERS

1. **ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE**

2. **APPROVAL OF MINUTES**

October 5, 2015, Regular Council meeting

3. **PROCLAMATIONS AND PRESENTATIONS**

None.

4. **RESOLUTIONS AND ORDINANCES**

Ordinance No. 07-15 Establishing a Municipal Public Service Tax (MPST)
rate of 7.5% effective April 1, 2016
(FIRST READING)

Resolution No. 29-15 Appointing Nathan Ford and Dan Kopack as legal
resident members to the Police Pension Board of Trustees

PUBLIC HEARING REGARDING

Ordinance No. 06-15 Amending the Retirement Plan and Trust for the
Police Officers of the Gulf Breeze Police Department
(SECOND READING AND PUBLIC HEARING)

5. **CONSENT AGENDA ITEMS***

- A. Appointment of Mr. Wes Dannreuther to the South Santa Rosa Utility System Advisory Board
- B. Authorizing Fast Cash ATM Systems to place an ATM in the Gulf Breeze Community Center
- C. Rejection of all proposal(s) in response to the Request for Qualifications for real estate services for the sale of 417 Fairpoint Drive
- D. Appointment of an alternate to serve on the Northwest Florida Regional Transportation Planning Organization

*These are items considered routine in nature and will be considered by one motion. If any citizen wishes to voice an opinion on one of the items, you should advise the Council immediately.

6. **ACTION AGENDA ITEMS**

- A. Approval of School Resource Officer Agreement for the 2015-2016 school year and authorizing the Mayor to sign the agreement
- B. Private attorney-client session confined to settlement negotiations or strategy sessions related to litigation expenditures in connection with a worker's compensation litigation brought against the City by Christopher Lanzetta

7. **NEW ITEMS**

8. **INFORMATION ITEMS**

9. **PUBLIC FORUM**

10. **ADJOURNMENT**

If any person decides to appeal any decisions made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based. The public is invited to comment on matters before the City Council upon seeking and receiving recognition from the Chair. If you are a person with a disability who needs accommodation in order to participate in a public hearing you are entitled to the provision of certain assistance. Please contact the City Clerk's office at (850) 934-5115 or at 1070 Shoreline Drive, Gulf Breeze at least one (1) week prior to the date of the public hearing.

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

The 1,281st Regular Meeting of the Gulf Breeze City Council, Gulf Breeze, Florida, was held at Gulf Breeze City Hall on Monday, October 5, 2015, at 6:30 p.m.

ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE:

Upon call of the roll the following Councilmembers were present: Councilwoman Cherry Fitch, Mayor Pro Tem Joseph Henderson, Councilman David G. Landfair, and Mayor Matt Dannheisser. Councilwoman Renee Bookout was not in attendance.

The City Clerk gave the invocation and led in the Pledge of Allegiance

APPROVAL OF MINUTES:

Councilman Landfair moved for approval of the minutes of the September 21, 2015, Regular Meeting. Mayor Pro Tem Henderson seconded. The vote for approval was unanimous.

Mayor Pro Tem Henderson moved for approval of the minutes of the September 21, 2015, Community Redevelopment Agency Board of Directors meeting. Councilman Landfair seconded. The vote for approval was unanimous.

PRESENTATION AND PROCLAMATIONS:

None.

RESOLUTIONS AND ORDINANCES:

<u>Ordinance No. 06-15</u>	An Ordinance amending the Retirement Plan and Trust for the Police Officers of the Gulf Breeze Police Department <i>(FIRST READING)</i>
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The City Clerk read the ordinance by title. Councilwoman Fitch moved for approval of Ordinance No. 06-15 and to hold a Public Hearing and Second Reading on October 19, 2015. Councilman Landfair second. The vote for approval was unanimous.

<u>Resolution No. 28-15</u>	Approving the issuance of not to exceed \$40,000,000 in bonds by Capital Trust Agency for the Tapestry Tallahassee Senior Living Project
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Councilman Landfair moved for approval of Resolution No. 28-15. Councilwoman Fitch seconded. The vote for approval was unanimous.

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

ACTION AGENDA ITEMS:

- A. Approval of an amendment to the bylaws of the Fairpoint Regional Utility System

Reference: City Manager memo dated September 24, 2015

The Mayor and City Manager discussed whether a resolution was needed. Staff will research the corporate documents. If an official action is needed, Staff will present a resolution at the October 19, 2015, Regular meeting.

Recommendation: That the City Council direct staff to draft a resolution (if necessary) approving the amendment to the Bylaws of Fairpoint Regional Utility System and that said resolution be adopted on October 19, 2015.

Councilman Landfair made a motion to approve staff's recommendation. Councilwoman Fitch seconded. The vote for approval was unanimous.

- B. Consideration of FY16 Tourist Development Council (TDC) Budget and preparation of a financial plan for tourist development activities

Reference: Deputy City Manager memo dated September 25, 2015

Mayor Dannheisser asked the Council to consider possible projects and expenditures for the TDC budget for the next set of meetings. The Council requested a list of previous expenditures from the TDC fund, a list of acceptable expenditures, and the Florida Statutes regulating the TDC. No action was taken on this item.

NEW BUSINESS: None

INFORMATION ITEMS:

The City Manager advised the City Council that he met with Alan and Stacy Sullivan, 417 Montrose Boulevard, at the City's lot located at 2 Berry Avenue. Staff also met with the contractor for the house being built at 412 Fairpoint Drive. The City Manager briefed the Council on the plan for 2 Berry Avenue. The Sullivans were in attendance at the meeting and advised that they understood the plan for the lot and were in agreement.

MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA

PUBLIC FORUM:

Jake Evers, 2603 Edmund Drive, requested that the sprinkler system along Highway 98 be scheduled for the early morning hours (predawn).

Tom Naile, 112 Windsor Court, Gulf Breeze, discussed the South Santa Rosa Utility System Board of Directors and the utility rate increase and the SSRUS 3% surcharge approved in Resolution 27-15.

ADJOURNMENT: Mayor Dannheisser adjourned the meeting at 7:01 p.m.

Stephanie D. Lucas, City Clerk

Matt E. Dannheisser, Mayor

The Gulf Breeze City Council held an Executive Meeting at Gulf Breeze City Hall on Wednesday, October 14, 2015, at 6:30 p.m.

ROLL CALL, INVOCATION, AND PLEDGE OF ALLEGIANCE:

Upon call of the roll the following Councilmembers were present: Councilwoman Renee Bookout, Councilwoman Cherry Fitch, Mayor Pro Tem Joseph Henderson, Councilman David G. Landfair, and Mayor Matt Dannheisser.

PROCLAMATIONS AND PRESENTATIONS

Administering of Oath to Officer Sean Banks. Deputy Chief Rick Hawthorne introduced Officer Sean Banks to the Council. Mayor Dannheisser administered the oath to Officer Banks and welcomed him to the City. Mayor Dannheisser thanked the officers in attendance for their valuable work and dedication to the safety and welfare of the City.

RESOLUTIONS AND ORDINANCES

- A. Adoption of Ordinance No. 06-15 amending the retirement plan and trust for the police officers of the City of Gulf Breeze and holding a Public Hearing and Second Reading on October 19, 2015

Reference: Deputy City Manager memo dated October 6, 2015

Recommendation: That the City Council hold a public hearing on October 19, 2015, on Ordinance 06-15 and at the close of said hearing approve the ordinance as presented.

Councilwoman Fitch made a motion to have a Public Hearing and Second Reading of Ordinance 06-15 on October 19, 2015. Councilwoman Bookout seconded. The vote for approval was unanimous.

- B. Adoption of Ordinance No. 07-15 establishing a Municipal Public Service Tax (MPST) rate of 10% effective April 1, 2016, on First Reading, October 19, 2015, and hold a Public Hearing and Second Reading on November 2, 2015

Reference: Deputy City Manager memo dated October 8, 2015

Recommendation: That the City Council approve Ordinance 07-15 establishing a MPST rate of 10% effective April 1, 2016, on a First Reading on October 19, 2015, and hold a public hearing on said ordinance on November 2, 2015, and approve it on a Second Reading on that date.

Tom Naile, St. Ann's Catholic Church, 100 Daniel Drive, spoke with regards to Ordinance No. 7-15.

Councilman Landfair made a motion to amend Section 1 of Ordinance No. 07-15 to change the proposed MPST rate from 10% to 7.5% and to have a First Reading of Ordinance 07-15 on October 19, 2015, and hold a Public Hearing and Second Reading on November 2, 2015, and approve it on a Second Reading on that date.

- C. Adoption of Resolution No. 29-15 appointing Messrs. Buz Eddy and Dan Kopack as legal resident members to the Police Pension Board of Trustees.

Reference: Deputy City Manager memo dated October 6, 2015

Recommendation: That the City approve Resolution No. 29-15 appointing Messrs. Buz Eddy and Dan Kopack as legal members to the Police Pension Board of Trustees.

During the Council meeting it was recommended that Nathan Ford be appointed to the Board as opposed to Buz Eddy.

Councilwoman Bookout made a motion to amend Resolution 29-15 appointing Nathan Ford in place of Buz Eddy to the Police Pension Plan Board of Trustees and that the resolution be placed on the October 19, 2015, Regular meeting agenda. Councilwoman Fitch seconded. The vote for approval was unanimous.

ACTION AGENDA ITEMS

- A. Appointment of Mr. Wes Dannreuther to the South Santa Rosa Utility Services Advisory Board

Reference: Director Public Services memo dated September 22, 2015

Recommendation: That the City Council appoint Mr. Wes Dannreuther to the South Santa Rosa Utility System Advisory Board.

Tom Naile, as Chairman of the South Santa Rosa Utility System Board, spoke in favor of appointing Mr. Dannreuther to the South Santa Rosa Utility System Board.

Councilwoman Fitch made a motion to place staff's recommendations on the October 19, 2015, Regular Meeting agenda. Councilwoman Bookout seconded. The vote for approval was unanimous.

- B. Authorizing Fast Cash ATM Systems to place an ATM in the Gulf Breeze Community Center

Reference: Director of Parks & Recreation memo dated October 1, 2015

Recommendation: That the City Council authorize Fast Cash ATM Systems to place an ATM in the Gulf Breeze Community Center.

Mayor Pro Tem Henderson made a motion to place staff's recommendations on the October 19, 2015, Regular Meeting agenda. Councilwoman Bookout seconded. The vote for approval was unanimous.

- C.** Approval of School Resource Officer Agreement for the 2015-2016 school year and authorize the Mayor to sign the agreement

Reference: City Manager memo dated October 8, 2015

Recommendation: That the City Council approve the School Resource Officer Agreement for the 2015-2016 school year and authorize the Mayor to sign the agreement.

The City Manager explained that after review by the City Attorney and Councilwoman Bookout numerous typographical errors and ministerial changes were identified that needed to be made to the agreement. The City Manager provided the Council with a blacklined version reflecting those changes. Mayor Dannheisser suggested that a thirty (30) day termination provision be included in the agreement. The City Manager stated that the agreement had been approved and signed by the School Board and suggested that we request the provision be added to next year's agreement.

Councilwoman Bookout made a motion to make the changes reflected in the blacklined agreement, that the 30 day termination provision not be included on this year's agreement, and that the matter be placed on the October 19, 2015, Regular meeting agenda. Councilwoman Fitch seconded. The vote for approval was 4 – 1 with Mayor Dannheisser dissenting.

- D.** Rejection of all proposal(s) in response to the Request for Qualifications for real estate services for the sale of 417 Fairpoint Drive

Reference: Deputy City Manager memo dated October 5, 2015

Recommendation: That the City Council reject the proposal received in response to the Request for Qualifications for real estate services for the sale of 417 Fairpoint Drive.

Councilwoman Fitch made a motion to place staff's recommendations on the October 19, 2015, Regular Meeting agenda. Councilwoman Bookout seconded. The vote for approval was unanimous.

- E.** Consideration of FY16 Tourist Development Council (TDC) Budget and preparation of a financial plan for tourist development activities

Reference: Deputy City Manager memo dated October 8, 2015

This item was withdrawn from the agenda.

F. Appointment of an alternate to serve on the Northwest Florida Regional Transportation Planning Organization

Reference: City Manager memo dated October 8, 2015

Recommendation: That the City Council appoint a Council member to serve as an.

Councilwoman Fitch made a motion to name Councilwoman Renee Bookout as an alternate to serve on the Northwest Florida Regional Transportation Planning Organization. Mayor Pro Tem Henderson seconded. The vote for approval was unanimous.

NEW ITEMS

A. Private attorney-client session confined to settlement negotiations or strategy sessions related to litigation expenditures in connection with a worker's compensation litigation brought against the City by Christopher Lanzetta.

Reference: Verbal report from Interim City Attorney

Interim City Attorney requested to hold a private attorney-client session at the end of the October 19, Regular meeting. There being no objections, the private attorney-client session will be held at the end of the October 19, 2015, Regular meeting.

INFORMATION ITEMS None.

PUBLIC FORUM None.

COUNCIL COMMENTS:

Councilwoman Bookout requested Nathan Ford obtain an update on attendance numbers for the After School Program and thanked Mr. Ford for the work he has put into the social media policy and Facebook page.

Councilwoman Fitch would like to plant a tree in memory of Linda Knowles. She will work with City staff and Robert Turpin to determine a location.

Councilman Landfair advised that the Gulf Breeze Sports Association will be closing fields on Sundays to allow the grass time to rehabilitate. Lacrosse teams would like to start practicing at Tiger Point. The Sport Association is looking for volunteers. On November 6 – 8, a collegiate volleyball tournament will be held at the Community Center. The concession proceeds will be donated to the After School Program. The City Manager advised that the Mayor and City Council are also invited to a dinner the first night of the tournament.

Mayor Dannheisser advised that he, Councilwoman Bookout, and the City Manager attended the Gulf Power Economic Symposium on Monday. It was very informative and would

recommend that attending next year. Resident Jim Cox attended and provided notes that will be distributed to the Council.

ADJOURNMENT Mayor Dannheisser adjourned the meeting at 7:07 p.m.

City of Gulf Breeze

Memorandum

To: Edwin A. Eddy, City Manager

From: Curt Carver, Deputy City Manager

Date: 10/15/2015

Subject: Municipal Public Service Tax (MPST)

At the Executive Meeting on October 14th, the City Council discussed the proposed Ordinance 07-15 which established a MPST rate of 10% on the purchase of electricity, metered natural gas, liquefied petroleum gas, and water service in the City. Sections 166.231-.235 of the Florida Statutes provide that municipalities can establish a rate of up to 10%. Currently the City's rate is 5%. As you will recall, at the final budget workshop, a tentative decision was made to increase the City's MPST to 10%. That decision was made, in part, to:

1. Promote financial sustainability in the General Fund.
2. Provide a dedicated funding source for street maintenance in order to maintain a 15-year resurfacing schedule and related storm water improvements.

The decision was also based on a comparison of rates in surrounding communities. Since making that tentative decision during the budget cycle, several things had changed in the revenue projections for the General Fund. As a result of these changes, the City Council determined that it was more prudent to take the interim step of increasing the MPST rate to 7.5%. The enclosed ordinance reflects that change.

There was also discussion at the Executive Meeting on the application of the MPST on schools and churches. Sections 166.231 (3), (4), (5) and (6) outlines both discretionary and mandatory exemptions. Subsection (5) provides that purchases by school districts are exempt. It also states that municipalities shall exempt purchases by any "recognized church in this state for use exclusively for church purposes". These entities would not be subject to the tax. According to the Florida League of Cities however, this only applies to the worship part of the facility. If there are other buildings owned by the church that are on separate meters, such as a social hall, school or rectory, then the MPST would be applicable. A copy of the statute is enclosed for your information.

As has been discussed previously there is a timing element to any change in the MPST. The next possible effective date is April 1, 2016, which would require the City to pass the ordinance and notify DOR on the prescribed form no later than December 31, 2015.

Should you have any questions, please do not hesitate to contact me.

Recommendation: That the City Council approve Ordinance 07-15 establishing a MPST rate of 7.5% effective April 1, 2016 on a First Reading on October 19, 2015 and hold a public hearing on said ordinance on November 2, 2015 and approve it on a Second Reading on that date.

Enclosures

Select Year:

The 1997 Florida Statutes

Title XII
MUNICIPALITIES

Chapter 166
Municipalities

¹166.231 Municipalities; public service tax.--

(1)

(a) A municipality may levy a tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service. The tax shall be levied only upon purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service. Municipalities imposing a tax on the purchase of cable television service as of May 4, 1977, may continue to levy such tax to the extent necessary to meet all obligations to or for the benefit of holders of bonds or certificates which were issued prior to May 4, 1977. Purchase of electricity means the purchase of electric power by a person who will consume it within the municipality.

(b) The tax imposed by paragraph (a) shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. The term "fuel adjustment charge" means all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

(2) Services competitive with those enumerated in subsection (1) or ²subsection (9), as defined by ordinance, shall be taxed on a comparable base at the same rates. However, fuel oil shall be taxed at a rate not to exceed 4 cents per gallon. However, for municipalities levying less than the maximum rate allowable in subsection (1), the maximum tax on fuel oil shall bear the same proportion to 4 cents which the tax rate levied under subsection (1) bears to the maximum rate allowable in subsection (1).

(3) A municipality may exempt from the tax imposed by this section any amount up to, and including, the first 500 kilowatt hours of electricity purchased per month for residential use. Such exemption shall apply to each separate residential unit, regardless of whether such unit is on a separate meter or a central meter, and shall be passed on to each individual tenant.

(4)

(a) The purchase of natural gas or fuel oil by a public or private utility, either for resale or for use as fuel in the generation of electricity, or the purchase of fuel oil or kerosene for use as an aircraft engine fuel or propellant or for use in internal combustion engines is exempt from taxation hereunder.

(b) A municipality may exempt from the tax imposed by this section the purchase of metered or bottled gas (natural liquefied petroleum gas or manufactured) or fuel oil for agricultural purposes. As used in this paragraph, "agricultural purposes" means bona fide farming, pasture, grove, or forestry operations, including horticulture, floriculture, viticulture, dairy, livestock, poultry, bee, and aquaculture.

(5) Purchases by the United States Government, this state, and all counties, school districts, and municipalities of the state, and by public bodies exempted by law or court order, are exempt from the tax authorized by this section. A municipality may exempt from the tax imposed by this section the purchase of taxable items by any other public body as defined in s. 1.01, or by a nonprofit corporation or cooperative association organized under chapter 617 which provides water utility services to no more than 13,500 equivalent residential units, ownership of which will revert to a political subdivision upon retirement of all outstanding indebtedness, and shall exempt purchases by any recognized church in this state for use exclusively for church purposes, and shall exempt from the tax authorized by subsection (9) purchases made by any religious institution that possesses a consumer certificate of exemption issued under chapter 212.

(6) A municipality may exempt from the tax imposed by this section any amount up to, and including, the total amount of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, or manufactured gas either metered or bottled purchased per month, or reduce the rate of taxation on the purchase of such electricity or gas when purchased by an industrial consumer which uses the electricity or gas directly in industrial manufacturing, processing, compounding, or a production process, at a fixed location in the municipality, of items of tangible personal property for sale. The municipality shall establish the requirements for qualification for this exemption in the manner prescribed by ordinance. Possession by a seller of a written certification by the purchaser, certifying the purchaser's entitlement to an exemption permitted by this subsection, relieves the seller from the responsibility of collecting the tax on the nontaxable amounts, and the municipality shall look solely to the purchaser for recovery of such tax if it determines that the purchaser was not entitled to the exemption. Any municipality granting an exemption pursuant to this subsection shall grant the exemption to all companies classified in the same SIC Industry Major Group Number.

(7) The tax authorized hereunder shall be collected by the seller of the taxable item from the purchaser at the time of the payment for such service. The seller shall remit the taxes collected to the municipality in the manner prescribed by ordinance, except that remittance of taxes by sellers of telecommunication services shall be governed by paragraph (9)(f). Except as otherwise provided in ss. 166.233 and 166.234, the seller shall be liable for taxes that are due and not remitted to the municipality. This shall not bar the seller from recovering such taxes from purchasers; however, the universities in the State University System shall not be deemed a seller of any item otherwise taxable hereunder when such item is provided to university residences incidental to the provision of educational services.

(8)

(a) Beginning July 1, 1995, a municipality may by ordinance exempt not less than 50 percent of the tax imposed under this section on purchasers of electrical energy who are determined to be eligible for the exemption provided by s. 212.08(15) by the Department of Revenue. The exemption shall be administered as provided in that section. A copy of any ordinance adopted pursuant to this subsection shall be provided to the Department of Revenue not less than 14 days prior to its effective date.

(b) If an area that is nominated as an enterprise zone pursuant to s. 290.0055 has not yet been designated pursuant to s. 290.0065, a municipality may enact an ordinance for such exemption; however, the ordinance shall not be effective until such area³ designated pursuant to s. 290.0065.

(c) This subsection shall expire and be void on December 31, 2005, except that any qualified business which has satisfied the requirements of this subsection prior to December 31, 2005, shall be allowed the full benefit of the exemption allowed under this subsection as if this subsection had not expired on December 31, 2005.

(9) A municipality may levy a tax on the purchase of telecommunication services as defined in s. 203.012 as follows:

(a)

1. Only upon purchases within the municipality of local telephone service as defined in s. 203.012(3) at a rate not to exceed 10 percent of the monthly recurring customer service charges, excluding public telephone charges collected on site, access charges, and any customer access line charges paid to a local telephone company; or

2. Only upon purchases within the municipality of telecommunications service that originates and terminates in this state at a rate not to exceed 7 percent of the total amount charged for any telecommunications service provided within the municipality or, if the location of the telecommunications service provided cannot be determined as part of the billing process, the total amount billed for such telecommunications service to a telephone or telephone number, a telecommunications number or device, a service address, or a customers' billing address located within the municipality, excluding public telephone charges collected on site, charges for any foreign exchange service or any private line service except when such services are used or sold as a substitute for any telephone company switched service or dedicated facility by which a telephone company provides a communication path, access charges, and any customer access line charges paid to a local telephone company. However, telecommunications service as defined in s. 203.012(5)(b) shall be taxed only on the monthly recurring customer service charges excluding variable usage charges.

(b) For the purpose of compensating the seller, the seller shall be allowed 1 percent of the amount of the tax collected and due to the municipality in the form of a deduction from the amount collected for remittance. The deduction shall be allowed as compensation for the keeping of records and for the collection of, and the remitting of, the tax.

(c) A municipality may audit the records of any provider of telecommunications service taxable by the municipality under s. 166.234. However, any information received by the municipality or its agent in connection with such audit is confidential and exempt from the provisions of s. 119.07(1).

(d)

1. If the sale of a taxable telecommunication service also involves the sale of an exempt cable television service, the tax shall be applied to the value of the taxable service when it is sold separately.

2. If the company does not offer this service separately, the consideration paid shall be separately identified and stated with respect to the taxable and exempt portions of the transaction as a condition of the exemption.

3. The amounts identified as taxable in subparagraph 2. shall not be less than the statewide average tariff rates set forth by the local exchange telecommunications companies in the tariffs filed with the Public Service Commission on January 1, 1995, and on January 1 of each year thereafter for the equivalent services subject to this section. The Public Service Commission shall publish the statewide average tariff rates annually, beginning on January 1, 1996.

4. If the total amount of municipal utility tax collected by a municipality or charter county from telecommunication services pursuant to this subsection for the period of July 1, 1995, to June 30, 1996, is less than the amount collected for the period July 1, 1994, to June 30, 1995, the municipality or charter county shall assess each company that remits such tax a pro rata share of the shortfall. The shortfall shall be prorated based on the amount of tax remitted by each company for the period July 1, 1995, to June 30, 1996, and the total amount of tax remitted for the same period. By September 1, 1996, the municipality or charter county shall certify to each company the amount of additional tax owed and the tax shall be remitted to the municipality or charter county by October 1, 1996. Provided, however, that this assessment may only be imposed if, in addition to the conditions above, a municipality or charter county has levied the applicable maximum tax rate allowed under this paragraph during the period July 1, 1995, and June 30, 1996, and has not switched between the two options allowed under subparagraph 1. or subparagraph 2. during the period July 1, 1995, and June 30, 1996.

(e) Purchases of local telephone service or other telecommunications service for use in the conduct of a telecommunications service for hire or otherwise for resale are exempt from the tax imposed by this subsection.

(f) A seller of services which are subject to the tax imposed by a municipality under this subsection shall file a return with the municipality each month. The form of the return shall be determined by the seller, and the return shall be deemed sufficient if it identifies the name and address of the seller, the period of the return, the amount collected from the sale of taxable services, any collection allowance taken, the amount of tax remitted with the return, and the name and telephone number of a person authorized by the seller to respond to inquiries from municipalities concerning the seller's administration of the tax. A municipality may not require any return or payment of public service tax other than on a date returns and payments of tax are required under chapter 212. However, a municipality may grant an extension of the due date for a return or payment upon written request from the seller. The deduction authorized by paragraph (b) shall not be allowed in the event of an untimely return, unless the seller has in writing requested and been granted an extension of time for filing such return. Extensions of time shall be granted if reasonable cause is shown, whether requested before or after the due date of the return.

(g) Notwithstanding any other provision of this section, in the event the total amount of tax anticipated to be collected within a calendar quarter does not exceed \$120, the seller of such service may, with the written authorization of the municipality, remit the taxes collected during such calendar quarter to the municipality quarterly. In such case, the tax shall be due on or before the 20th day of the month following the end of the calendar quarter in which the taxes were collected.

(10) A purchaser who claims an exemption under subsection (4), subsection (5), or paragraph (9)(e) shall certify to the seller that he or she qualifies for the exemption, which certification may encompass all purchases after a specified date or other multiple purchases. For purchases made under paragraph (9)(e) which are exempted, upon the presentation of a certificate, from the tax imposed by chapter 212, the certification required by this subsection may be satisfied by presentation of a certificate that satisfies the requirements of chapter 212. A seller accepting the certification required by this subsection is relieved of the obligation to collect and remit tax; however, a governmental body that is exempt from the tax authorized by this section shall not be required to furnish such certification, and a seller is not required to collect tax from such an exempt governmental body.

(11) Governmental bodies which sell or resell taxable service to nonexempt end users must collect and remit the tax levied under this section.

History.--s. 1, ch. 73-129; ss. 1, 2, ch. 74-109; s. 1, ch. 77-174; s. 1, ch. 77-251; s. 4, ch. 78-299; s. 1, ch. 78-400; s. 1, ch. 82-230; s. 1, ch. 82-399; s. 24, ch. 84-356; s. 1, ch. 85-174; s. 1, ch. 86-155; s. 1, ch. 88-35; s. 1, ch. 88-140; s. 36, ch. 90-360; s. 1, ch. 93-224; s. 44, ch. 94-136; s. 1, ch. 95-403; s. 12, ch. 96-320; s. 47, ch. 96-406; s. 2, ch. 97-233; s. 2, ch. 97-283.

¹**Note.**--

A. Section 5, ch. 97-233, provides that:

"(1) No later than September 1, 1997, each municipality levying a tax under s. 166.231 or s. 166.232, Florida Statutes, shall furnish to the Department of Revenue a notification that specifies the services taxed by such municipality under the authority of either section, including any election chosen by the municipality under s. 166.231(9)(a), Florida Statutes; the rate of tax applied to each service; the effective date of the levy; and the name, mailing address, and telephone number of a person designated by the municipality to respond to inquiries concerning the tax. The notification must include such information for levies with prior and future effective dates.

"(2) Address listings and updates that conform to the requirements of s. 166.231(10)(d), Florida Statutes, as in effect before the effective date of this act, are in compliance with this act and sellers may rely thereon, until July 1, 1998. However, no later than January 1, 1998, each municipality shall make available lists which conform to the requirements of this act, and such lists shall have an effective date of July 1, 1998."

B. Section 4, ch. 97-283, provides that "[i]t is the intent of the Legislature that this act is remedial and is intended to clarify existing law."

²**Note.**--Redesignated as subsection (8) by s. 2, ch. 97-233.

³**Note.**--As amended by s. 44, ch. 94-136. Committee Substitute for House Bill 2679, 1994 legislative session, substituted the word "designated" for the word "approved" following the word "is." An amendment to the bill struck the word "is" as well. (See Journal of the House of Representatives 1994, p. 2074).

ORDINANCE 07-15

**AN ORDINANCE OF THE CITY OF GULF BREEZE
ADOPTING A NEW MUNICIPAL PUBLIC SERVICE TAX;
PROVIDING FOR THE ADOPTION OF A MUNICIPAL
PUBLIC SERVICE TAX RATE; PROVIDING NOTICE TO
THE DEPARTMENT OF REVENUE; PROVIDING FOR
SEVERABILITY; PROVIDING FOR CONFLICT AND
PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, the Florida Legislature has established by law that a municipality may levy a tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service; and,

WHEREAS, Section 166.231, Florida Statutes, authorizes the City of Gulf Breeze to levy the tax only on purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service; and,

WHEREAS, the tax imposed by this ordinance shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. "Fuel adjustment charge" shall mean all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973; and,

WHEREAS, The City of Gulf Breeze desires to establish a Municipal Public Service Tax of 7.5% pursuant to Section 166.231, Florida Statutes; and,

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, Florida, as follows:

SECTION 1. - ADOPTION OF MUNICIPAL PUBLIC SERVICE TAX RATE

The Municipal Public Service Tax authorized under Section 166.231(1)(a), Florida Statutes, for the City of Gulf Breeze is hereby established at a rate of 7.5%. This rate is to be effective April 1, 2016.

SECTION 2. - NOTICE TO THE DEPARTMENT OF REVENUE

The City of Gulf Breeze directs that notice to establish Municipal Public Service Tax to be provided to the Florida Department of Revenue by January 1, 2016. Form DR-700001, and a copy of this ordinance must be submitted with the notification.

SECTION 3. – SEVERABILITY

If any section, paragraph, sentence, clause, phrase or word of this ordinance is for any reason held by any court to be unconstitutional, inoperative, invalid or void, such holding shall not in any manner affect the validity of the remaining portions of this ordinance.

SECTION 4. - EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage by the City of Gulf Breeze. The imposition and collection of the new Municipal Public Service Tax shall commence effective April 1, 2016.

SECTION 5. - CONFLICT

The provisions of this ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms hereof.

SECTION 6. - EFFECTIVE DATE

This Ordinance shall take effect immediately upon its passage by the City of Gulf Breeze. The imposition and collection of the new Municipal Public Service Tax shall commence effective April 1, 2016.

PASSED ON THE FIRST READING ON THE 19th DAY OF OCTOBER, 2015.

ADVERTISED ON THE _____ DAY OF _____, 2015.

PASSED ON THE SECOND READING ON THE _____ DAY OF _____, 2015.

BY: _____
MATT DANNHEISSER, MAYOR

ATTEST:

LESLIE A. GUYER, CITY CLERK OR
STEPHANIE D. LUCAS, CITY CLERK

City of Gulf Breeze

Memorandum

To: Edwin A. Eddy, City Manager

From: Curt Carver, Deputy City Manager

Date: 10/15/2015

Subject: Resolution 29-15: Police Pension Membership

At the Executive Meeting on October 14th, the City Council considered Resolution 29-15, which provided for the appointment of the two legal residents of the City to the Police Pension Board of Trustees. As you know, F.S. 185.05 (1) (a) provides that the Board shall consist of five members. Two of these shall be legal residents of the City appointed by the City Council. Two others must be active police officers that are members of the Plan. The fifth member is chosen by the other four members and subsequently appointed by the City Council. The term of office is two years and may be extended to four years by passage of a City Council resolution or ordinance.

At that meeting, the City Council amended the resolution providing for the appointment of Nathan Ford and Dan Kopack as the legal resident members for a 2-year term effective October 1, 2015 to September 30, 2017. A copy of the revised resolution is enclosed. Please do not hesitate to contact me if you have any questions.

Recommendation: That the City Council approve Resolution No. 29-15 appointing Messrs. Nathan Ford and Dan Kopack as legal resident members to the Police Pension Board of Trustees.

Enclosure

RESOLUTION NO. 29-15

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE APPOINTING TWO LEGAL RESIDENTS OF THE CITY TO SERVE ON THE POLICE PENSION PLAN BOARD OF TRUSTEES.

WHEREAS, the City has established a Police Pension Plan for the Police Officers hired after January 1, 1996; and

WHEREAS, Florida Statutes Chapter 185 provides that a Board of Trustees be appointed to carry out the duties as specified in Florida Statutes §185.05 relative to a Municipal Police Pension Plan; and

WHEREAS, Florida Statutes §185.05(1)(a) provides that the Board of Trustees shall consist of five members, to wit: two Police Officers (as defined in F.S. §185.05) selected by a majority of the Police Officers who are members of the City's Police Pension Plan; two legal residents appointed by the City Council; and a fifth member selected by the other four members and whose name must be submitted to and appointed by the City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, AS FOLLOWS:

Nathan Ford and Daniel Kopaek are appointed as the two legal residents to serve on the Police Pension Plan Board of Trustees for a two year term ending on September 30, 2017.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, SANTA ROSA COUNTY, FLORIDA ON THIS _____ DAY OF OCTOBER, 2015.

CITY OF GULF BREEZE

By: _____
Matt E. Dannheisser, Mayor

ATTEST

Leslie A. Guyer, City Clerk or
Stephanie D. Lucas, City Clerk

ORDINANCE NO. 06-15

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, AMENDING THE RETIREMENT PLAN AND TRUST FOR THE POLICE OFFICERS OF THE CITY OF GULF BREEZE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City Council established a Retirement Plan and Trust for the Police Officers of the City of Gulf Breeze pursuant to Ordinance Number 04-96; and,

WHEREAS, the Retirement Plan and Trust was executed on January 2, 1996; and,

WHEREAS, Section 8.01 of the Plan and Trust authorizes the City Council to amend the Plan and Trust, in whole or in part, either retroactively or prospectively, by delivery to the Trustee a written amendment in accordance with the limitations set out in the section; and,

WHEREAS, on February 3, 2014 the City Council adopted Ordinance Number 01-14 that amended the Plan and Trust, in part, by providing that calculation of benefits is limited to "base pay"; and

WHEREAS, the City Council now desires to amend the Plan and Trust by providing clarification and definition of "base pay".

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Gulf Breeze, as follows:

SECTION 1:

The Retirement Plan and Trust dated as of January 2, 1996, is hereby amended as follows:

The calculation of benefits is limited to base pay, which is hereafter defined as (i) annual base salary to include used vacation leave, sick leave and compensatory time; (ii) earned educational incentive; and (iii) holiday pay. Base pay does not include overtime, temporary assignments such as SRO and FTO and any payouts for accrued vacation and/or sick leave.

SECTION 2: SEVERABILITY

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative, invalid or void, then said holding shall in no manner effect the validity of the remaining portions of this Ordinance.

SECTION 3: CONFLICT

The provisions of this Ordinance shall be deemed to control and prevail over any ordinance or portion thereof in conflict with the terms herein.

SECTION 4: EFFECTIVE DATE

This Ordinance shall become effective upon its adoption by the City Council of the City of Gulf Breeze.

PASSED ON FIRST READING ON THE 5th DAY OF OCTOBER, 2015.

PUBLISHED ON THE 9TH DAY OF OCTOBER, 2015.

PASSED AND ADOPTED ON THE SECOND READING ON THE _____ DAY OF OCTOBER, 2015.

CITY OF GULF BREEZE, FLORIDA

MATT E. DANNHEISSER, MAYOR

ATTEST:

STEPHANIE D. LUCAS, CITY CLERK OR
LESLIE GUYER, CITY CLERK

SCHOOL RESOURCE OFFICER AGREEMENT

AGREEMENT is ~~made this the 12nd~~ effective as of 12th day of August, - 2015 by and between the SCHOOL DISTRICT OF SANTA ROSA COUNTY and the CITY OF GULF BREEZE as follows:

WITNESSETH:

WHEREAS the SCHOOL DISTRICT OF SANTA ROSA COUNTY agrees to purchase from the GULF BREEZE POLICE DEPARTMENT and the GULF BREEZE POLICE DEPARTMENT agrees to provide for the SCHOOL DISTRICT OF SANTA ROSA COUNTY and to manage a School Resource Officer (SRO) Program in the SCHOOL DISTRICT OF SANTA ROSA COUNTY consisting of two (2) full time School Resource Officers, their vehicles, supplies and equipment and the SCHOOL DISTRICT OF SANTA ROSA COUNTY agrees to reimburse the GULF BREEZE POLICE DEPARTMENT for its expenses in providing the said SRO Program as described in attachment "A"; and

WHEREAS the SCHOOL DISTRICT OF SANTA ROSA COUNTY and the GULF BREEZE POLICE DEPARTMENT desire to set forth in this SRO Agreement the specific terms and conditions of the services to be performed and provided by the said SROs in the SCHOOL DISTRICT OF SANTA ROSA COUNTY;

NOW, THEREFORE, THE PARTIES HERETO AGREE AS FOLLOWS:

- 1.0 Goals and Objectives** – It is understood and agreed that the SCHOOL DISTRICT OF SANTA ROSA COUNTY and GULF BREEZE POLICE DEPARTMENT officials share the following goals and objectives with regard to the School Resource Officer (SRO) Program in the schools:
- 1.1 To foster educational programs and activities that will increase student's knowledge of and respect for the law and function of law enforcement agencies;
 - 1.2 To encourage SROs to attend extra-curricular activities held at schools, when possible, such as PTA meetings, athletic events and concerts;
 - 1.3 To act swiftly and cooperatively when responding to major disruptions and flagrant criminal offenses at school, such as: disorderly conduct by trespassers, the possession and use of weapons on campus, the illegal sale and/or distribution of controlled substances, and riots;
 - 1.4 To report serious crimes that occur on campus and to cooperate with the law enforcement officials in their investigation of crimes that occur at school;

- 1.5 To cooperate with other law enforcement officials in their investigations of criminal offenses which occur off campus; and
- 1.6 To encourage SROs to coordinate traffic control and crossing guards at schools when deemed necessary for the safety and protection of students and the general public when the regular traffic control officer or crossing guard is absent.

2.0 Employment and Assignment of School Resource Officers

- 2.1 The GULF BREEZE POLICE DEPARTMENT agrees to ~~employee~~employ 2 School Resource Officers (SROs) during the term of this agreement. The SROs shall be employees of the GULF BREEZE POLICE DEPARTMENT and shall be subject to the administration, supervision and control of the GULF BREEZE POLICE DEPARTMENT, except as such administration, supervision and control is subject to the terms and conditions of this Agreement.
 - 2.2 The GULF BREEZE POLICE DEPARTMENT agrees to provide and to pay the SROs salary and employment benefits in accordance with the applicable salary schedules and employment practices of the GULF BREEZE POLICE DEPARTMENT, including but not necessarily limited to: sick leave, annual leave, retirement compensation, disability salary continuation, workers compensation, unemployment compensation, life insurance, dental insurance, and medical/hospitalization insurance. The SROs shall be subject to all other personnel policies and practices of the GULF BREEZE POLICE DEPARTMENT except as such policies or practices may have to be modified to comply with the terms and conditions of this Agreement.
 - 2.3 The GULF BREEZE POLICE DEPARTMENT, in its sole discretion, shall have the power and authority to hire, discharge and discipline SROs. THE GULF BREEZE POLICE DEPARTMENT shall hold the SCHOOL DISTRICT OF SANTA ROSA COUNTY free, harmless and indemnified from and against any and all claims, suits or causes of action arising out of allegations of unfair or unlawful employment practices brought by SROs.
 - 2.4 The SROs shall be assigned by the GULF BREEZE POLICE DEPARTMENT as follows:
 - 2.41 One shall be assigned to the Gulf Breeze High School
 - 2.42 One shall be assigned to the Gulf Breeze Middle School
- Total Assigned (2)
- 2.5 In the event an SRO is absent from work, the SRO shall notify both his supervisor in the GULF BREEZE POLICE DEPARTMENT and the principal of the school to which the SRO is assigned.

3.0 Duty Hours

- 3.1** The maximum number of hours that a SRO officer shall be on duty in a workweek shall be 40 hours. Specific SRO duty hours at a particular school shall be set by mutual agreement between the SCHOOL DISTRICT OF SANTA ROSA COUNTY, at the direction of the Superintendent, his designee, or the Principal of the school to which the officer is assigned, and the GULF BREEZE POLICE DEPARTMENT, by the Officer in charge of the SRO Program.
- 3.2** The SROs shall be on duty at their respective school(s) from 30 minutes before the beginning of the student instructional day until 30 minutes after the end of the students' school day unless modified by the mutual agreement between the GULF BREEZE POLICE DEPARTMENT and the SCHOOL DISTRICT OF SANTA ROSA COUNTY by the Superintendent, his designee or the Principal.
- 3.3** It is understood and agreed that time spent by SROs attending court, or working juvenile and/or criminal cases arising from their employment, as an SRO shall be considered as hours worked under the Agreement.
- 3.4** Compensatory Time:
1. The SRO shall earn compensatory time in accordance with the provisions of Article XV, Section 5 of the Collective Bargaining Agreement by and between the City of Gulf Breeze, Florida and the Florida State Lodge of the Fraternal Order of Police.
 2. All earned compensatory time shall be based upon the assignment of the Principal and Police Chief.
 3. Except in cases of an emergency nature, the extra-curricular assignment is to be made prior to the accrual of the compensatory time.
 4. Compensatory time will be used on school holidays observed by school board instructional personnel.
 5. All SRO compensatory time shall be used by the SRO prior to the last day of post-planning of each school year, if time permits.
 6. It shall be the responsibility of the Principal of the primary school to minimize the assignment of extra-curricular activities to the extent for which all compensatory time can be awarded and used by the SRO prior to the end of post planning, if time permits.

4.0 Basic Qualifications of School Resource Officers (SROs) – To be an SRO, an officer must first meet all of the following basic qualifications:

- 4.1** Shall be a commissioned officer and should have one year of law enforcement experience;

- 4.2 Shall complete the 40 hour basic SRO course prior to, or as soon as possible after assignment;
- 4.3 Shall possess a sufficient knowledge of the applicable Federal and State laws, City and County ordinances, Santa Rosa County School Board, and the State of Florida Department of Education polices and regulations;
- 4.4 Shall be capable of conducting in depth criminal investigations;
- 4.5 Shall possess even temperament and set a good example for students; and
- 4.6 Shall possess communication skills, which would enable the officer to function effectively within the school environment.

5.0 Duties of School Resource Officers

- 5.1 To protect lives and property for the citizens and public school students of the county;
- 5.2 To enforce Federal, State and Local criminal laws and ordinances, and to assist school officials with the enforcement of Board of Education Policies and Administrative Regulations regarding student conduct;
- 5.3 To investigate criminal activity committed on or adjacent to school property;
- 5.4 To counsel public school students in special situations, such as students suspected of engaging in criminal misconduct, when requested by the Principal or the Principal's designee or by the parents of a student;
- 5.5 To answer questions that students may have about Florida Criminal or juvenile laws;
- 5.6 To assist other law enforcement officers with outside investigations concerning students attending the school(s) to which the SRO is assigned;
- 5.7 To coordinate security for special school events or functions, such as athletic events and PTA meetings, at the request of the Principal or the Superintendent or his designee; and
- 5.8 To coordinate traffic control during the arrival and departure of students.

6.0 Chain of Command

- 6.1 As employees of the GULF BREEZE POLICE DEPARTMENT, SROs shall follow the chain of command as set forth in the GULF BREEZE POLICE DEPARTMENT Policies and Procedure Manual.
- 6.2 In the performance of their duties, SROs shall coordinate and communicate with the Principal or the Principal's designee of the school to which they are assigned.

7.0 Training/Briefing

- 7.1 Training sessions will be conducted to provide SROs with appropriate in-service training such as updates in the law and in-service firearm training. The SCHOOL DISTRICT OF SANTA ROSA COUNTY also may provide training in Board of Education Policies, regulations and procedures.

8.0 Dress Code – SROs shall be provided by the GULF BREEZE POLICE DEPARTMENT and required to wear a departmental issued uniform.

9.0 Supplies and Equipment – The GULF BREEZE POLICE DEPARTMENT agrees to provide each SRO with the following equipment:

9.1 Motor vehicles. The GULF BREEZE POLICE DEPARTMENT shall provide a marked patrol vehicle for each SRO. In addition, the GULF BREEZE POLICE DEPARTMENT agrees to:

9.11 maintain the vehicles assigned to SROs;

9.12 pay for gasoline, oil, replacement tires and other expenses associated with the operation of the said vehicles; and

9.13 purchase and maintain comprehensive general auto liability insurance on the said vehicles in an amount not less than the coverage recommended by the Risk Manager for the County.

9.2 Weapons and ammunition. The GULF BREEZE POLICE DEPARTMENT agrees to provide the standard issue pistol and rounds of ammunition for each SRO.

9.3 Each SRO will be furnished a workplace in the assigned school that will include access to a phone, desk, and space for closet storage.

10.0 Transporting Students

10.1 It is agreed that SROs shall not transport students in the vehicles except:

10.11 when the students are victims of a crime, under arrest, picked up as truants, or some other emergency circumstances exist; and

10.12 when students are suspended and sent home from school pursuant to school disciplinary actions if the student's parent or guardian has refused or is unable to pick up the child within a reasonable time period and the student is disruptive/disorderly and his/her continued presence on campus is a threat to the safety and welfare of other students and school personnel.

10.2 If circumstances require that the SRO transport a student, then the school officials may provide a school official or employee of the same gender of the student to be transported to accompany the officer in the vehicle.

10.3 If the student to be transported off campus is not under arrest, a victim of ___ a crime, or violent or disruptive, the school administration shall provide ___ transportation for the student and the SRO may accompany a school ___ official in transporting a student.

10.4 Student shall not be transported to any location unless it is determined ___ that the student's parent, guardian or custodian is at the destination to ___ which the student is being transported. SROs shall not transport students ___ in their personal vehicles.

10.5 SROs shall notify the School Principal before removing a student ___ from campus.

11.0 Investigation, Interrogation, Search and Arrest Procedures – The standard operating procedures (SOP) for the investigation of crimes and interrogation, search and arrest of students are as follows:

11.1 Interrogation Procedures. In the event a serious crime (as defined below) is committed at school or at a school activity, the Principal, Assistant Principal or Principal's designee with the assistance of the SRO should:

11.11 Question any witnesses to determine that a crime was committed and who committed the crime. The SRO shall have the general authority to question or interrogate any student at school who may have information about criminal misconduct or the violation of the conduct policies of the SCHOOL DISTRICT OF SANTA ROSA COUNTY. As a general rule, the interrogation should be conducted in cooperation with and in the presence of a school official but when immediate action is necessary or in an emergency situation, the SRO may interrogate a student without the presence of a school official.

11.12 Question the person suspected of committing the crime. As a general rule, the suspect should not be arrested or placed "in custody" during the initial interview or interrogation. The suspect

shall be informed generally of the purpose of the investigation and given an opportunity to present informally his/her knowledge of the facts. If the suspect wishes to remain silent, to contact his/her parents or an attorney, or to end the interview, the questioning should cease and the suspect's request should be granted unless there is a reasonable cause to detain the student for questioning.

11.13 If a juvenile student is detained, placed in custody or arrested, the student must be advised prior to further questioning by a SRO:

- 11.131** That he/she has the right to remain silent;
- 11.132** That anything he/she says can be used against him/her in a court of law;
- 11.133** That he/she has a right to have a parent, guardian or custodian present during questioning;
- 11.134** That he/she has a right to talk with an attorney before you ask any questions and he/she has a right to have his/her attorney present with him/her during questioning;
- 11.135** That if he/she cannot afford to hire an attorney, one will be appointed for him/her by the court before any questioning if he/she wishes; ~~and~~
- 11.136** That if he/she decides to answer now without an attorney present, he/she will still have the right to stop answering questions at any time. He/she also has the right to stop answering questions at any time until he/she talks to a lawyer;
- 11.137** That if the suspect is under 14 years of age, the child's parent, guardian, or custodian shall be contacted and invited to be present during the interview and the accused shall be advised of his/her rights as set forth in ~~STATUTE~~. [Florida Statutes](#); and
- 11.138** That if the student is 14 years of age or older, he/she must be advised of his/her rights, but the presence of the student's parent, guardian, custodian or attorney may be waived by the student.

11.2 Search Procedures

11.21 If the school official has reasonable grounds for suspecting that a search of a student or a student's possessions will uncover evidence that the student has violated or is violating either the law or the rules of the school, the school official may search the student and the student's pockets, pocketbook, book bag, desk, locker, vehicle or any other similar location within the student's control. When weapons are involved the SRO may assist with the search in order to protect the safety of all persons involved in the search. If the search uncovers evidence of criminal misconduct, the evidence shall be held for, or turned over to the SRO.

11.3 Reporting of Serious Crimes – If the investigation uncovers evidence of a serious crime as defined in [STATUTE Florida Statutes](#) and/or SCHOOL DISTRICT OF SANTA ROSA COUNTY administrative regulations, the school administrator shall notify the SRO, the student's parent/guardian and the appropriate assistant superintendent.

11.4 Arrest Procedures - School Related Crimes

11.41 Juveniles. When a SRO arrests or takes a juvenile under the age of 16 into custody, he/she shall select the least restrictive of the following courses of action which is appropriate under the circumstances and meets the immediate needs of the juvenile and the school:

11.411 Divert the juvenile from court by:

- 11.4111** Release
- 11.4112** Counsel and release
- 11.4113** Release into the custody of the juvenile's parent, guardian or custodian
- 11.4114** Referral to teen court or juvenile civil citation

Formal Arrest

- 11.4121** File request for order to take into custody
- 11.4122** Immediately take the juvenile into custody as allowed or required by law

11.42 Student over 16 years of age. When a SRO arrests or takes a person over the age of 16 into custody, he/she shall select the course of action, which is appropriate under the circumstances and meets the immediate needs of the school.

11.43 If circumstances permit, the SRO and Principal shall mutually agree upon a time during the school day for the removal of the student from the school. The student shall be called to the office by the Principal [or designee](#) at that time.

11.44 In the event of an arrest the student's parent(s) or guardian should be notified as soon as possible.

11.6 Investigation and Arrest Procedures -Other Crimes Committed off campus.

11.61 Investigations Involving Students Under Age 14

11.611 As a general rule, the SRO and other law enforcement officials shall not interview any students under age 14, witnesses or suspects, at school during school hours concerning crimes committed off campus.

11.612 If law enforcement officials are having difficulty locating a student off campus, determine that time is of the essence or for some other reason deem it necessary to interview a student under age 14 at school during school hours:

11.6121 The officer shall contact the school Principal and/or SRO in advance and state the reason(s) to conduct an interview of a student at the school;

11.6122 The investigating officer or SRO shall notify the student's parent or guardian of the officer's desire to interview or interrogate the student at school unless said parent or guardian is a suspect;

11.6123 Normally, students under 14 years of age will not be questioned at the school without notice to and the consent of the parent or guardian;

11.6124 No student under 14 years of age who is suspected or accused of committing the crime under investigation shall be interrogated at school unless the child's parent, guardian or attorney consent;

11.6125 The officer, Principal and parent (if the parent wants to attend the interview or interrogation) should mutually agree on a convenient time during the school day to conduct the investigation; and

11.6126 As a general rule, school official should not be present during the interview of the student. However, at the request of a parent or guardian, a school official may be present when a student is interviewed.

11.62 Investigations Involving Students 14 Years of Age or Older

11.621 SROs and other law enforcement officials may interview and interrogate students 14 years of age or older (suspects or witnesses) at school during school hours;

11.622 The SRO or investigating officer should contact the school Principal in advance and inform him/her of the reason(s) to conduct an investigation within the school;

- 11.623 The SRO or investigating officer and the Principal shall mutually agree on a convenient time during the school day to conduct the investigation; ~~and~~
- 11.624 The SRO or investigating officer shall make a reasonable effort to notify the student's parents or guardians and to offer them the opportunity to be present during the interrogation;
- 11.625 Parental consent is not required to interview a witness and the presence of the student's parent, guardian or attorney is not required to interrogate a suspect; ~~and~~
- 11.626 As a general rule, school officials should not be present during the investigation. However, at the request of a student, SRO or investigating officer, a school official may be present during the questioning.

12.0 Bomb Threats - School officials, the SRO and fire safety officials shall cooperate in the implementation of procedures in the event of a bomb threat (see SCHOOL DISTRICT OF SANTA ROSA COUNTY Emergency Procedures Manual). In all cases, such incidents shall be reported by the ~~principal~~ Principal to the area assistant superintendent and to the SRO.

13.0 Controlled Substances

- 13.1 School officials shall notify the SRO in all cases involving the possession, sale or distribution of controlled substances at school or school activities.
- 13.2 Any controlled substances or suspected controlled substances confiscated by school officials shall be turned over to the SRO for proper identification and eventual destruction.
- 13.3 If there is probable cause to believe that a student or any other person has sold or is selling controlled substances at or near a school, the SRO shall be notified and the SRO should take action as allowed by Florida ~~Statute~~ Statutes. Such action may include, ~~arrest,~~ filing a juvenile petition or seeking a criminal warrant. However, the decision to initiate an arrest, juvenile petition or criminal warrant will be the discretion of the SRO.

14.0 Weapons

- 14.1 In the event that any weapon or firearm as ~~described~~ defined in ~~FSS~~ Florida Statutes Section 790.001 is located or suspected to be in the possession of anyone on school campus the SRO shall be notified immediately.

14.2 If there is probable cause to believe that a student or any other person is in possession of a ~~weapon~~ or firearm on or near a school campus the SRO shall take action as set forth by Florida law, Department policy and School board policy.

15.0 Riots and Civil Disorders

15.1 In the event a riot or civil disorder occurs on a middle or high school campus, the ~~principal~~ Principal or designee and the SRO shall discuss and agree upon a response to the situation.

15.2 If, in the opinion of the principal and SRO, additional law enforcement personnel are needed to restore and/or maintain order, the SRO will contact the appropriate law enforcement agency and request that assistance. The principal or his designee also shall notify the Superintendent and the appropriate grade level director.

15.3 The ~~principal~~ Principal or his designee shall be prepared to respond to questions from the news media, parents and other members of the public as soon as order is restored.

15.4 If deemed necessary by school and law enforcement officials, the media and the public may be restricted to an area off campus away from the disturbance until order is restored.

15.5 The SRO or officer in charge shall consult with the ~~principal~~ Principal about the need or decision to arrest and/or remove students and other persons from the campus. However, law enforcement officials shall have the authority to arrest and remove any person who commits a crime, as allowed by Florida ~~state statute~~ Statutes within their jurisdiction.

16.0 Access to Education Records

16.1 School officials shall allow SROs to inspect and copy any public records maintained by the school including student directory information.

~~SRO's~~

16.2 SROs shall also have access to student information, including but not limited to, demographics, grades, attendance and discipline.

16.3 This section is subject to the Interagency Agreement for sharing of information.

17.0 **Term of Agreement** – The term of this agreement is ~~one-year~~ nine (9) months commencing on August 12, 2015 and ending on June 1, 2016. The Agreement shall be renewed and extended annually for additional and successive ~~one-year~~ terms unless notice of non renewal is given by either party, in writing, prior to June 30th of the initial or any succeeding term.

18.0 Consideration

- 18.1 For and in consideration of the GULF BREEZE POLICE DEPARTMENT providing the SRO Program as described herein, the SCHOOL DISTRICT OF SANTA ROSA COUNTY agrees to reimburse the GULF BREEZE POLICE DEPARTMENT for the amount specified in Attachment "A". The amount specified in Attachment "A" is fifty percent of each officer's salary and benefits. Said amount is derived from the Collective Bargaining E Agreement by and between the City of Gulf Breeze, Florida and the Florida State Lodge of the Fraternal Order of Police and may vary annually in accordance with the provisions that agreement.
- 18.2 The said compensation shall be paid by the SCHOOL DISTRICT OF SANTA ROSA COUNTY to the GULF BREEZE POLICE DEPARTMENT annually.

19.0 Indemnification

- 19.1 The GULF BREEZE POLICE DEPARTMENT agrees to hold the SCHOOL DISTRICT OF SANTA ROSA COUNTY, its ~~agent~~agents and employees free, harmless and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the SRO-officers or the SRO Program.
- 19.2 The SCHOOL DISTRICT OF SANTA ROSA COUNTY agrees to hold the GULF BREEZE POLICE DEPARTMENT its ~~agent~~agents and employees free, harmless and indemnified from and against any and all claims, suits or causes of actions arising from or in any way out of the performance of the duties of the School District's employees or the School District's programs.

- 20.0 **Evaluation** – It is mutually agreed that the SCHOOL DISTRICT OF SANTA ROSA COUNTY shall evaluate annually the SRO Program and the performance of each SRO on forms developed jointly by the parties. It is further understood that the SCHOOL DISTRICT OF SANTA ROSA COUNTY'S evaluation of each officer is advisory only and that the GULF BREEZE POLICE DEPARTMENT retains the final authority to evaluate the performance of the SROs.

INWITNESS WHEREOF, THE PARTIES HERETO HAVE CAUSED THIS Operations Agreement to be executed the day and year first written above. The parties affirm they have read and agree to the conditions set forth in this agreement, have read and understand the agreement in its entirety and have executed this agreement by their duly authorized officers on the date, month and year set out below.

SANTA ROSA COUNTY SCHOOL BOARD

Signature: _____

Type Name and Title: Timothy S. Wyrosdick, Superintendent of Schools

Date: _____

CITY OF GULF BREEZE AUTHORIZING OFFICIAL

Signature: _____

Type Name and Title: Matt E. Dannheisser, Mayor

Date: _____

CITY OF GULF BREEZE IMPLEMENTING AGENCY REPRESENTATIVE

Signature: _____

Type Name and Title: Robert C. Randle, Chief of Police, Gulf Breeze, Florida

Date: _____

ATTACHMENT "A"

Annual Cost of School Resource Officers for Gulf Breeze Middle & High School- 2015/16

David Eskridge- Gulf Breeze High School Hourly/Annual

Salary - \$20.29/\$42,195.09

FICA	\$3,227.95
Pension	\$6839.28
Health	\$12685.20
Dental	\$685.20
Life/LTD	\$272.64
Vision	<u>\$134.40</u>
Total	\$66,039.76

Stanley Pagonis- Gulf Breeze Middle School

Hourly/Annual Salary \$17.03/\$35,416.16

FICA	\$2,709.34
Pension	\$5,740.25
Health	\$12,685.20
Dental	\$385.20
Life/LTD	\$28032
Vision	<u>\$134.40</u>
Total	\$57 <u>58</u> ,350.87

Total overall for both positions ~~\$123~~124,390.63

Equal division ~~\$61,695.32~~62,195.31

MEMORY TRANSMISSION REPORT

TIME :10-16-2015 13:31
FAX NO.1 :8509345114
NAME :City of Gulf Breeze

FILE NO. : 080
DATE : 10.16 13:29
TO : 4161517
DOCUMENT PAGES : 6
START TIME : 10.16 13:29
END TIME : 10.16 13:30 (STORED TIME : 10.16 19:30)
PAGES SENT : 0
STATUS : 0050

TRANSMISSION JOURNAL

T130SYOW3000

F670-A10

TIME : 10-16-2015 13:31

FAX NO.1 : 8509345114

NAME : City of Gulf Breeze

NO.	FILE NO.	DATE TIME	DURATION	PGS	TO	DEPT	MODE	STATUS
625	016	09.11 15:03	00:22	2	9-4558972		EC 613	OK
625	017	09.11 15:03	00:17	1	9-4558972		EC 613	OK
626	016	09.11 15:04	00:21	2	9-9394575		EC 613	OK
626	017	09.11 15:04	00:18	1	9-9394575		EC 613	OK
627	016	09.11 15:05	00:45	2	9-9344601		EC 512	OK
627	017	09.11 15:06	00:33	1	9-9344601		EC 512	OK
628	016	09.11 15:06	00:00	0	9-9343701		-	0050
629	016	09.11 15:08	00:19	2	9-484-1255		EC 613	OK
629	017	09.11 15:08	00:20	1	9-484-1255		EC 613	OK
630	016	09.11 15:09	00:23	2	9-9345132		EC 613	OK
630	017	09.11 15:10	00:16	1	9-9345132		EC 613	OK
631	016	09.11 15:11	00:27	2	9-9345127		EC 613	OK
631	017	09.11 15:11	00:25	1	9-9345127		EC 613	OK
632	016	09.11 15:13	00:27	2	9-9344048		EC 613	OK
632	017	09.11 15:13	00:22	1	9-9344048		EC 613	OK
633	016	09.11 15:14	00:45	2	9-435-6821		EC 512	OK
633	017	09.11 15:14	00:38	1	9-435-6821		EC 512	OK
634	016	09.11 15:15	00:56	2	9-6232007		EC 613	OK
634	017	09.11 15:16	00:52	1	9-6232007		EC 613	OK
635	017	09.11 15:18	00:41	1	9-4380228		G3 510	OK
636	017	09.11 15:19	00:00	0	9-9328794		-	0050
637	017	09.11 15:20	00:00	0	9-4842662		-	0050
638	016	09.11 15:21	00:00	0	9-9344193		-	0050
639	017	09.11 15:21	00:00	0	9-9328794		-	0050
640	017	09.11 15:22	00:00	0	9-9343701		-	0050
641	017	09.11 15:30	00:00	0	9-9344193		-	0050
642	037	09.29 09:18	00:00	0	☎8509328794		-	0050
643	038	09.29 09:44	00:00	0	☎9328794		-	0050
644	039	09.29 10:07	00:33	3	☎99328794		EC 613	OK
645	044	09.30 15:36	11:07	2	☎99160736		EC 612	OK
646	045	10.01 08:02	00:00	0	☎9349580		-	0050
647	047	10.05 09:21	00:00	0	☎18502223806		-	0050
648	055	10.06 10:15	00:50	1	☎918772706185		G3 511	OK
649	056	10.06 10:16	00:53	1	☎918772706185		G3 611	OK
649	057	10.06 10:16	01:30	1	☎918772706185		G3 611	OK
649	058	10.06 10:17	01:29	1	☎918772706185		G3 511	OK
650	062	10.08 09:38	00:00	0	☎118772706195		-	0050
651	063	10.08 09:40	00:42	1	☎918772706185		G3 511	OK
652	066	10.09 11:21	03:29	12	☎918509323966		EC 612	OK
653	080	10.16 13:29	00:00	0	☎4161517		-	0050