



City of Stuart

AGENDA

REGULAR MEETING OF THE STUART CITY COMMISSION

OCTOBER 27, 2025

AT 5:30 PM

COMMISSION CHAMBERS

121 SW FLAGLER AVE.

STUART, FLORIDA 34994

CITY COMMISSION

Mayor Campbell Rich

Vice Mayor Christopher Collins

Commissioner Eula R. Clarke

Commissioner Laura Giobbi

Commissioner Sean Reed

ADMINISTRATIVE

City Manager, Michael J. Mortell

City Attorney, Lee J. Baggett

City Clerk, Mary R. Kindel

Agenda items are available on our website at <http://www.cityofstuart.us>
Phone: (772) 288-5306. Fax: (772) 288-5305. E-mail: mkindel@ci.stuart.fl.us

In compliance with the Americans with Disabilities Act (ADA), anyone who needs a special accommodation to attend this meeting should contact the City's ADA coordinator at 772-288-5306 at least 48 hours in advance of the meeting, excluding Saturday and Sunday.

If a person decides to appeal any decision made by the Board with respect to any matter considered at this meeting, he will need a record of the proceeding, and that for such purpose he 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.

(RC) next to an item denotes there is a City Code requirement for a Roll Call vote.

(QJ) next to an item denotes that it is a quasi-judicial matter or public hearing.

ROLL CALL

INVOCATION

PLEDGE OF ALLEGIANCE

COMMENTS BY CITY COMMISSIONERS

COMMENTS BY CITY MANAGER

APPROVAL OF AGENDA

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

APPROVAL OF CONSENT CALENDAR

1. APPROVAL OF 10/13/2025 CCM MINUTES

END OF CONSENT CALENDAR

COMMISSION ACTION

2. FPL EASEMENT FOR "CAPTAIN ADAMS PARK" PARCEL AT CONFUSION CORNER (RC):

RESOLUTION No. 103-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART, FLORIDA AND FLORIDA POWER & LIGHT COMPANY FOR THE PURPOSES OF PLACEMENT AND MAINTENANCE OF CONDUIT ON THE CITY-OWNED PARCEL KNOWN AS CAPTAIN ADAMS PARK LOCATED AT CONFUSION CORNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

3. TRAFFIC CALMING MEASUREMENTS WITHIN THE 10TH STREET RESIDENTIAL AREA (RC):

RESOLUTION No. 72-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE INSTALLATION OF ADDITIONAL STOP SIGNS ALONG S.E. KRUEGER PARKWAY, S.E. PARKWAY DRIVE, S.E. MADISON AVENUE, S.E. DOLPHIN DRIVE, AND S.E. FLAMINGO AVENUE BETWEEN S.E. OCEAN BOULEVARD AND 10TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

4. CONTINUED DISCUSSION AND DELIBERATION OF CITY MANAGER'S EMPLOYMENT CONTRACT

ADJOURNMENT

WHAT IS CIVILITY? Civility is caring about one's identity, needs and beliefs without degrading someone else's in the process. Civility is more than merely being polite. Civility requires staying "present" even with those persons with whom we have deep-rooted and perhaps strong disagreements. It is about constantly being open to hear, learn, teach and change. It seeks common ground as a beginning point for dialogue. It is patience, grace, and strength of character. Civility is practiced in our City Hall.

PUBLIC COMMENT: If a member of the public wishes to comment upon ANY subject matter, including quasi-judicial matters, please submit a Request to Speak form. These forms are available in the back of the Commission Chambers, and should be given to the City Clerk prior to introduction of the item number you would like to address.

CONSENT CALENDAR: Those matters included under the Consent Calendar are self-explanatory, non-controversial, and are not expected to require review or discussion. All items will be enacted by one motion. If discussion on an item is desired by any City Commissioner that item may be removed by a City Commissioner from the Consent Calendar and considered separately. If an item is quasi-judicial it may be removed by a Commissioner or any member of the public from the Consent Calendar and considered separately.

QUASI-JUDICIAL HEARINGS: Some of the matters on the Agenda may be "quasi-judicial" in nature. City Commissioners will disclose all ex-parte communications, and may be subject to voir dire by any interested party regarding those communications. All witnesses testifying will be "sworn" prior to their testimony. However, the public is permitted to comment without being sworn. Unsworn testimony will be given appropriate weight and credibility by the City Commission.

INVOCATION: Any invocation that may be offered at the opening of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 10/27/2025

Prepared by: Nina Mullin

Title of Item:

APPROVAL OF 10/13/2025 CCM MINUTES

Summary Explanation/Background Information on Agenda Request:

N/A

Funding Source:

N/A

Recommended Action:

Approve Minutes

ATTACHMENTS:

1. 10/13/2025 CCM Minutes

**MINUTES
REGULAR MEETING OF THE STUART CITY COMMISSION
OCTOBER 13, 2025
AT 4:00 PM
COMMISSION CHAMBERS
121 SW FLAGLER AVE.
STUART, FLORIDA 34994**

CITY COMMISSION

**Mayor Campbell Rich
Vice Mayor Christopher Collins
Commissioner Eula R. Clarke
Commissioner Laura Giobbi
Commissioner Sean Reed**

ADMINISTRATIVE

**City Manager, Michael J. Mortell
City Attorney, Lee J. Baggett
City Clerk, Mary R. Kindel**

ROLL CALL

4:00 PM

PRESENT: Mayor Rich, Vice Mayor Collins, Commissioner Clarke, Commissioner Giobbi, and Commissioner Reed

INVOCATION

Pastor James Harp, Stuart Alliance Church, gave the Invocation.

PLEDGE OF ALLEGIANCE

1. ARTS MOMENT - FLORIDA ARTS & DANCE COMPANY - DANCING TO THE NUTCRACKER

PROCLAMATIONS

2. FLORIDA CITY GOVERNMENT WEEK - OCTOBER 20–26, 2025

Mary Kindel, City Clerk, accepted Proclamation and provided brief remarks on Florida City Week.

3. DOMESTIC VIOLENCE AWARENESS MONTH - OCTOBER 2025

Jennifer Fox, CEO of Safe Space, and fellow supporters accepted the Proclamation and announced various upcoming support functions for Domestic Violence Awareness.

PRESENTATIONS

4. SERVICE AWARDS OCTOBER 2025

Bradley Howard	U&E	15 years	
Roz Johnson Strong	HR	15 years	
Anne Hawkins	U&E	10 years	
Edith Guyette	Development	10 years	
Timothy Spugnardi	Police	5 years	Not Present
Kevin McDonald	U&E	5 years	

5. DEVELOPMENT APPLICATION APPROVAL PROCESS & PROCEDURES

Jodi Kugler, Development Director, presented and demonstrated the new Open Gov portal.

Commissioner Reed suggested a workshop be done for contractors to explain code and processes. City Manager Mortell commented on common issues that cause confusion and clarified the Commission's preference, a workshop.

COMMENTS BY CITY COMMISSIONERS

Vice Mayor Collins

- Announced that the Commission recently lowered taxes, cut spending, prioritized safety, and hired four (4) new firefighters. The new firefighters came forward to be introduced.

Commissioner Reed

- Announced that he had requested Agenda Item #12 to be on the agenda, stated it is nothing against City Manager Mortell and asked that the public be respectful.

Commissioner Giobbi

- Commented that there should be a process for the Commissioners to communicate with the Environmental Attorney; felt they should all be involved in the important communications.

Commissioner Clarke

- Followed up on Commissioner Giobbi's comment for clarification.
- Complimented Utilities & Engineering Director, Peter Kunen, on the Dedication Ceremony in recognition of the Michael Goldberg Lab Building at the Water Reclamation Facility.
- Commented on the right-of-way and the staff vs. homeowner maintenance burden. Requested notices to the public giving information on the right-of-ways.
- Announced that in honor of the Martin County Centennial celebration, a heritage presentation will be offered to the public at 7 p.m. at the Stuart Flagler Center.

COMMENTS BY CITY MANAGER

City Manager Mortell

- Announced that Spice & Tea Exchange has requested to move their agenda item to a date certain of November 10th City Commission Meeting.
- Commented on an email he received on the sidewalks downtown and stated that the State of Florida, using SB180 and the Florida Department of Transportation have required all Cities to remove any street art or painting of sidewalks. The City has updated the crosswalks in downtown, the power lines are being installed underground, and some landscaping is not yet replanted but will be after the project is complete.
- Commented that Project Lift has begun construction.
- Commented that on October 6th, Detective Jacobson, of the Stuart Police Department, caught an alligator by Hudson's on the River, which was relocated to Haney Creek.
- Announced Michael Kennedy, FIND Representative, was able to fund our entire courtesy dock with a Florida Inland Navigation Grant.

APPROVAL OF AGENDA

5:18 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Laura Giobbi

Motion approved unanimously.

COMMENTS FROM THE PUBLIC (Non-Agenda Related) (3 Minutes Max.)

1. William Rudge - Stuart; Commented on the peace in Gaza and return of the hostages and is not in support of the City Manager being rehired.
2. Caryn Hall - Stuart; Commented that she loves the City Manager and prays for his family.
3. Walter Loyd - Stuart; Commented on the consideration of Item #12, gave his reasons for being in favor of his resignation.
4. Will Laughlin - Stuart; Commented on his service to the CRB and the discussion pertaining to Spice and Tea, feels capitalism does not exist anymore. Reviewed the RFP Process.
5. Audra Creech - Palm City; Part of Stuart Main Street, commented that the lease for the Flagler Center is up for review and asked for support with that. Stated that we have a wealth of knowledge and experience with the current City Manager and that we should not judge a person's career by people who do not like that person.
6. Robin Cartwright - Stuart; Commented on Commissioner Giobbi's thoughts, the Friends and Neighborhood publication, sponsored by developers, encourages the board to find out who is leaking the information.
7. Robert Hamilton - Stuart; Commented on Section 2230 on the procurement method. Asked the Board to look at the email sent prior to this meeting.
8. Olga Hamilton - Stuart; Commented on the Guardian inspection and the ridge vent system from August 2024 to present.

APPROVAL OF CONSENT CALENDAR

6. APPROVAL OF 09/22/2025 SCM FINAL MILLAGE AND FINAL BUDGET MINUTES AND 09/22/2025 CCM MINUTES (RC)

7. TREE CITY USA RECERTIFICATION APPLICATION 2025-2026 (RC):

RESOLUTION No. 99-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE EXECUTION AND SUBMISSION OF THE 2025-2026 ANNUAL RECERTIFICATION APPLICATION FOR THE TREE CITY USA DESIGNATION; AND REAFFIRMING THE CITY'S COMMITMENT TO URBAN FORESTRY; PROVIDING AN EFFECTIVE DATE, AND FOR OTHER PURPOSES.

END OF CONSENT CALENDAR

5:47 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

COMMISSION ACTION

8. FINAL RENEWAL OF FLAGLER CENTER LEASE WITH STUART MAIN STREET ASSOCIATION, INC. (RC):

RESOLUTION No. 101-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA TO AUTHORIZE A THREE-YEAR EXTENSION TO ABSOLUTE TRIPLE NET – UNSUBORDINATED LEASE AGREEMENT BETWEEN THE CITY OF STUART AND STUART MAIN STREET ASSOCIATION, INC. FOR THE “FLAGLER CENTER” LOCATED AT 201 SW FLAGLER AVENUE, STUART; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Lee Baggett, City Attorney, provided a brief update and explained a scriveners' error pertaining to the commencement date.

Commissioners discussed whether lease agreements should be voted on at the same meeting and to bring back this lease agreement with the other lease agreements to the next CCM meeting. Consensus was to vote on the Flagler Center lease tonight and bring back the other two to the next City Commission Meeting (CCM). Commissioners requested that dates line up on all agreements for future approvals.

Commissioner Giobbi asked about the City's sublet leases. City Manager responded that he sent a lease to Commissioner Giobbi via email and gave an explanation of the sublet lease requirements. Commissioner Giobbi requested that City Manager Mortell update our records on all sublet leases and provide them to the Commission.

Mark Brechill, CRB Board Member, was asked to come forward and explain the current

status of the comment on the sublease of Sam Yates. He responded that Sam Yates, Executive Director of the Gold Coast Builders Association, is occupying space provided to him by Culpepper & Terpening, Inc. who is currently subletting.

Discussion continued.

PUBLIC COMMENT:

1. Mark Brechbill - Stuart; Stated the reasons for the lease approval tonight for Main Street, instead of at a future meeting, is that Main Street books events throughout the next year.
2. Audra Creech - Stuart; Stuart Mainstreet Board Member; presenting on behalf of Candace Callahan, Director of Stuart Main Street. Commented on Mark Brechbill's statement regarding Sam Yates, she wanted to make it clear that, with all due respect, it is not Board Member Brechbill's place to say, and stated that once Candace returns from vacation they will supply all the information on subleases.

6:17 PM MOTION: Approve to table Resolution 101-2025 for now and the City Manager bring back as soon as possible but at a date uncertain, these multiple different items, on one agenda; all agreements related to Main Street.

MOVED BY: Christopher Collins

SECONDED BY: Laura Giobbi

Motion approved unanimously.

9. AUTHORIZATION TO APPLY FOR FDLE DRONE REPLACEMENT GRANT (RC):

RESOLUTION No. 100-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE SUBMISSION OF A GRANT APPLICATION TO THE FLORIDA DEPARTMENT OF LAW ENFORCEMENT FOR FUNDING UNDER THE FY 2025–26 DRONE REPLACEMENT PROGRAM; PROVIDING FOR THE EXECUTION OF AN AGREEMENT IF FUNDS ARE AVAILABLE AND AWARDED; AND PROVIDING AN EFFECTIVE DATE.

Flamur Zenelovic, Police Chief, answered questions from the Commission.

6:22 PM MOTION: Approve.

MOVED BY: Eula Clarke

SECONDED BY: Christopher Collins

Motion approved unanimously.

10. THE SPICE AND TEA EXCHANGE REQUESTING A MAJOR URBAN CODE CONDITIONAL USE LOCATED AT 39 SW OSCEOLA STREET (RC):

RESOLUTION No. 98-2025, A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, TO APPROVE A MAJOR URBAN CODE CONDITIONAL USE EXCEPTION TO GLENN AND KIMBERLY GORDON WITH GORDON ENTERPRISES STUART, LLC ALSO KNOWN AS THE SPICE AND TEA EXCHANGE, TENANT AT 39 SW OSCEOLA STREET; TO ALLOW A FORMULA BUSINESS TO BE LOCATED WITHIN THE FORMULA BUSINESS

AREA AND TO WAIVE THE REQUIRED 300 FOOT SEPARATION BETWEEN FORMULA BUSINESS ESTABLISHMENTS; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Attorney Baggett read continuance language from the Code. The applicant requested to move the item to a date certain of November 10, 2025 CCM.

PUBLIC COMMENT:

1. Will Laughlin - Stuart; Stated he was one of the Board Members on the CRB that voted yes on the Spice & Tea Exchange in downtown. Stated his support for this business.
2. Marcela Cambel- Stuart; Stated that her firm is the representative of the Gordon's application process and wanted to note that at the November meeting we will see the support of the other businesses.
3. Mark Brechbill - Stuart; Asked the Commission to look into the code and whether or not it will function the way it is written considering we haven't denied anyone in ten years.

6:32 PM MOTION: Continue Resolution No. 98-2025 to the November 10th City Commission Meeting Agenda.

MOVED BY: Christopher Collins

SECONDED BY: Eula Clarke

Motion approved unanimously.

11. LEASE AMENDMENT WELLS FARGO - FLORIDA CANCER SPECIALISTS (RC):

RESOLUTION No. 104-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA AUTHORIZING THE EXECUTION OF AN AMENDMENT TO LEASE WITH TENANTS AT 301 SE OCEAN BLVD. TO ALLOW FOR THE TERMINATION OF LEASE IN THE YEAR 2028 AND TO ALLOW STAFF TO RELOCATE IN ACCORDANCE WITH PRIOR COMMISSION ACTION; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

City Manager Mortell reviewed the amendment to the lease of the tenants at 301 SE Ocean Boulevard.

6:34 PM MOTION: Approve.

MOVED BY: Christopher Collins

SECONDED BY: Laura Giobbi

Motion approved unanimously.

ORDINANCE SECOND READING

ORDINANCE FIRST READING

DISCUSSION AND DELIBERATION

12. DISCUSSION AND DELIBERATION OF CITY MANAGER'S EMPLOYMENT CONTRACT

Commissioner Reed stated his reason for requesting this Agenda Item; commented that he respects City Manager, Mike Mortell, but because he was not a board member and part of the hiring process, he asked for his resignation.

Commissioner Reed made the following Motion: To place Joly (Louis Boglioli, Finance Director) as Acting City Manager until we can find a replacement and also asking for the City Manager to put in his resignation as Acting City Manager currently. Vice Mayor Collins seconded the Motion for discussion.

PUBLIC COMMENT:

1. Mark Brechbill - Stuart; Commented in opposition of the Motion, in favor of Mike Mortell.
2. Robin Cartwright - Stuart; Commented in favor of the Motion.
3. Olga Hamilton - Stuart; Commented in favor of the Motion.
4. Robert Hamilton - Stuart; Commented in opposition of the Motion, in favor of Mike Mortell.
5. Ted Astolfi - Stuart; Commented in opposition of the Motion, in favor of Mike Mortell.
6. Merrit Matheson - Stuart; Commented in opposition of the Motion, in favor of Mike Mortell.
7. Raj Patel - Palm City; Commented in opposition of the Motion, in favor of Mike Mortell.

A brief discussion among the Commission included the Manager's history, role, board support, and best path moving forward.

City Manager Mortell reviewed the Commissioner's Code of Conduct and the language pertaining to meeting by ambush practices. He felt this should be brought back as an agenda item with formal notice and allow him the opportunity to meet with each Commissioner. He stated that Human Resources has an evaluation process which could be done in the next two weeks.

Commission discussion continued and included slowing down, Mike Mortell's value, the hiring process, the Code of Conduct, Charter duties, trust, employee morale, due process, and an evaluation.

City Attorney Baggett commented that this specific issue needs to be advertised, and that the City Manager is entitled to due process.

Commissioner Reed stated he did not want to give his reasons publicly, but will agree to meet with the Manager and Department Directors prior to the next meeting. Multiple amendments to the motion were made prior to the final Amended Motion.

PUBLIC COMMENT:

1. Walter Loyd - Stuart; Commented that he felt that people were noticed; felt administrative leave is appropriate.
2. Mark Brechbill - Stuart; Commented that all the Commissioners should have the opportunity to meet with the City Attorney and HR to ensure the proper process is followed. (Human Resources Director, Roz Johnson-Strong, came forward to comment on the process.)

3. Frank McChrystal - Stuart; Commented on the vast knowledgeable of Mike Mortell; stated the big picture question if the City Manger helps them to do the job and the will of the people.

6:35 PM MOTION: To place Joly (Louis Boglioli, Finance Director) as Acting City Manager until we can find a replacement and also asking for the City Manager to put in his resignation as Acting City Manager currently. **AMENDED & FINAL MOTION:** City Manager remains on duty and an agenda item for his employment discussion will be brought back in two weeks and department heads to be present.

MOVED BY: Sean Reed

SECONDED BY: Christopher Collins

VOTE: Approved 3/2 (7:22 PM)

YES: Christopher Collins, Laura Giobbi, Sean Reed

NO: Eula Clarke, Campbell Rich

ADJOURNMENT

7:31 PM

Mary R. Kindel, City Clerk

Campbell Rich, Mayor

Minutes to be approved at the Regular Commission Meeting this 22nd day of October, 2025.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 10/27/2025

Prepared by: Pinal Gandhi-Savdas

Title of Item:

FPL EASEMENT FOR "CAPTAIN ADAMS PARK" PARCEL AT CONFUSION CORNER (RC):

RESOLUTION No. 103-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART, FLORIDA AND FLORIDA POWER & LIGHT COMPANY FOR THE PURPOSES OF PLACEMENT AND MAINTENANCE OF CONDUIT ON THE CITY-OWNED PARCEL KNOWN AS CAPTAIN ADAMS PARK LOCATED AT CONFUSION CORNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City of Stuart/CRA is currently in the construction phase of undergrounding overhead utilities in the downtown area to improve reliability and enhance the aesthetics of the Downtown Historic District.

Florida Power and Light (FPL) requires the installation of conduit on the City-owned parcel known as Captain Adams Park located at Confusion Corner. FPL requires the City to enter into an Easement Agreement granting an easement for the placement of conduit on the Captain Adams Park parcel.

Funding Source:

N/A

Recommended Action:

Move approval of Resolution No. 103-2025 authorizing an easement with FPL.

ATTACHMENTS:

1. R103-2025 Easement with FPL at Captain Adam's Park-Confusion Corner
2. R103-2025 - Exhibit A (FPL Easement)



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 103-2025

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EASEMENT AGREEMENT BETWEEN THE CITY OF STUART, FLORIDA AND FLORIDA POWER & LIGHT COMPANY FOR THE PLACEMENT OF CONDUIT ON THE CITY-OWNED PARCEL KNOWN AS CAPTAIN ADAMS PARK LOCATED AT CONFUSION CORNER; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, the City of Stuart is currently in the construction phase of undergrounding overhead utilities in the downtown area to improve reliability and enhance the aesthetics of the Downtown Historic District; and

WHEREAS, Florida Power and Light Company (“FPL”) requires the installation of conduit on the City-owned parcel known as Captain Adams Park; and

WHEREAS, FPL requires the City to enter into an Easement Agreement granting access to the Captain Adams Park parcel for this purpose; and

WHEREAS, the City Commission believes that it is in the best interest of the City of Stuart to enter into an Easement Agreement with FPL for the placement of conduit on the city-owned parcel known as Captain Adams Park located at Confusion Corner.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The above recitals are hereby incorporated as if fully set forth herein.

SECTION 2: The Mayor is authorized to enter into and execute the Easement Agreement, subject to review and approval of the City Attorney, with FPL for the purposes of placement and

maintenance of conduit on the Captain Adams Park parcel.

SECTION 3: The subject Easement is further described in Exhibit “A,” attached hereto and incorporated herein.

SECTION 4: This resolution shall take effect immediately upon adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption.

The motion was seconded by Commissioner _____ and upon being put to a roll call vote, the vote was as follows:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLIMS, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
LAURA GIOBBI, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

ADOPTED this ____ day of _____, 2025.

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE J. BAGGETT, ESQ
CITY ATTORNEY

UNDERGROUND EASEMENT (BUSINESS)

Sec.4 Twp 38 S, Rang 41 E

Parcel I.D. 04-38-41-015-004-00240-1
(Maintained by County Appraiser)

This Instrument Prepared By
Kimley-Horn & Associates
1920 Wekiva Way, STE 200
West Palm Beach, FL 33411

The undersigned, in consideration of the payment of \$1.00 and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, grant and give to Florida Power & Light Company ("FPL"), and the City of Stuart, together with the affiliates, licensees, agents, successors, and assigns of the above named entities, a non-exclusive easement forever for the construction, operation and maintenance of underground electric utility, communications, and cable distribution facilities (including cables, conduits, appurtenant equipment, and appurtenant above ground equipment) to be installed from time to time; with the right to reconstruct, improve, add to, enlarge, change the voltage as well as the size of, and remove such facilities or any of them, within an easement described as follows:

Reserved for Circuit Court

See Exhibit "A" ("Easement Area")

Together with the right to permit any other person, firm, or corporation on behalf of the above named entities, and their affiliates, licensees, agents, successors, and assigns, to attach or place wires to or within any facilities hereunder and lay cable and conduit within the easement area and to operate the same for communications purposes; the right of ingress and egress to the Easement Area at all times; the right to clear the land and keep it cleared of all trees, undergrowth and other obstructions within the Easement Area the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the Easement Area, which might interfere with or fall upon the lines or systems of communications or power transmission or distribution; and further grants, to the fullest extent the undersigned has the power to grant, if at all, the rights hereinabove granted on the Easement Area, over, along, under, and across the roads, streets or highways adjoining or through said Easement Area.

IN WITNESS WHEREOF, the undersigned has signed and sealed this instrument on _____, 20__.

Signed, sealed, and delivered in the presence of:

(Witness' Signature)

Print Name: _____
(Witness)

(Witness' Signature)

Print Name: _____
(Witness)

By: _____
(Grantor's signature)

Print Name: _____

Print Address: _____

By: _____
(Grantor's signature)

Print Name: _____

Print Address: _____

STATE OF _____ AND COUNTY OF _____. The foregoing instrument was acknowledged before me by means of [] physical presence or [] online notarization, this _____ day of _____ 20__, by _____, as the _____ of _____, on behalf of the _____. He/She is personally known to me or has produced _____ as identification.

(NOTARY SEAL)

Notary Public
Print Name: _____
My commission expires: _____

**SKETCH AND DESCRIPTION
UTILITY EASEMENT**

LOTS 24 AND 25, BLOCK 2, AMMEDED PLAT CHAS. A. PORTER ADDITION
(P.B. 2, PG. 75, P.B.M.C.R.)
CITY OF STUART, MARTIN COUNTY, FLORIDA

LAND DESCRIPTION:

That portion of Lots 24 and 25, Block 4, AMMEDED PLAT CHAS. A. PORTER ADDITION, according to the Plat thereof as recorded in Plat Book 2, Page 75, of the Public Records of Palm Beach (now Martin) County, Florida. Said portion being bounded on the west by the existing right-of-way line of Colorado Avenue, as laid out and currently in use; and bounded on the east by the following described line; BEGIN at a point 6.00 feet east of the Northwest corner of said Lot 24, as measured along the north line of said Lot 24; thence South 00°27'27" West, 9.00 feet; thence South 17°35'26" East, 37.12 feet to the aforesaid east right-of-way line of Colorado Avenue, and the POINT OF TERMINATION of said line.

Said land lying in Martin County, Florida and contains 290 square feet, more or less.

SURVEYOR'S REPORT:

1. Reproductions of this Sketch are not valid without the signature and the original raised seal of a Florida Licensed Surveyor and Mapper. Additions or deletions to this sketch by other than the signing party is prohibited without written consent of the signing party.
2. No Title Opinion or Abstract to the subject property has been provided. It is possible that there are Deeds, Easements, or other instruments (recorded or unrecorded) which may affect the subject property. No search of the Public Records has been made by the Surveyor.
3. The land description shown hereon was prepared by the Surveyor.
4. Data shown hereon was compiled from instrument(s) of record and does not constitute a boundary survey.
5. Address: Colorado Avenue, Stuart, Florida
6. Bearings shown hereon are based on the west line of Section 4, Township 38 South, Range 41 East, having a bearing of North 00°27'27" East, as shown on East Ocean Boulevard Maintenance Map, recorded in Plat Book 17, page 5, Public Records of Martin County.
7. In the plat name, "AMMEDED" is spelled incorrectly to reflect the spelling as shown on the official recorded plat.
8. Abbreviation Legend: L.B. = Licensed Business; P.B. = Plat Book; PID = Parcel Identification Number; PG. = Page; P.L.S. = Professional Land Surveyor; P.B.M.C.R. = Palm Beach (now Martin) County Records; R/W = Right of Way.

CERTIFICATION

I HEREBY CERTIFY that the attached Sketch and Description of the hereon described property is true and correct to the best of my knowledge and belief as prepared under my direction. I FURTHER CERTIFY that this Sketch and Description meets the Standards of Practice set forth in Chapter 5J-17, Florida Administrative Code, pursuant to Chapter 472, Florida Statutes.

MICHAEL D. AVIROM, P.L.S.
Florida Registration No. 3268
AVIROM & ASSOCIATES, INC.
L.B. No. 3300

REVISIONS



AVIROM & ASSOCIATES, INC.
SURVEYING & MAPPING

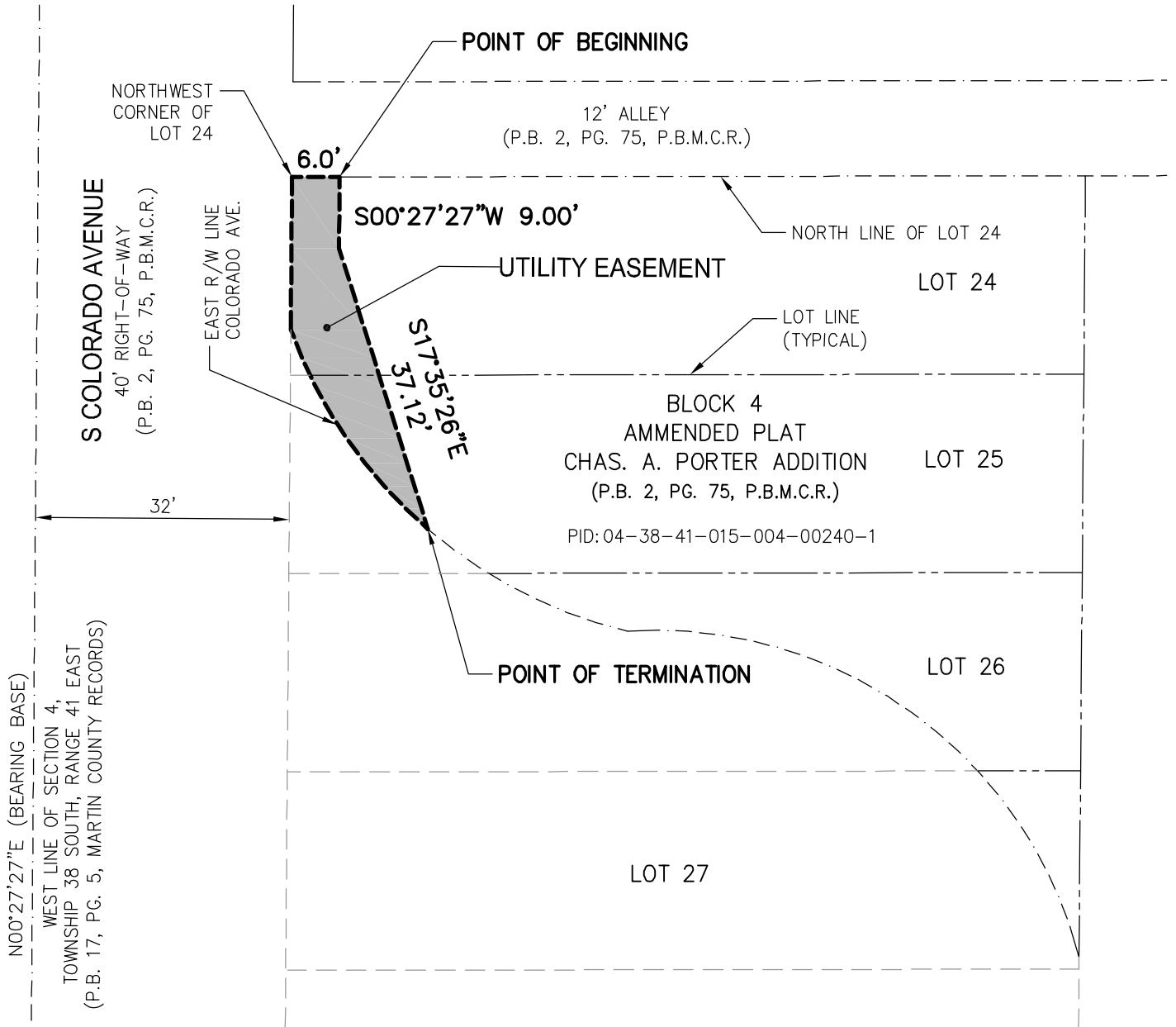
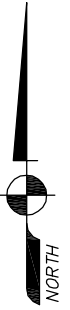
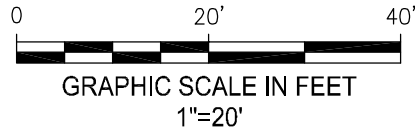
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JOB #:	12383-4
SCALE:	N/A
DATE:	09/25/2025
BY:	J.A.S.
CHECKED:	D.A.H.
F.B. — PG. —	
SHEET:	1 OF 2

SKETCH AND DESCRIPTION
UTILITY EASEMENT

LOTS 24 AND 25, BLOCK 2, AMMENDE PLAT CHAS. A. PORTER ADDITION
(P.B. 2, PG. 75, P.B.M.C.R.)
CITY OF STUART, MARTIN COUNTY, FLORIDA



REVISIONS



AVIROM & ASSOCIATES, INC.
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JOB #:	12383-4
SCALE:	1" = 20'
DATE:	09/25/2025
BY:	J.A.S.
CHECKED:	D.A.H.
F.B. — PG. —	
SHEET:	2 OF 2

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 10/27/2025

Prepared by: Mechelle Arbuzow

Title of Item:

TRAFFIC CALMING MEASUREMENTS WITHIN THE 10TH STREET RESIDENTIAL AREA (RC):

RESOLUTION No. 72-2025; A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE INSTALLATION OF ADDITIONAL STOP SIGNS ALONG S.E. KRUEGER PARKWAY, S.E. PARKWAY DRIVE, S.E. MADISON AVENUE, S.E. DOLPHIN DRIVE, AND S.E. FLAMINGO AVENUE BETWEEN S.E. OCEAN BOULEVARD AND 10TH STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Summary Explanation/Background Information on Agenda Request:

The City hosted a Traffic Calming Workshop for SE 7th Street, SE 10th Street, SE Krueger Parkway, SE East Parkway Drive, SE Madison Avenue, SE Dolphin Drive and SE Flamingo Avenue. The purpose of the workshop was to learn about traffic-calming strategies and provide feedback. The meeting provided an opportunity for residents to express their interests and desires in the various types of traffic-calming strategies they would like the city to incorporate to provide safe traveling through their neighborhood.

Funding Source:

N/A

Recommended Action:

Staff recommends approval for the installation of additional stop signs within the 10th Street residential area.

ATTACHMENTS:

1. R72-2025 Approving Stypmann signage
2. RedSpeed Photo Enforcement Solution
3. HB 657



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 72-2025

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA, APPROVING THE INSTALLATION OF TRAFFIC CALMING MEASURES ALONG S.E. KRUEGER PARKWAY, S.E. PARKWAY DRIVE, S.E. MADISON AVENUE, S.E. DOLPHIN DRIVE, AND S.E. FLAMINGO AVENUE BETWEEN S.E. OCEAN BOULEVARD AND 10 STREET; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

* * * * *

WHEREAS, pursuant to Section 40-197 of the City of Stuart Ordinances, traffic calming measures may be considered to lower travel speeds and increase driver deference to pedestrian activity through the use of traffic control devices; and

WHEREAS, the residents of the City of Stuart have expressed ongoing concerns regarding excessive vehicular speeds, pedestrian safety, and cut through traffic on S.E. Krueger Parkway, S.E. Parkway Drive, S.E. Madison Avenue, S.E. Dolphin Drive, and S.E. Flamingo Avenue between S.E. Ocean Boulevard and 10 Street; and

WHEREAS, the City of Stuart invited the neighborhood to solicit input from affected residents resulting in strong community support for traffic calming measures at the public workshop on May 22, 2025; and

WHEREAS, the proposed measures include the installation of additional stop signs, which are consistent with the City's safety initiative; and

NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF STUART, FLORIDA that:

SECTION 1: The above recitals are hereby incorporated as if fully set forth herein.

SECTION 2: The City Commission hereby approves the installation of additional stop signs on S.E. Krueger Parkway, S.E. Parkway Drive, S.E Madison Avenue, S.E. Dolphin Drive, and S.E. Flamingo Avenue between S.E. Ocean Boulevard and 10th Street.

SECTION 3: The funding for these traffic calming measures shall be allocated from the Capital Improvement Program and supplemented by any available grants or traffic safety funds.

SECTION 4: The City staff is directed to proceed with final design, procurement, and installation of the approved measures, with priority given to completion before the start of the next school year.

SECTION 5: The effectiveness of the traffic calming measures shall be evaluated for (6) six months after installation, and said findings shall be presented to the City Commission at a scheduled regular public meeting.

SECTION 5: This resolution shall take effect immediately upon its adoption.

Commissioner _____ offered the foregoing resolution and moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a roll call vote, the vote was as follows:

CAMPBELL RICH, MAYOR
CHRISTOPHER COLLINS, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
SEAN REED, COMMISSIONER

YES	NO	ABSENT	ABSTAIN

Resolution 72-2025
Traffic Calming Measures

LAURA GIOBBI, COMMISSIONER

--	--	--	--

ADOPTED this ____ day of _____, 2025.

ATTEST:

MARY R. KINDEL
CITY CLERK

CAMPBELL RICH
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:

LEE BAGGETT, ESQ.
CITY ATTORNEY

RedSpeed®

HB657



RedSpeed's Industry-leading Photo Enforcement Solution

RedSpeed is pleased to pioneer safety programs under the new HB657.
Together, we can achieve the following:

Up to

90%

Reduction in
School Zone
Speeding



New Funding for
Crossing Guards



Provide incidental
crime fighting tools

Florida Communities have a new tool to protect our children with a groundbreaking and bipartisan new law, HB657 which provides for automated enforcement of school zones when children are present. **This new statewide law offers Florida communities** a simple, effective, and inexpensive way to protect our students.



Time of enforcement

The bill would allow communities to install school zone cameras that automatically enforce speed limits through school zones. Cameras and speed detection systems only operate on school days, beginning 30 minutes before and ending 30 minutes after school.



Not a gotcha program

A county or municipality must spend at least 30 days educating the public about the new enforcement measures and only issue warnings before they are allowed to levy fines.



Officer-verified

No citations will be issued until a law officer first reviews and confirms the violation.



Egregious speeders

Only the most egregious violators will be cited - those going at least 10 miles above the speed limit. No points will be assessed. Insurance companies will not be notified.



A vital law enforcement tool for Amber Alerts



Appeals process

There is an appeal process for those who believe they have been wrongfully cited.



A proven success in Georgia, including Thomasville and the Atlanta area, as well as other states.

Widespread Support



International Association of Chiefs of Police (IACP) supports automated enforcement technology to improve public safety in school zones and other locations.



Florida Police Chiefs Association (FPCA) supports SB588 / HB657 in the 2023 Legislative Session.



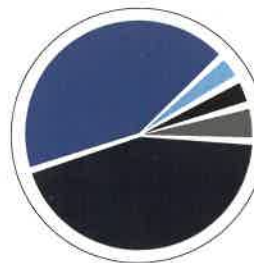
National Transportation Safety Board (NTSB) recommends implementation in every state.



Insurance Institute for Highway Safety (IIHS) supports use of automated speed enforcement.

Public Safety Funding

Breakdown of \$100 Civil Penalty



- \$20** State General Fund
- \$60** Local municipality or county for public safety
- \$12** Local school districts security, improve safety of student walking conditions
- \$3** FDLE Criminal Standards + Training Fund
- \$5** School Crossing Guard Recruitment and Retention

Turn-Key School Zone Speed Photo Enforcement Solution

RedSpeed's speed photo enforcement system is based entirely around **high-resolution video technology** and offers an **industry-leading** set of features at **no cost** to the school system, city or county. Violator revenue can be used to fund school resource officers, active shooter detection systems, vehicles, equipment or other policing initiatives.

- **LED IR Illumination**
No distracting flash
- **ALPR**
Built-in Amber Alert
- **Color HD Video Day / Night**
- **Radar or LiDAR Speed Detection**
- **Remote Video Archive Retrieval**
- **Live Video Streaming**
- **Proven to Capture 50% More Violations**
- **Traffic and Speed Reports**
- **Single Pole Installation**



Site Selection and Analysis
Speed study of each location, accident damage analysis, engineering feasibility study



Camera Installation
Permit acquisition including local and state bodies, installation coordination between civil contractors and municipality



Violation Processing
Initial violation screening based on municipal rules, registered owner name / address retrieval and verification for all 50 states, printing and mailing



Web-Enabled Tools
All software is web-based



Adjudication Support
Full municipal adjudication support options



Call Center
Multilingual call center can process payments, schedule hearings and respond to general questions.



Payment Processing
Lockbox, online, phone and in-person payment processing of credit cards, checks and cash

RedSpeed®

RedSpeed will provide a **robust** and **customized public education** and **awareness** program to support your program.

We make it easy with a **turnkey program** and **100% web based, easy to use** software.



RedSpeed is Proud to be
a Chief Sponsor of FPCA

Greg Parks
Senior Vice President

913 575 2912
greg.parks@redspeed-usa.com
redspeed-usa.com

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2023 Legislature

1
2 An act relating to enforcement of school zone speed
3 limits; amending s. 316.003, F.S.; revising and
4 providing definitions; amending s. 316.008, F.S.;
5 authorizing a county or municipality to enforce the
6 speed limit in a school zone at specified periods
7 through the use of a speed detection system; providing
8 a rebuttable presumption; authorizing a county or
9 municipality to install, or contract with a vendor to
10 install, a speed detection system in a school zone;
11 requiring a county or municipality to enact an
12 ordinance to authorize placement or installation of
13 such system; requiring the county or municipality to
14 consider certain evidence and make a certain
15 determination at a public hearing; amending s.
16 316.0776, F.S.; specifying conditions for the
17 placement or installation of speed detection systems;
18 requiring the Department of Transportation to
19 establish certain specifications by a specified date;
20 requiring a county or municipality that installs a
21 speed detection system to provide certain notice to
22 the public; providing signage requirements; requiring
23 a county or municipality that has never conducted a
24 school zone speed detection system program to conduct
25 a public awareness campaign before commencing

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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26 enforcement using such system; limiting penalties in
27 effect during the public awareness campaign; requiring
28 a county or municipality to place a specified annual
29 report on the agenda of a regular or special meeting
30 of its governing body; requiring approval by the
31 governing body at a regular or special meeting before
32 contracting or renewing a contract to place or install
33 such system; providing for public comment; prohibiting
34 such report, contract, or contract renewal from being
35 considered as part of a consent agenda; providing
36 requirements for a written summary of such report;
37 requiring a report to the Department of Highway Safety
38 and Motor Vehicles; prohibiting compliance with
39 certain provisions from being raised in a proceeding
40 challenging a violation; creating s. 316.1894, F.S.;
41 requiring a law enforcement agency with jurisdiction
42 over a county or municipality conducting a school zone
43 speed detection system program to use certain funds to
44 administer the School Crossing Guard Recruitment and
45 Retention Program; providing purposes; requiring
46 program design and management at the discretion of the
47 law enforcement agency; creating s. 316.1896, F.S.;
48 authorizing a county or municipality to authorize a
49 traffic infraction enforcement officer to issue
50 uniform traffic citations for certain violations;

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51 providing construction; providing notice requirements
52 and procedures; authorizing a person who receives a
53 notice of violation to request a hearing within a
54 specified timeframe; defining the term "person";
55 providing for waiver of challenge or dispute as to the
56 delivery of the notice of violation; requiring a
57 county or municipality to pay certain funds to the
58 Department of Revenue; providing for the distribution
59 of funds; providing requirements for issuance of a
60 uniform traffic citation; providing for waiver of
61 challenge or dispute as to the delivery of the uniform
62 traffic citation; providing notice requirements and
63 procedures; specifying that the registered owner of a
64 motor vehicle is responsible and liable for paying a
65 uniform traffic citation; providing exceptions;
66 requiring an owner of a motor vehicle to furnish an
67 affidavit under certain circumstances; specifying
68 requirements for such affidavit and procedures
69 relating thereto; providing a criminal penalty for
70 submitting a false affidavit; providing that certain
71 photographs or video and evidence of speed are
72 admissible in certain proceedings; providing a
73 rebuttable presumption; providing construction;
74 providing requirements and procedures for hearings;
75 prohibiting the use of a speed detection system for

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76 remote surveillance; providing construction;
77 specifying requirements of and prohibitions on the use
78 of recorded video and photographs captured by a speed
79 detection system; requiring municipalities and
80 counties to submit an annual report to the Department
81 of Highway Safety and Motor Vehicles in a form and
82 manner specified by the department; authorizing the
83 department to require quarterly submission of data;
84 providing report requirements; requiring counties and
85 municipalities to retain certain records for a
86 specified period; requiring the department to submit a
87 summary report to the Governor and Legislature;
88 amending s. 316.1906, F.S.; revising the definition of
89 the term "officer"; providing self-test requirements
90 for speed detection systems; requiring a law
91 enforcement agency operating a speed detection system
92 to maintain a log of results of the system's self-
93 tests and to perform independent calibration tests of
94 such systems; providing for the admissibility of
95 certain evidence in certain proceedings; amending s.
96 318.18, F.S.; providing a civil penalty for a speed
97 limit violation in a school zone; providing for
98 distribution thereof; providing conditions under which
99 a case may be dismissed; amending s. 322.27, F.S.;
100 prohibiting points from being imposed against a driver

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license for certain infractions enforced by a traffic infraction enforcement officer; prohibiting such infractions from being used to set motor vehicle insurance rates; amending ss. 316.306, 316.640, 318.14, 318.21, and 655.960, F.S.; conforming cross-references and provisions to changes made by the act; amending s. 316.650, F.S.; revising the period during which certain traffic citation data must be provided to a court having jurisdiction over the alleged offense; providing an effective date.

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

Section 1. Subsections (82) through (109) of section 316.003, Florida Statutes, are renumbered as subsections (83) through (110), respectively, subsections (38) and (64) are amended, and a new subsection (82) is added to that section, to read:

316.003 Definitions.—The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context otherwise requires:

(38) LOCAL HEARING OFFICER.—The person, designated by a department, county, or municipality that elects to authorize traffic infraction enforcement officers to issue traffic

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126 citations under ss. 316.0083(1)(a) and 316.1896(1) ~~s.~~
127 ~~316.0083(1)(a)~~, who is authorized to conduct hearings related to
128 a notice of violation issued pursuant to s. 316.0083 or s.
129 316.1896. The charter county, noncharter county, or municipality
130 may use its currently appointed code enforcement board or
131 special magistrate to serve as the local hearing officer. The
132 department may enter into an interlocal agreement to use the
133 local hearing officer of a county or municipality.

134 (64) PRIVATE ROAD OR DRIVEWAY.—Except as otherwise
135 provided in paragraph (88)(b) ~~(87)(b)~~, any privately owned way
136 or place used for vehicular travel by the owner and those having
137 express or implied permission from the owner, but not by other
138 persons.

139 (82) SPEED DETECTION SYSTEM.—A portable or fixed automated
140 system used to detect a motor vehicle's speed using radar or
141 LiDAR and to capture a photograph or video of the rear of a
142 motor vehicle that exceeds the speed limit in force at the time
143 of the violation.

144 Section 2. Subsection (9) is added to section 316.008,
145 Florida Statutes, to read:

146 316.008 Powers of local authorities.—

147 (9)(a) A county or municipality may enforce the applicable
148 speed limit on a roadway properly maintained as a school zone
149 pursuant to s. 316.1895:

150 1. Within 30 minutes before through 30 minutes after the

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151 start of a regularly scheduled breakfast program;

152 2. Within 30 minutes before through 30 minutes after the
153 start of a regularly scheduled school session;

154 3. During the entirety of a regularly scheduled school
155 session; and

156 4. Within 30 minutes before through 30 minutes after the
157 end of a regularly scheduled school session

158
159 through the use of a speed detection system for the detection of
160 speed and capturing of photographs or videos for violations in
161 excess of 10 miles per hour over the speed limit in force at the
162 time of the violation. A school zone's compliance with s.
163 316.1895 creates a rebuttable presumption that the school zone
164 is properly maintained.

165 (b) A county or municipality may place or install, or
166 contract with a vendor to place or install, a speed detection
167 system within a roadway maintained as a school zone as provided
168 in s. 316.1895 to enforce unlawful speed violations, as
169 specified in s. 316.1895(10) or s. 316.183, on that roadway.

170 (c) A county or municipality must enact an ordinance in
171 order to authorize the placement or installation of a speed
172 detection system on a roadway maintained as a school zone as
173 authorized by this subsection. As part of the public hearing on
174 such proposed ordinance, the county or municipality must
175 consider traffic data or other evidence supporting the

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176 installation and operation of each proposed school zone speed
177 detection system, and the county or municipality must determine
178 that the school zone where a speed detection system is to be
179 placed or installed constitutes a heightened safety risk that
180 warrants additional enforcement measures pursuant to this
181 subsection.

182 Section 3. Subsection (3) is added to section 316.0776,
183 Florida Statutes, to read:

184 316.0776 Traffic infraction detectors; speed detection
185 systems; placement and installation.—

186 (3) A speed detection system authorized by s. 316.008(9)
187 may be placed or installed in a school zone on a state road when
188 permitted by the Department of Transportation and in accordance
189 with placement and installation specifications developed by the
190 Department of Transportation. The speed detection system may be
191 placed or installed in a school zone on a street or highway
192 under the jurisdiction of a county or a municipality in
193 accordance with placement and installation specifications
194 established by the Department of Transportation. The Department
195 of Transportation must establish such placement and installation
196 specifications by December 31, 2023.

197 (a) If a county or municipality places or installs a speed
198 detection system as authorized by s. 316.008(9), the county or
199 municipality must notify the public that a speed detection
200 system may be in use by posting signage indicating photographic

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201 or video enforcement of the school zone speed limits. Such
202 signage shall clearly designate the time period during which the
203 school zone speed limits are enforced using a speed detection
204 system and must meet the placement and installation
205 specifications established by the Department of Transportation.
206 For a speed detection system enforcing violations of s. 316.1895
207 or s. 316.183 on a roadway maintained as a school zone, this
208 paragraph governs the signage notifying the public of the use of
209 a speed detection system.

210 (b) If a county or municipality begins a school zone speed
211 detection system program in a county or municipality that has
212 never conducted such a program, the respective county or
213 municipality must make a public announcement and conduct a
214 public awareness campaign of the proposed use of speed detection
215 systems at least 30 days before commencing enforcement under the
216 speed detection system program and must notify the public of the
217 specific date on which the program will commence. During the 30-
218 day public awareness campaign, only a warning may be issued to
219 the registered owner of a motor vehicle for a violation of s.
220 316.1895 or s. 316.183 enforced by a speed detection system, and
221 liability may not be imposed for the civil penalty under s.
222 318.18(3)(d).

223 (c) A county or municipality that operates one or more
224 school zone speed detection systems must annually report the
225 results of all systems within the county's or municipality's

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jurisdiction by placing the report required under s.
316.1896(16) (a) as a single reporting item on the agenda of a
regular or special meeting of the county's or municipality's
governing body. Before a county or municipality contracts or
renews a contract to place or install a speed detection system
in a school zone pursuant to s. 316.008(9), the county or
municipality must approve the contract or contract renewal at a
regular or special meeting of the county's or municipality's
governing body.

1. Interested members of the public must be allowed to
comment regarding the report, contract, or contract renewal
under the county's or municipality's public comment policies or
formats, and the report, contract, or contract renewal may not
be considered as part of a consent agenda.

2. The report required under this paragraph must include a
written summary, which must be read aloud at the regular or
special meeting, and the summary must contain, for the same time
period pertaining to the annual report to the department under
s. 316.1896(16) (a), the number of notices of violation issued,
the number that were contested, the number that were upheld, the
number that were dismissed, the number that were issued as
uniform traffic citations, and the number that were paid and how
collected funds were distributed and in what amounts. The county
or municipality must report to the department that the county's
or municipality's annual report was considered in accordance

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251 with this paragraph, including the date of the regular or
252 special meeting at which the annual report was considered.

253 3. The compliance or sufficiency of compliance with this
254 paragraph may not be raised in a proceeding challenging a
255 violation of s. 316.1895 or s. 316.183 enforced by a speed
256 detection system in a school zone.

257 Section 4. Section 316.1894, Florida Statutes, is created
258 to read:

259 316.1894 School Crossing Guard Recruitment and Retention
260 Program.—The law enforcement agency having jurisdiction over a
261 county or municipality conducting a school zone speed detection
262 system program authorized by s. 316.008(9) must use funds
263 generated pursuant to s. 316.1896(5)(e) from the school zone
264 speed detection system program to administer the School Crossing
265 Guard Recruitment and Retention Program. Such program may
266 provide recruitment and retention stipends to crossing guards at
267 K-12 public schools, including charter schools, or stipends to
268 third parties for the recruitment of new crossing guards. The
269 School Crossing Guard Recruitment and Retention Program must be
270 designed and managed at the discretion of the law enforcement
271 agency.

272 Section 5. Section 316.1896, Florida Statutes, is created
273 to read:

274 316.1896 Roadways maintained as school zones; speed
275 detection system enforcement; penalties; appeal procedure;

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276 privacy; reports.—

277 (1) For purposes of administering this section, a county
278 or municipality may authorize a traffic infraction enforcement
279 officer under s. 316.640 to issue uniform traffic citations for
280 violations of ss. 316.1895 and 316.183 as authorized by s.
281 316.008(9), as follows:

282 (a) For a violation of s. 316.1895 in excess of 10 miles
283 per hour over the school zone speed limit which occurs within 30
284 minutes before through 30 minutes after the start of a regularly
285 scheduled breakfast program.

286 (b) For a violation of s. 316.1895 in excess of 10 miles
287 per hour over the school zone speed limit which occurs within 30
288 minutes before through 30 minutes after the start of a regularly
289 scheduled school session.

290 (c) For a violation of s. 316.183 in excess of 10 miles
291 per hour over the posted speed limit during the entirety of a
292 regularly scheduled school session.

293 (d) For a violation of s. 316.1895 in excess of 10 miles
294 per hour over the school zone speed limit which occurs within 30
295 minutes before through 30 minutes after the end of a regularly
296 scheduled school session.

297
298 Such violation must be evidenced by a speed detection system
299 described in ss. 316.008(9) and 316.0776(3). This subsection
300 does not prohibit a review of information from a speed detection

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301 system by an authorized employee or agent of a county or
302 municipality before issuance of the uniform traffic citation by
303 the traffic infraction enforcement officer. This subsection does
304 not prohibit a county or municipality from issuing notices as
305 provided in subsection (2) to the registered owner of the motor
306 vehicle for a violation of s. 316.1895 or s. 316.183.

307 (2) Within 30 days after a violation, notice must be sent
308 to the registered owner of the motor vehicle involved in the
309 violation specifying the remedies available under s. 318.14 and
310 that the violator must pay the penalty under s. 318.18(3)(d) to
311 the county or municipality, or furnish an affidavit in
312 accordance with subsection (8), within 30 days after the date of
313 the notice of violation in order to avoid court fees, costs, and
314 the issuance of a uniform traffic citation. The notice of
315 violation must:

316 (a) Be sent by first-class mail.

317 (b) Include a photograph or other recorded image showing
318 the license plate of the motor vehicle; the date, time, and
319 location of the violation; the maximum speed at which the motor
320 vehicle was traveling within the school zone; and the speed
321 limit within the school zone at the time of the violation.

322 (c) Include a notice that the owner has the right to
323 review, in person or remotely, the photograph or video captured
324 by the speed detection system and the evidence of the speed of
325 the motor vehicle detected by the speed detection system which

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326 constitute a rebuttable presumption that the motor vehicle was
327 used in violation of s. 316.1895 or s. 316.183.

328 (d) State the time when, and the place or website at
329 which, the photograph or video captured and evidence of speed
330 detected may be examined and observed.

331 (3) Notwithstanding any other law, a person who receives a
332 notice of violation under this section may request a hearing
333 within 30 days after the notice of violation or may pay the
334 penalty pursuant to the notice of violation, but a payment or
335 fee may not be required before the hearing requested by the
336 person. The notice of violation must be accompanied by, or
337 direct the person to a website that provides, information on the
338 person's right to request a hearing and on all costs related
339 thereto and a form used for requesting a hearing. As used in
340 this subsection, the term "person" includes a natural person,
341 the registered owner or co-owner of a motor vehicle, or the
342 person identified in an affidavit as having actual care,
343 custody, or control of the motor vehicle at the time of the
344 violation.

345 (4) If the registered owner or co-owner of the motor
346 vehicle; the person identified as having care, custody, or
347 control of the motor vehicle at the time of the violation; or an
348 authorized representative of the owner, co-owner, or identified
349 person initiates a proceeding to challenge the violation, such
350 person waives any challenge or dispute as to the delivery of the

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351 notice of violation.

352 (5) Penalties assessed and collected by the county or
353 municipality authorized to collect the funds provided for in
354 this section, less the amount retained by the county or
355 municipality pursuant to paragraph (b) and paragraph (e) and the
356 amount remitted to the county school district pursuant to
357 paragraph (d), must be paid to the Department of Revenue weekly.
358 Such payment must be made by means of electronic funds transfer.
359 In addition to the payment, a detailed summary of the penalties
360 remitted must be reported to the Department of Revenue.
361 Penalties to be assessed and collected by the county or
362 municipality as established in s. 318.18(3)(d) must be remitted
363 as follows:

364 (a) Twenty dollars must be remitted to the Department of
365 Revenue for deposit into the General Revenue Fund.

366 (b) Sixty dollars must be retained by the county or
367 municipality and must be used to administer speed detection
368 systems in school zones and other public safety initiatives.

369 (c) Three dollars must be remitted to the Department of
370 Revenue for deposit into the Department of Law Enforcement
371 Criminal Justice Standards and Training Trust Fund.

372 (d) Twelve dollars must be remitted to the county school
373 district in which the violation occurred and must be used for
374 school security initiatives, for student transportation, or to
375 improve the safety of student walking conditions. Funds remitted

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under this paragraph must be shared with charter schools in the district based on each charter school's proportionate share of the district's total unweighted full-time equivalent student enrollment and must be used for school security initiatives or to improve the safety of student walking conditions.

(e) Five dollars must be retained by the county or municipality for the School Crossing Guard Recruitment and Retention Program pursuant to s. 316.1894.

(6) A uniform traffic citation must be issued by mailing the uniform traffic citation by certified mail to the address of the registered owner of the motor vehicle involved in the violation if payment has not been made within 30 days after notification under subsection (2), if the registered owner has not requested a hearing as authorized under subsection (3), and if the registered owner has not submitted an affidavit in accordance with subsection (8).

(a) Delivery of the uniform traffic citation constitutes notification of a violation under this subsection. If the registered owner or co-owner of the motor vehicle; the person identified as having care, custody, or control of the motor vehicle at the time of the violation; or a duly authorized representative of the owner, co-owner, or identified person initiates a proceeding to challenge the citation pursuant to this section, such person waives any challenge or dispute as to the delivery of the uniform traffic citation.

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401 (b) In the case of joint ownership of a motor vehicle, the
402 uniform traffic citation must be mailed to the first name
403 appearing on the motor vehicle registration, unless the first
404 name appearing on the registration is a business organization,
405 in which case the second name appearing on the registration may
406 be used.

407 (c) The uniform traffic citation mailed to the registered
408 owner of the motor vehicle involved in the infraction must be
409 accompanied by the information described in paragraphs (2) (b),
410 (2) (c), and (2) (d) .

411 (7) The registered owner of the motor vehicle involved in
412 the violation is responsible and liable for paying the uniform
413 traffic citation issued for a violation of s. 316.1895 or s.
414 316.183 unless the owner can establish that:

415 (a) The motor vehicle was, at the time of the violation,
416 in the care, custody, or control of another person;

417 (b) A uniform traffic citation was issued by law
418 enforcement to the driver of the motor vehicle for the alleged
419 violation of s. 316.1895 or s. 316.183; or

420 (c) The motor vehicle's owner was deceased on or before
421 the date of the alleged violation, as established by an
422 affidavit submitted by the representative of the motor vehicle
423 owner's estate or other identified person or family member.

424 (8) To establish such facts under subsection (7), the
425 registered owner of the motor vehicle must, within 30 days after

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426 the date of issuance of the notice of violation or the uniform
427 traffic citation, furnish to the appropriate governmental entity
428 an affidavit setting forth information supporting an exception
429 under subsection (7).

430 (a) An affidavit supporting the exception under paragraph
431 (7) (a) must include the name, address, date of birth, and, if
432 known, the driver license number of the person who leased,
433 rented, or otherwise had care, custody, or control of the motor
434 vehicle at the time of the alleged violation. If the motor
435 vehicle was stolen at the time of the alleged violation, the
436 affidavit must include the police report indicating that the
437 motor vehicle was stolen.

438 (b) If a uniform traffic citation for a violation of s.
439 316.1895 or s. 316.183 was issued at the location of the
440 violation by a law enforcement officer, the affidavit must
441 include the serial number of the uniform traffic citation.

442 (c) If the motor vehicle's owner to whom a notice of
443 violation or a uniform traffic citation has been issued is
444 deceased, the affidavit must include a certified copy of the
445 owner's death certificate showing that the date of death
446 occurred on or before the date of the alleged violation and one
447 of the following:

448 1. A bill of sale or other document showing that the
449 deceased owner's motor vehicle was sold or transferred after his
450 or her death but on or before the date of the alleged violation.

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451 2. Documented proof that the registered license plate
452 belonging to the deceased owner's motor vehicle was returned to
453 the department or any branch office or authorized agent of the
454 department after his or her death but on or before the date of
455 the alleged violation.

456 3. A copy of the police report showing that the deceased
457 owner's registered license plate or motor vehicle was stolen
458 after his or her death but on or before the date of the alleged
459 violation.

460
461 Upon receipt of the affidavit and documentation required under
462 paragraphs (b) and (c), or 30 days after the date of issuance of
463 a notice of violation sent to a person identified as having
464 care, custody, or control of the motor vehicle at the time of
465 the violation under paragraph (a), the county or municipality
466 must dismiss the notice or citation and provide proof of such
467 dismissal to the person who submitted the affidavit. If, within
468 30 days after the date of a notice of violation sent to a person
469 under subsection (9), the county or municipality receives an
470 affidavit under subsection (10) from the person sent a notice of
471 violation affirming that the person did not have care, custody,
472 or control of the motor vehicle at the time of the violation,
473 the county or municipality must notify the registered owner that
474 the notice or citation will not be dismissed due to failure to
475 establish that another person had care, custody, or control of

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476 the motor vehicle at the time of the violation.

477 (9) Upon receipt of an affidavit under paragraph (8)(a),
478 the county or municipality may issue the person identified as
479 having care, custody, or control of the motor vehicle at the
480 time of the violation a notice of violation pursuant to
481 subsection (2) for a violation of s. 316.1895 or s. 316.183. The
482 affidavit is admissible in a proceeding pursuant to this section
483 for the purpose of providing evidence that the person identified
484 in the affidavit was in actual care, custody, or control of the
485 motor vehicle. The owner of a leased motor vehicle for which a
486 uniform traffic citation is issued for a violation of s.
487 316.1895 or s. 316.183 is not responsible for paying the uniform
488 traffic citation and is not required to submit an affidavit as
489 specified in subsection (8) if the motor vehicle involved in the
490 violation is registered in the name of the lessee of such motor
491 vehicle.

492 (10) If a county or municipality receives an affidavit
493 under paragraph (8)(a), the notice of violation required under
494 subsection (2) must be sent to the person identified in the
495 affidavit within 30 days after receipt of the affidavit. The
496 person identified in an affidavit and sent a notice of violation
497 may also affirm that he or she did not have care, custody, or
498 control of the motor vehicle at the time of the violation by
499 furnishing to the appropriate governmental entity within 30 days
500 after the date of the notice of violation an affidavit stating

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501 such.

502 (11) The submission of a false affidavit is a misdemeanor
503 of the second degree, punishable as provided in s. 775.082 or s.
504 775.083.

505 (12) The photograph or video captured by a speed detection
506 system and the evidence of the speed of the motor vehicle
507 detected by a speed detection system which are attached to or
508 referenced in the uniform traffic citation are evidence of a
509 violation of s. 316.1895 or s. 316.183 and are admissible in any
510 proceeding to enforce this section. The photograph or video and
511 the evidence of speed detected raise a rebuttable presumption
512 that the motor vehicle named in the report or shown in the
513 photograph or video was used in violation of s. 316.1895 or s.
514 316.183.

515 (13) This section supplements the enforcement of ss.
516 316.1895 and 316.183 by a law enforcement officer and does not
517 prohibit a law enforcement officer from issuing a uniform
518 traffic citation for a violation of s. 316.1895 or s. 316.183.

519 (14) A hearing under this section must be conducted under
520 the procedures established by s. 316.0083(5) and as follows:

521 (a) The department must publish and make available
522 electronically to each county and municipality a model request
523 for hearing form to assist each county or municipality
524 administering this section.

525 (b) A county or municipality electing to authorize traffic

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526 infraction enforcement officers to issue uniform traffic
527 citations under subsection (6) must designate by resolution
528 existing staff to serve as the clerk to the local hearing
529 officer.

530 (c) A person, referred to in this subsection as the
531 "petitioner," who elects to request a hearing under subsection
532 (3) must be scheduled for a hearing by the clerk to the local
533 hearing officer. The clerk must furnish the petitioner with
534 notice sent by first-class mail. Upon receipt of the notice, the
535 petitioner may reschedule the hearing up to two times by
536 submitting a written request to reschedule to the clerk at least
537 5 calendar days before the day of the scheduled hearing. The
538 petitioner may cancel his or her appearance before the local
539 hearing officer by paying the penalty assessed under subsection
540 (2), plus the administrative costs established in s.
541 316.0083(5)(c), before the start of the hearing.

542 (d) All testimony at the hearing must be under oath and
543 must be recorded. The local hearing officer must take testimony
544 from a traffic infraction enforcement officer and the petitioner
545 and may take testimony from others. The local hearing officer
546 must review the photograph or video captured by the speed
547 detection system and the evidence of the speed of the motor
548 vehicle detected by the speed detection system made available
549 under paragraph (2)(b). Formal rules of evidence do not apply,
550 but due process must be observed and govern the proceedings.

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551 (e) At the conclusion of the hearing, the local hearing
552 officer must determine whether a violation under this section
553 occurred and must uphold or dismiss the violation. The local
554 hearing officer must issue a final administrative order
555 including the determination and, if the notice of violation is
556 upheld, must require the petitioner to pay the penalty
557 previously assessed under subsection (2), and may also require
558 the petitioner to pay county or municipal costs not to exceed
559 the amount established in s. 316.0083(5) (e). The final
560 administrative order must be mailed to the petitioner by first-
561 class mail.

562 (f) An aggrieved party may appeal a final administrative
563 order consistent with the process provided in s. 162.11.

564 (15) (a) A speed detection system in a school zone may not
565 be used for remote surveillance. The collection of evidence by a
566 speed detection system to enforce violations of ss. 316.1895 and
567 316.183, or user-controlled pan or tilt adjustments of speed
568 detection system components, do not constitute remote
569 surveillance. Recorded video or photographs collected as part of
570 a speed detection system in a school zone may only be used to
571 document violations of ss. 316.1895 and 316.183 and for purposes
572 of determining criminal or civil liability for incidents
573 captured by the speed detection system incidental to the
574 permissible use of the speed detection system.

575 (b) Any recorded video or photograph obtained through the

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576 use of a speed detection system must be destroyed within 90 days
577 after the final disposition of the recorded event. The vendor of
578 a speed detection system must provide the county or municipality
579 with written notice by December 31 of each year that such
580 records have been destroyed in accordance with this subsection.

581 (c) Notwithstanding any other law, registered motor
582 vehicle owner information obtained as a result of the operation
583 of a speed detection system in a school zone is not the property
584 of the manufacturer or vendor of the speed detection system and
585 may be used only for the purposes of this section.

586 (16) (a) Each county or municipality that operates one or
587 more speed detection systems must submit a report by October 1,
588 2024, and annually thereafter, to the department which
589 identifies the public safety objectives used to identify a
590 school zone for enforcement under this section, reports
591 compliance with s. 316.0776(3)(c), and details the results of
592 the speed detection system in the school zone and the procedures
593 for enforcement. The information from counties and
594 municipalities must be submitted in a form and manner determined
595 by the department, which the department must make available to
596 the counties and municipalities by August 1, 2023, and the
597 department may require data components to be submitted
598 quarterly. The report must include at least the following:

599 1. Information related to the location of each speed
600 detection system, including the geocoordinates of the school

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601 zone, the directional approach of the speed detection system,
602 the school name, the school level, the times the speed detection
603 system was active, the restricted school zone speed limit
604 enforced pursuant to s. 316.1895(5), the posted speed limit
605 enforced at times other than those authorized by s. 316.1895(5),
606 the date the systems were activated to enforce violations of ss.
607 316.1895 and 316.183, and, if applicable, the date the systems
608 were deactivated.

609 2. The number of notices of violation issued, the number
610 that were contested, the number that were upheld, the number
611 that were dismissed, the number that were issued as uniform
612 traffic citations, and the number that were paid.

613 3. Any other statistical data and information related to
614 the procedures for enforcement which is required by the
615 department to complete the report required under paragraph (c).

616 (b) Each county or municipality that operates a speed
617 detection system is responsible for and must maintain its
618 respective data for reporting purposes under this subsection for
619 at least 2 years after such data is reported to the department.

620 (c) On or before December 31, 2024, and annually
621 thereafter, the department must submit a summary report to the
622 Governor, the President of the Senate, and the Speaker of the
623 House of Representatives regarding the use of speed detection
624 systems under this section, along with any legislative
625 recommendations from the department. The summary report must

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include a review of the information submitted to the department
by the counties and municipalities and must describe the
enhancement of safety and enforcement programs.

Section 6. Paragraph (d) of subsection (1) of section
316.1906, Florida Statutes, is amended, and subsection (3) is
added to that section, to read:

316.1906 Radar speed-measuring devices; speed detection
systems; evidence, admissibility.—

(1) DEFINITIONS.—

(d) "Officer" means any:

1. "Law enforcement officer" who is elected, appointed, or
employed full time by any municipality or the state or any
political subdivision thereof; who is vested with the authority
to bear arms and make arrests; and whose primary responsibility
is the prevention and detection of crime or the enforcement of
the penal, criminal, traffic, or highway laws of the state;

2. "Part-time law enforcement officer" who is employed or
appointed less than full time, as defined by an employing
agency, with or without compensation; who is vested with
authority to bear arms and make arrests; and whose primary
responsibility is the prevention and detection of crime or the
enforcement of the penal, criminal, traffic, or highway laws of
the state; ~~or~~

3. "Auxiliary law enforcement officer" who is employed or
appointed, with or without compensation; who aids or assists a

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651 full-time or part-time law enforcement officer; and who, while
652 under the direct supervision of a full-time or part-time law
653 enforcement officer, has the authority to arrest and perform law
654 enforcement functions; or

655 4. "Traffic infraction enforcement officer" who is
656 employed or appointed, with or without compensation, and
657 satisfies the requirements of s. 316.640(5) and is vested with
658 authority to enforce violations of ss. 316.1895 and 316.183
659 pursuant to s. 316.1896.

660 (3) A speed detection system is exempt from the design
661 requirements for radar or LiDAR units established by the
662 department. A speed detection system must have the ability to
663 perform self-tests as to its detection accuracy. The system must
664 perform a self-test at least once every 30 days. The law
665 enforcement agency, or an agent acting on behalf of the law
666 enforcement agency, operating a speed detection system must
667 maintain a log of the results of the system's self-tests. The
668 law enforcement agency, or an agent acting on behalf of the law
669 enforcement agency, operating a speed detection system must also
670 perform an independent calibration test on the speed detection
671 system at least once every 12 months. The self-test logs, as
672 well as the results of the annual calibration test, are
673 admissible in any court proceeding for a uniform traffic
674 citation issued for a violation of s. 316.1895 or s. 316.183
675 enforced pursuant to s. 316.1896. Notwithstanding subsection

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676 (2), evidence of the speed of a motor vehicle detected by a
677 speed detection system compliant with this subsection and the
678 determination by a traffic enforcement officer that a motor
679 vehicle is operating in excess of the applicable speed limit is
680 admissible in any proceeding with respect to an alleged
681 violation of law regulating the speed of motor vehicles in
682 school zones.

683 Section 7. Paragraphs (d) through (h) of subsection (3) of
684 section 318.18, Florida Statutes, are redesignated as paragraphs
685 (e) through (i), respectively, and a new paragraph (d) is added
686 to that subsection to read:

687 318.18 Amount of penalties.—The penalties required for a
688 noncriminal disposition pursuant to s. 318.14 or a criminal
689 offense listed in s. 318.17 are as follows:

690 (3)

691 (d)1. Notwithstanding paragraphs (b) and (c), a person
692 cited for a violation of s. 316.1895(10) or s. 316.183 for
693 exceeding the speed limit in force at the time of the violation
694 on a roadway maintained as a school zone as provided in s.
695 316.1895, when enforced by a traffic infraction enforcement
696 officer pursuant to s. 316.1896, must pay a fine of \$100. Fines
697 collected under this paragraph must be distributed as follows:

698 a. Twenty dollars must be remitted to the Department of
699 Revenue for deposit into the General Revenue Fund.

700 b. Seventy-seven dollars must be distributed to the county

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701 for any violations occurring in any unincorporated areas of the
702 county or to the municipality for any violations occurring in
703 the incorporated boundaries of the municipality in which the
704 infraction occurred, to be used as provided in s. 316.1896(5).

705 c. Three dollars must be remitted to the Department of
706 Revenue for deposit into the Department of Law Enforcement
707 Criminal Justice Standards and Training Trust Fund to be used as
708 provided in s. 943.25.

709 2. If a person who is mailed a notice of violation or a
710 uniform traffic citation for a violation of s. 316.1895(10) or
711 s. 316.183, as enforced by a traffic infraction enforcement
712 officer under s. 316.1896, presents documentation from the
713 appropriate governmental entity that the notice of violation or
714 uniform traffic citation was in error, the clerk of court or
715 clerk to the local hearing officer may dismiss the case. The
716 clerk of court or clerk to the local hearing officer may not
717 charge for this service.

718 Section 8. Paragraph (d) of subsection (3) of section
719 322.27, Florida Statutes, is amended to read:

720 322.27 Authority of department to suspend or revoke driver
721 license or identification card.—

722 (3) There is established a point system for evaluation of
723 convictions of violations of motor vehicle laws or ordinances,
724 and violations of applicable provisions of s. 403.413(6)(b) when
725 such violations involve the use of motor vehicles, for the

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determination of the continuing qualification of any person to operate a motor vehicle. The department is authorized to suspend the license of any person upon showing of its records or other good and sufficient evidence that the licensee has been convicted of violation of motor vehicle laws or ordinances, or applicable provisions of s. 403.413(6)(b), amounting to 12 or more points as determined by the point system. The suspension shall be for a period of not more than 1 year.

(d) The point system shall have as its basic element a graduated scale of points assigning relative values to convictions of the following violations:

1. Reckless driving, willful and wanton—4 points.
2. Leaving the scene of a crash resulting in property damage of more than \$50—6 points.
3. Unlawful speed, or unlawful use of a wireless communications device, resulting in a crash—6 points.
4. Passing a stopped school bus:
 - a. Not causing or resulting in serious bodily injury to or death of another—4 points.
 - b. Causing or resulting in serious bodily injury to or death of another—6 points.
5. Unlawful speed:
 - a. Not in excess of 15 miles per hour of lawful or posted speed—3 points.
 - b. In excess of 15 miles per hour of lawful or posted

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751 speed—4 points.

752 c. Points may not be imposed for a violation of unlawful
753 speed as provided in s. 316.1895 or s. 316.183 when enforced by
754 a traffic infraction enforcement officer pursuant to s.
755 316.1896. In addition, a violation of s. 316.1895 or s. 316.183
756 when enforced by a traffic infraction enforcement officer
757 pursuant to s. 316.1896 may not be used for purposes of setting
758 motor vehicle insurance rates.

759 6. A violation of a traffic control signal device as
760 provided in s. 316.074(1) or s. 316.075(1)(c)1.—4 points.
761 However, no points shall be imposed for a violation of s.
762 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
763 stop at a traffic signal and when enforced by a traffic
764 infraction enforcement officer. In addition, a violation of s.
765 316.074(1) or s. 316.075(1)(c)1. when a driver has failed to
766 stop at a traffic signal and when enforced by a traffic
767 infraction enforcement officer may not be used for purposes of
768 setting motor vehicle insurance rates.

769 7. All other moving violations (including parking on a
770 highway outside the limits of a municipality)—3 points. However,
771 no points shall be imposed for a violation of s. 316.0741 or s.
772 316.2065(11); and points shall be imposed for a violation of s.
773 316.1001 only when imposed by the court after a hearing pursuant
774 to s. 318.14(5).

775 8. Any moving violation covered in this paragraph,

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776 excluding unlawful speed and unlawful use of a wireless
777 communications device, resulting in a crash—4 points.

778 9. Any conviction under s. 403.413(6)(b)—3 points.

779 10. Any conviction under s. 316.0775(2)—4 points.

780 11. A moving violation covered in this paragraph which is
781 committed in conjunction with the unlawful use of a wireless
782 communications device within a school safety zone—2 points, in
783 addition to the points assigned for the moving violation.

784 Section 9. Paragraph (a) of subsection (3) of section
785 316.306, Florida Statutes, is amended to read:

786 316.306 School and work zones; prohibition on the use of a
787 wireless communications device in a handheld manner.—

788 (3)(a)1. A person may not operate a motor vehicle while
789 using a wireless communications device in a handheld manner in a
790 designated school crossing, school zone, or work zone area as
791 defined in s. 316.003(110) ~~s. 316.003(109)~~. This subparagraph
792 shall only be applicable to work zone areas if construction
793 personnel are present or are operating equipment on the road or
794 immediately adjacent to the work zone area. For the purposes of
795 this paragraph, a motor vehicle that is stationary is not being
796 operated and is not subject to the prohibition in this
797 paragraph.

798 2. Effective January 1, 2020, a law enforcement officer
799 may stop motor vehicles and issue citations to persons who are
800 driving while using a wireless communications device in a

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801 | handheld manner in violation of subparagraph 1.

802 | Section 10. Paragraph (a) of subsection (5) of section
803 | 316.640, Florida Statutes, is amended to read:

804 | 316.640 Enforcement.—The enforcement of the traffic laws
805 | of this state is vested as follows:

806 | (5)(a) Any sheriff's department or police department of a
807 | municipality may employ, as a traffic infraction enforcement
808 | officer, any individual who successfully completes instruction
809 | in traffic enforcement procedures and court presentation through
810 | the Selective Traffic Enforcement Program as approved by the
811 | Division of Criminal Justice Standards and Training of the
812 | Department of Law Enforcement, or through a similar program, but
813 | who does not necessarily otherwise meet the uniform minimum
814 | standards established by the Criminal Justice Standards and
815 | Training Commission for law enforcement officers or auxiliary
816 | law enforcement officers under s. 943.13. Any such traffic
817 | infraction enforcement officer who observes the commission of a
818 | traffic infraction or, in the case of a parking infraction, who
819 | observes an illegally parked vehicle may issue a traffic
820 | citation for the infraction when, based upon personal
821 | investigation, he or she has reasonable and probable grounds to
822 | believe that an offense has been committed which constitutes a
823 | noncriminal traffic infraction as defined in s. 318.14. In
824 | addition, any such traffic infraction enforcement officer may
825 | issue a traffic citation under ss. 316.0083 and 316.1896 ~~s.~~

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826 ~~316.0083~~. For purposes of enforcing ss. 316.0083, 316.1895, and
827 316.183 ~~s. 316.0083~~, any sheriff's department or police
828 department of a municipality may designate employees as traffic
829 infraction enforcement officers. The traffic infraction
830 enforcement officers must be physically located in the county of
831 the respective sheriff's or police department.

832 Section 11. Paragraphs (a) and (c) of subsection (3) of
833 section 316.650, Florida Statutes, are amended to read:

834 316.650 Traffic citations.—

835 (3)(a) Except for a traffic citation issued pursuant to s.
836 316.1001, ~~or s. 316.0083~~, or s. 316.1896, each traffic
837 enforcement officer, upon issuing a traffic citation to an
838 alleged violator of any provision of the motor vehicle laws of
839 this state or of any traffic ordinance of any municipality or
840 town, shall deposit the original traffic citation or, in the
841 case of a traffic enforcement agency that has an automated
842 citation issuance system, the chief administrative officer shall
843 provide by an electronic transmission a replica of the citation
844 data to a court having jurisdiction over the alleged offense or
845 with its traffic violations bureau within 5 business days after
846 issuance to the violator.

847 (c) If a traffic citation is issued under s. 316.0083 or
848 s. 316.1896, the traffic infraction enforcement officer shall
849 provide by electronic transmission a replica of the traffic
850 citation data to the court having jurisdiction over the alleged

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851 offense or its traffic violations bureau within 5 business days
852 after the date of issuance of the traffic citation to the
853 violator. If a hearing is requested, the traffic infraction
854 enforcement officer shall provide a replica of the traffic
855 notice of violation data to the clerk for the local hearing
856 officer having jurisdiction over the alleged offense within 14
857 days.

858 Section 12. Subsection (2) of section 318.14, Florida
859 Statutes, is amended to read:

860 318.14 Noncriminal traffic infractions; exception;
861 procedures.—

862 (2) Except as provided in ss. 316.1001(2), and 316.0083,
863 and 316.1896, any person cited for a violation requiring a
864 mandatory hearing listed in s. 318.19 or any other criminal
865 traffic violation listed in chapter 316 must sign and accept a
866 citation indicating a promise to appear. The officer may
867 indicate on the traffic citation the time and location of the
868 scheduled hearing and must indicate the applicable civil penalty
869 established in s. 318.18. For all other infractions under this
870 section, except for infractions under s. 316.1001, the officer
871 must certify by electronic, electronic facsimile, or written
872 signature that the citation was delivered to the person cited.
873 This certification is prima facie evidence that the person cited
874 was served with the citation.

875 Section 13. Subsections (4), (5), and (15) of section

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876 318.21, Florida Statutes, are amended to read:

877 318.21 Disposition of civil penalties by county courts.—

878 All civil penalties received by a county court pursuant to the
879 provisions of this chapter shall be distributed and paid monthly
880 as follows:

881 (4) Of the additional fine assessed under s. 318.18(3)(g)
882 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1301, 40 percent must
883 be remitted to the Department of Revenue for deposit in the
884 Grants and Donations Trust Fund of the Division of Blind
885 Services of the Department of Education, and 60 percent must be
886 distributed pursuant to subsections (1) and (2).

887 (5) Of the additional fine assessed under s. 318.18(3)(g)
888 ~~s. 318.18(3)(f)~~ for a violation of s. 316.1303(1), 60 percent
889 must be remitted to the Department of Revenue for deposit in the
890 Grants and Donations Trust Fund of the Division of Vocational
891 Rehabilitation of the Department of Education, and 40 percent
892 must be distributed pursuant to subsections (1) and (2).

893 (15) Of the additional fine assessed under s. 318.18(3)(f)
894 ~~s. 318.18(3)(e)~~ for a violation of s. 316.1893, 50 percent of
895 the moneys received from the fines shall be appropriated to the
896 Agency for Health Care Administration as general revenue to
897 provide an enhanced Medicaid payment to nursing homes that serve
898 Medicaid recipients with brain and spinal cord injuries. The
899 remaining 50 percent of the moneys received from the enhanced
900 fine imposed under s. 318.18(3)(f) ~~s. 318.18(3)(e)~~ shall be

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remitted to the Department of Revenue and deposited into the Department of Health Emergency Medical Services Trust Fund to provide financial support to certified trauma centers in the counties where enhanced penalty zones are established to ensure the availability and accessibility of trauma services. Funds deposited into the Emergency Medical Services Trust Fund under this subsection shall be allocated as follows:

(a) Fifty percent shall be allocated equally among all Level I, Level II, and pediatric trauma centers in recognition of readiness costs for maintaining trauma services.

(b) Fifty percent shall be allocated among Level I, Level II, and pediatric trauma centers based on each center's relative volume of trauma cases as calculated using the hospital discharge data collected pursuant to s. 408.061.

Section 14. Subsection (1) of section 655.960, Florida Statutes, is amended to read:

655.960 Definitions; ss. 655.960-655.965.—As used in this section and ss. 655.961-655.965, unless the context otherwise requires:

(1) "Access area" means any paved walkway or sidewalk which is within 50 feet of any automated teller machine. The term does not include any street or highway open to the use of the public, as defined in s. 316.003(88) (a) ~~s. 316.003(87) (a)~~ or (b), including any adjacent sidewalk, as defined in s. 316.003.

Section 15. This act shall take effect July 1, 2023.

**CITY OF STUART, FLORIDA
AGENDA ITEM REQUEST
City Commission**

Meeting Date: 10/27/2025

Prepared by: Lee Baggett

Title of Item:

CONTINUED DISCUSSION AND DELIBERATION OF CITY MANAGER'S EMPLOYMENT CONTRACT

Summary Explanation/Background Information on Agenda Request:

At the September 22, 2025, City Commission Meeting, there was a consensus of the Board to bring forth the City Manager's Contract to be discussed at the next Commission Meeting. In the opening paragraph of the Contract, Sections 3.04 and 3.05 of the City Charter are referenced to identify the City Manager's job duties and responsibilities.

At the October 13, 2025 City Commission Meeting, the City Commission via Motion, requested that the City Manager remain in his position and that this issue be brought back on the next agenda to discuss his continued employment, and that all department directors be present.

Funding Source:

N/A

Recommended Action:

City Commission to discuss and deliberate.

ATTACHMENTS:

1. Mortell, Michael City Manager Contract 2023
2. ARTICLE_III.____ADMINISTRATION (1)



**BEFORE THE CITY COMMISSION
CITY OF STUART, FLORIDA**

RESOLUTION NUMBER 54-2023

**A RESOLUTION OF THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, A RESOLUTION
OF THE CITY COMMISSION OF THE CITY OF
STUART, FLORIDA CONFIRMING THE
APPOINTMENT OF MICHAEL J. MORTELL AS
CITY MANAGER AND AUTHORIZING AN
EMPLOYMENT CONTRACT WITH THE CITY
MANAGER; AND PROVIDING FOR AN EFFECTIVE
DATE; AND FOR OTHER PURPOSES.**

* * * * *

WHEREAS, on or about March 28, 2023, the City Commission appointed Michael J. Mortell as Interim City Manager to fill a vacancy in the position; and

WHEREAS, the City Commission agreed that it would revisit the position in three months' time to see if the Interim City Manager was interested in becoming the City Manager, and thereafter at its meeting of July 24, 2023, the City Commission did agree that it would be pleased to appoint Mr. Mortell as City Manager; and

WHEREAS, the City Commission wishes to confirm the appointment of Michael J. Mortell as the City Manager, and to approve and adopt a contract with Mr. Mortell for his continued employment.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF
THE CITY OF STUART, FLORIDA, AS FOLLOWS:**

Resolution No. 54-2023

Confirming the Appointment of Michael J. Mortell as City Manager and Authorizing an Employment Contract with the City Manager

SECTION 1: The precatory language recited above is confirmed and adopted herein as if set forth below.

SECTION 2: The City Commission hereby appoints Michael J. Mortell as City Manager for an indefinite period, subject to that certain Employment Contract approved and authorized by the City Commission, and attached hereto and made a part hereof.

SECTION 3: This resolution shall take effect immediately upon adoption.

Commissioner CLARKE offered the foregoing resolution and moved its adoption.

The motion was seconded by Commissioner COLLINS and upon being put to a roll call vote, the vote was as follows:

TROY MCDONALD, MAYOR
BECKY BRUNER, VICE MAYOR
EULA R. CLARKE, COMMISSIONER
CHRISTOPHER COLLINS, COMMISSIONER
CAMPBELL RICH, COMMISSIONER

YES	NO	ABSENT	ABSTAIN
Y			
Y			
Y			
Y			
Y			

ADOPTED this 24th day of July, 2023.

ATTEST:


MARY R. KINDEL
CITY CLERK


TROY MCDONALD
MAYOR

APPROVED AS TO FORM
AND CORRECTNESS:


PAUL J. NICOLETTI
INTERIM CITY ATTORNEY



CITY OF STUART, FLORIDA
CITY MANAGER EMPLOYMENT CONTRACT

IN CONSIDERATION of the mutual agreements and promises herein, the CITY OF STUART, Florida, a municipal corporation ("City"), employs MICHAEL J. MORTELL, 713 SE Riverside Drive, Stuart, FL 34994 ("Mortell") as City Manager on an "at will" basis for an indefinite period, beginning on June 24, 2023, and terminating as provided herein. As City Manager, Mortell shall use his best efforts to represent the City, and he shall be responsible directly to the City Commission as provided in Sections 3.04 and 3.05 of the City Charter, and he shall work with the City staff, as required by the City Commission, and in accordance with applicable laws and ordinances.

1. The agreement shall serve as the employment contract between the City of Stuart and Mortell who will serve at will as its City Manager. Mortell shall serve as City Manager, under the terms established herein, to perform the duties and functions specified in the City's Charter and the City Code of Ordinances and to perform such other legally permissible and proper duties and functions as the City Commission shall assign.
2. The city's employment of Mortell shall be effective upon the approval of this agreement and continue there after pursuant to the terms of this agreement. For the performance of services pursuant to the agreement, the City agrees to pay the City Manager an annual base salary of \$225,000.00, payable in installments at the same time as other City employees are paid for the performance of services pursuant to this agreement. The City Manager shall be entitled to an increase in salary based upon the cost of living and merit adjustments approved in the budget at the same level as provided to other City Employees each year. Absent affirmative action to the contrary, the City Manager shall be deemed to have met the performance criteria necessary to meet the merit requirements.
3. The City Manager shall remain in the exclusive employ of the City and shall devote all such time, attention, knowledge, and skills necessary to faithfully perform his duties under this Agreement. The City Manager may, however, engage in educational and professional activities and other employment activities provided that such activities shall not interfere with his primary obligation to the City as its City Manager and that he shall notify the City's Human Resources Department if any employment activities outside the scope of City Manager.
4. In addition to any other pension or retirement benefits provided by the City, on or just after each January 1st, during the period of employment, the City shall pay into a qualified deferred income retirement account selected by Mortell, an amount equal to ten percent (10%) of Mortell's total annual salary. Said funds shall be accessible to Mortell under the same federal rules and guidelines as for any other qualified retirement account.
5. The City Commission may terminate Mortell's employment with or without cause at any time. Should Mortell be terminated by the City for any reason other than "with cause",

**City of Stuart, Florida
(Mortell) City Manager Employment Contract**

his employment shall terminate when directed by the City Commission, and for longest period permitted by law thereafter, his current salary shall be paid to Mortell as severance pay. As used herein, "with cause" shall mean any cause for which a City Commissioner may be recalled by the electorate pursuant to Sec. 100.361, Florida Statutes. In addition, Mortell may voluntarily terminate (resign or retire) his employment with the City at any time, upon 45 days written notice, but he shall not be entitled to any severance pay.

6. The City shall be responsible for the direct payment of Mortell's dues to the International City Management Association, the Florida City-County Management Association, and any other professional organization approved in the City's annual budget. The City also recognizes that Mortell is a member of The Florida Bar, the City will continue to pay his state and local bar dues, and certification fees.
7. Except as otherwise provided herein, the City shall provide Mortell with the same employment benefits as are provided to City Department Directors including but not limited to cellular telephone and tablet stipends and such other benefits and privileges as may change from time to time. Such employment benefits shall include, but shall not be limited to health insurance, leaves, travel expenses, and the like, all as provided in the City's Personnel Policies. Each fiscal year the City shall provide Mortell with 240 hours of Paid Time Off (PTO) which is equivalent to the maximum PTO provided to long term employees hired after 2010, using the accrual method afforded to other fulltime City employees.
8. This Contract is for personal services, and it may not be subcontracted, or assigned or transferred by Mortell, except that Mortell shall be free to appoint an acting city manager in his absence.
9. During the period of employment, Mortell shall continue to receive five hundred (\$500.00) dollar per month automobile allowance, payable by the City on or around the first payroll of each month, which shall be provided to Mortell in accordance with current IRS Regulations. Mortell agrees to utilize his personally owned vehicle (POV) in the performance of City Manager duties within the local area. City agrees to reimburse Mortell at the standard IRS mileage rate for any official use of his POV outside the local area. The local area is defined as anywhere within a fifty-mile radius of the City Hall. In the event of a declared emergency, or in lieu of the IRS rate for mileage as described above, Mortell may utilize a City owned vehicle in the performance of his duties.
10. This Contract shall become effective on the date first written above, subject to its approval by the City Commission, execution by the parties, and Mortell taking an appropriate oath of office.

**City of Stuart, Florida
(Mortell) City Manager Employment Contract**

IN WITNESS WHEREOF, the City and Mortell have executed this contract by their duly authorized representatives on the day and year first written above.

CITY MANAGER


MICHAEL J. MORTELL

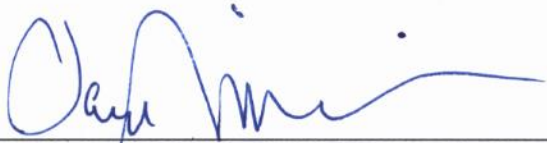
ATTEST:


MARY KINDEL, CITY CLERK

CITY OF STUART, FLORIDA


TROY McDONALD, MAYOR

Approved as to Form and Sufficiency:


PAUL J. NICOLETTI, INTERIM CITY ATTORNEY



ARTICLE III. ADMINISTRATION

Sec. 3.01. Designation of Charter officers.

The city manager and city attorney are designated charter officers.

Sec. 3.02. Appointment of Charter officers.

The charter officers shall be appointed by the commission and shall serve at the pleasure of the commission.

Sec. 3.03. Charter officers' authority.

The charter officers provided for in this article shall be vested with authority to administer the assigned duties of their offices.

Sec. 3.04. City manager.

The commission shall appoint a city manager who shall be the administrative head of the municipal government. The city manager shall be responsible for the efficient administration of all the departments except for those under the control of the other charter officer. The city manager shall be appointed on the basis of merit and fitness alone and without regard to political beliefs.

Sec. 3.05. City manager's general powers and duties.

The city manager shall:

- (a) See that the laws and ordinances are enforced;
- (b) Propose ordinances to designate the job titles of subordinates that are to be considered directors of departments;
- (c) Appoint and, except as otherwise provided in this charter, remove any director of any department at will;
- (d) Be authorized to remove all nonprobationary subordinate officers and employees, union and nonunion, in the departments, for cause, obsolescence of position, or to satisfy budgetary restrictions;
- (e) Be authorized to deal with subordinate officers and employees, both union and nonunion, and to negotiate collective bargaining agreements to be approved by the commission;
- (f) Administer all departments and divisions created by the commission except as otherwise provided in this charter;
- (g) Attend all meetings of the commission, except as excused, with the right to take part in the discussion, but having no vote;
- (h) Recommend to the commission all measures necessary and expedient for the proper governance and management of the city;
- (i) Keep the commission fully advised as to the management, governance and needs of the city;
- (j) Be the purchasing agent for the city subject to policies promulgated by the commission;

-
- (k) Recommend an annual budget to the commission; and
 - (l) Perform all other duties prescribed by law or direction of the commission.

Sec. 3.06. City attorney.

The city attorney shall be admitted to the practice of law in the State of Florida, and shall be the legal advisor to and attorney for the city. The city attorney shall prosecute and defend all suits, complaints, and controversies for and on behalf of the city, unless otherwise directed by the commission, and shall review all contracts, bonds and other instruments in writing in which the city is to be a party, and shall endorse on each approval as to form and legality. The city attorney shall be appointed on merit and fitness alone and without regard to political beliefs.