

ORDINANCE NO. 26-40

AN ORDINANCE OF MANATEE COUNTY, FLORIDA, RELATING TO THE ACQUISITION, PROTECTION AND MANAGEMENT OF ENVIRONMENTAL LANDS; AMENDING THE FOLLOWING SECTIONS OF CHAPTER 2-25 PLANNING AND DEVELOPMENT, ARTICLE IV ACQUISITION, PROTECTION, AND MANAGEMENT OF ENVIRONMENTAL LANDS, MANATEE COUNTY CODE OF ORDINANCES, MODIFYING SECTION 2-25-55 BY AMENDING MEMBERSHIP ELIGIBILITY, NUMBER OF SEATS AND TERMS OF THE ENVIRONMENTAL LANDS MANAGEMENT AND ACQUISITION COMMITTEE; AMENDING SECTION 2-25-56 BY UPDATING REFERENCES TO STATE DEPARTMENTS; AMENDING SECTION 2-25-57 BY UPDATING PROCEDURE FOR SETTING PRIORITIES, REFLECTING EXISTING ENVIRONMENTAL LANDS PROGRAM BUSINESS PRACTICE; AMENDING SECTIONS 2-25-51, 2-25-54, 2-25-55, 2-25-56, 2-25-57, 2-25-60 AND 2-25-61, CORRECTING TERMS; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 125.01, Florida Statutes, authorizes the Board of County Commissioners of Manatee County (the Board) to provide parks, preserves, recreation areas and other recreation and cultural facilities for the citizens of Manatee County; and

WHEREAS, Chapter 2-25, Planning and Development, Article IV Acquisition, Protection, and Management of Environmental Lands, Section 2-25-55 of the Manatee County Code of Ordinances ("Code") describes the purposes and duties of the environmental lands management and acquisition committee ("ELMAC"); and

WHEREAS, the Board finds that amending various provisions of Chapter 2-25, Planning and Development, Article IV Acquisition, Protection, and Management of Environmental Lands of the Code is in the best interest of the County, its citizens and taxpayers and will serve to protect the public's health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the Board:

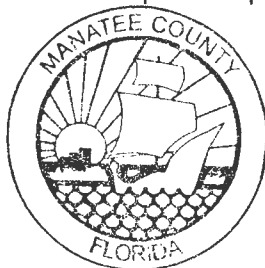
Section 1. Chapter 2-25, Planning and Development, Article IV, Acquisition, Protection and Management of Environmental Lands of the Code is hereby amended as set forth in the attached Exhibit "A" to this Ordinance in underlined/strikethrough format where underlined means text is added and ~~strikethrough~~ means text is deleted.

Section 2. Pursuant to Section 125.68(1), Florida Statutes, the publisher of the Code, CivicPlus, shall codify the substantive amendments to the Code contained in Section 1 of this Ordinance as provided herein, and shall not codify any other sections not designated for codification.

Section 3. If any section, subsection, sentence, clause, provision or word of this Ordinance is held invalid, same shall be severable and the remainder of this Ordinance shall not be affected by such invalidity, such that any remainder of the Ordinance shall withstand any severed provision, as the Board of County Commissioners would have adopted the Ordinance and its regulatory scheme even absent the invalid part.

Section 4. This Ordinance shall take effect immediately upon the filing of a certified copy of this Ordinance with the Secretary of State pursuant to Section 125.66, Florida Statutes.

DULY ADOPTED with a quorum present and voting this 12 day of September 2026.



**BOARD OF COUNTY COMMISSIONERS
OF MANATEE COUNTY, FLORIDA**

By: Tul
Chairperson

ATTEST: ANGELINA COLONNESO
CLERK OF THE CIRCUIT COURT AND COMPTROLLER

By: Uebi Jossner
Deputy Clerk

EXHIBIT A

Sec. 2-25-54. Definitions.

* * *

Priority list: The list of environmental lands developed by the ELMAC advisory committee with the assistance of county staff as confirmed or revised by the ~~board~~ Board of county Commissioners at a public meeting. This list will be comprised of the sites that meet the criteria established in this article and will comprise the sites that will be acquired by fee title or other property interest, or that will otherwise be the subject of protection and management activities pursuant to this article. The priority list shall be by groupings and need not include numerical rankings.

* * *

Sec. 2-25-55. Environmental Lands Oversight Committee.

(a) Creation of the environmental lands management and acquisition committee.

There is hereby established a voluntary advisory board, to be known as the environmental lands management and acquisition committee (ELMAC).

Appointments of members of the committee shall be in the manner set forth herein. Notice of openings shall be published, and members shall be appointed by majority vote of the ~~board~~ Board pursuant to this article. Applicants for committee membership shall follow the procedures set by the ~~board~~ Board regarding advisory board applications, and shall assure the ~~board~~ Board of the lack of conflicts and potential conflicts of interest. This committee is advisory only and may be abolished, disbanded or reorganized by amending this article.

(b) Purposes and duties of the environmental lands management and acquisition committee.

- (1) The general purpose of the environmental lands management and acquisition committee shall be to advise the ~~board~~ Board on matters related to environmental land acquisition and management, and passive recreational planning and programming for acquired lands. This article shall apply to lands previously acquired by the county that are explicitly designated as governed by this article by the ~~board~~ Board and to lands and property interests acquired after the adoption of this article whether from funds designated by the ~~board~~ Board or funds approved by voter referendum. This committee will provide a forum for multiple interests and user groups to express their wishes for management of county-owned lands and passive recreational facilities.

- (2) The specific duties of the environmental lands management and acquisition committee are those provided in this article and otherwise assigned by the ~~board~~ Board, and may also include:
- a. Identifying and evaluating lands meeting the criteria for acquisition and management as public passive recreation areas;
 - b. Developing a countywide inventory of environmental lands;
 - c. For purposes of acquisition, devising and updating the methodology by which a priority ranking may be assigned to the county's environmental lands;
 - d. Researching and evaluating additional potential acquisition funding mechanisms;
 - e. Assisting staff in developing management plans for lands that the county has acquired or is planning to acquire;
 - f. Assisting in efforts at the state level to secure sources of state funding for environmental lands purchases and planning;
 - g. Researching other jurisdictions' environmental lands acquisition and management programs;
 - h. Advising the ~~board~~ Board on the disposal of any county-owned environmental lands;
 - i. Evaluating lands under a priority ranking system utilizing the criteria in section 2-25-61 for which a priority ranking may be assigned to agricultural conservation easements; and
 - j. Performing other appropriate tasks that may be assigned by the ~~board~~ Board in the future.
- (3) Within the unincorporated area of the county, the committee shall also serve as the tree advisory committee. In such capacity, the duties of the committee shall be as follows:
- a. To develop a tree management program for the care of trees on property owned by the county;
 - b. To promote awareness of the county's tree canopy through educational programs;

- c. To review grant requirements and to prepare grant proposals for submittal by the county for the purpose of funding tree management programs; and
- d. To coordinate the county's observance of Arbor Day each year.

(c) *Authority of the environmental lands management and acquisition committee.*

- (1) The committee shall have the authority to elect officers from its membership to serve the needs of the committee. Officers elected by the committee will be a chairman and vice-chairman.
 - a. Chairman. The duties of the chairman will be to preside at all meetings and to see that the work is carried out in a constructive and businesslike manner. The chairman of the committee or his/her appointee will be the liaison to work closely with the county administrator or his/her designee. The chairman will appoint special committees where and when needed to work on any of the aforementioned duties, and will oversee the work of such subcommittee.
 - b. Vice-chairman. The vice-chairman will preside in the absence of the chairman and will be available to assist the chairman when requested.
- (2) Further, the committee shall have the authority to set the time and place for its meetings. The committee will meet on a schedule, and at a time and place to be determined by the committee. Meetings may be rescheduled or a special meeting called by the committee at any regular meeting. In addition, the chairman shall have the authority to call a special meeting. Upon a decision to cancel a meeting, committee members and the ~~board~~ Board shall be notified by phone if the decision is made less than seven (7) days prior to the scheduled meeting; otherwise, notification shall be by letter. Meetings will be advertised as to time and place. Each meeting will have a prepared agenda for distribution, and records will be kept. A majority of currently-appointed committee members will constitute a quorum for the conducting of committee business.
- (3) The committee will carry out its responsibilities in the most cost-effective manner. Expenses incurred by the committee or a member thereof, in pursuing its duties, may be paid directly or reimbursed by the ~~board~~ Board in accordance with applicable laws and policies established by the ~~board~~ Board, which shall require prior approval and administrative authorization before making any expenditures.

- (4) The committee shall report its findings and recommendations to the ~~board~~ Board, in open session, at least once annually. Said reports shall only be made by the chairman or vice-chairman of the committee, upon the advice of and consent of a majority of the committee.

(d) *Membership of the committee.*

- (1) The committee will be made up of ~~seventeen~~ fifteen (15) members. To the extent possible, members shall have expertise in ecology, conservation of natural resources, real estate or land acquisition business and land development, land planning, land management, or environmental education. An applicant shall submit evidence of his or her expertise in any of the above. The ~~board~~ Board shall appoint committee members from the following groups or with the following affiliations:

- a. A member from the Florida Engineering Society;
- b. A member ~~schooled~~ with a degree and/or certification in a natural science: ecology, biology, botany, etc.;
- c. A member with background or education in ~~active~~ passive outdoor sports and recreation;
- d. A member of a local environmental group;
- e. A member recommended by the Manatee Chamber of Commerce;
- f. ~~An employee of the Manatee County School Board;~~
- ~~f.g.~~ A member with background/education in banking, finance, or real estate;
- ~~g.h.~~ A member ~~with background/education in banking, finance, or real estate~~ engaged in the agricultural business of farming, ranching or commercial horticulture;
- ~~h.i.~~ A member ~~who represents~~ recommended by Keep Manatee Beautiful, Inc.; and
- ~~i.j.~~ Seven (7) members who reside in Manatee County appointed by each individual commissioner. One member in District 1, one member in District 2, one member in District 3, one member in District 4, one member in District 5, and two (2) district wide members to be appointed by the two (2) at large commissioners.
- k. ~~One resident of Manatee County at large.~~

(2) All members shall be permanent residents of Manatee County as defined in Section 196.012, Florida Statutes.

(3) The county administrator or his/her designee is hereby assigned the responsibility of providing clerical and administrative support to the committee. The county attorney's office will be responsible for the legal needs of the committee, but only as specifically directed, from time to time, by the ~~board~~ Board.

(e) Terms and eligibility requirements.

(1) Terms of service on the committee will be for three (3) years, with reappointment at the discretion of the ~~board~~ Board, with the exception of members appointed by each individual commissioner for their district, whose terms shall expire with the appointing commissioner's term, or after three (3) years, whichever is sooner. If the three (3) year service term is set to expire within the same year as the commissioner's term expiration, the seat shall expire when the commissioner's term expires. Members must re-apply at the end of their term if they wish to be re-appointed. Members whose terms have expired may continue serving until the ~~board~~ Board selects a replacement. Initial appointments may be for one, two (2), or three (3) years to provide a balanced rotation of new members.

(2) A member missing three (3) consecutive meetings in a calendar year may be removed from the committee by the ~~board~~ Board upon the recommendation of a majority of the committee. The ~~board~~ Board may appoint a new member for the remainder of the term.

(3) Should any member of the committee be unable to complete his or her term of office, the ~~board~~ Board may appoint other(s) to complete the balance of the term of that position.

(4) A member appointed as a result of specific affiliation may continue, ~~in~~ at the ~~board's~~ Board's discretion, to serve for the remainder of the ~~at~~ term even if the affiliation has changed.

(5) The terms of the chairman and vice-chairman shall be restricted to no more than two (2) consecutive two-year terms in those offices.

* * *

Sec. 2-25-56. Environmental lands acquisition, management and protection policies.

- (a) *Acquisition, management and protection.* The county will acquire, manage and protect environmental lands in a manner that is consistent with the goals and objectives set forth in this article and the policies of the Manatee County Comprehensive Plan.
- (b) *Priorities.* The county will restrict its acquisition, management and protection to property interests, whether previously or hereafter acquired, which have been evaluated utilizing the criteria specified and approved by the ~~board~~ Board for the priority list after review and recommendation by the ELMAC committee, and subject to a final determination by the ~~board~~ Board.
- (c) *Acquisition, management and protection methods.* The county will acquire environmental lands, or an interest therein, pursuant to this article only after obtaining voluntary approval of the landowner. Methods of acquisition of fee title or property interests will include, but not be limited to, conservation easements, tax incentives, compensation, transfer of development rights, exchanges, use reservations, acceptance of gifts of land, donations, and acquisition of property interests.
- (d) *Cooperation with other groups.* The county will work in a cooperative manner with, but not limited to, the following entities in the protection of environmental lands:
- (1) Private landowners.
 - (2) Municipalities.
 - (3) Private nonprofit organizations and land trusts.
 - (4) Florida Department of Environmental Protection.
 - (5) Southwest Florida Water Management District.
 - (6) Florida Fish and Wildlife Conservation Commission.
 - (7) ~~Department of Community Affairs.~~ Florida Department of Agriculture and Consumer Services.
 - (8) Appropriate federal, state and local agencies.
- (e) *Cooperation with profit and nonprofit groups.* The county will cooperate and consult with profit and nonprofit conservation organizations and trusts regarding purchase negotiations with willing sellers, environmental inventories and audits, matching funding, and procedures and processes for the acquisition and management of environmental lands. In no event shall this article, the authority granted hereunder, or the efforts of any such organization create an agency

relationship, express or implied, between the organization and the county. The county shall not be bound by any person or entity to approve or complete any transaction involving real property or real property interests, as a result of the negotiations or other acts of omissions of such organizations, unless and until approved by formal action of the ~~board~~ Board.

- (f) *Matching funding source.* When desirable matching fund opportunities exist, the county will follow and implement protection procedures for environmental lands in accordance with the State of Florida's Florida Forever program, ~~Save Our Rivers program~~, Rural and Family Lands Protection program, Florida Communities Trust program, and other matching fund programs to enhance opportunities for securing matching funding from these programs for protection of environmental lands.

Sec. 2-25-57. Environmental lands procedures for setting priorities.

- (a) *Procedure.* The county's procedure for listing and ranking sites on the protection priority list will be as follows:
 - (1) *Site nominations.* County staff will assemble all available resources and identify sites nominated by the county staff and consultants, the ~~board~~ Board, ELMAC, other government organizations, private conservation organizations and the general public. There will be no ranking of the sites nominated; the sites will be listed randomly and not in order of importance. Sites may be nominated at any time.
 - (2) *Eligibility.* County staff will review nominated sites, apply the selection criteria to determine eligibility and any applicable criteria that applies to the revenue sources in question. If initial review indicates the site is eligible, staff will contact the landowners to introduce the program and determine their willingness to participate in the program. If willing, a site visit will be scheduled to collect further information and a preliminary site report prepared. County staff will revise the eligible sites to include only those lands for which willing participants exist, thereby comprising the priority list. Owner participation may be withdrawn or initiated at any time until a legal agreement for protection has been fully executed.
 - (3) *Priority groupings.* The ELMAC committee will review preliminary site reports for approval and develop priority groupings for county staff to move forward with the due diligence process for site acquisition.
 - (4). *Contractual negotiation.* Due diligence, appraisals, and contractual negotiation for lands on the priority list will not begin until required funds are identified.

(45) *Work plan.* The ELMAC committee and county staff will develop a work plan for each site on the priority list. The work plan will include protection methods, strategy to achieve protection, funding sources and methods, land management strategies and costs, and public access. Some work plans may warrant a more thorough analysis for full consideration and prioritization than staff can provide. Staff shall seek ~~board~~ Board approval prior to hiring an outside contractor for site analysis. A request for consultant services will be made in the work plan.

(56) *Approval.* The work plan adopted by ELMAC will be presented by county staff to the ~~board~~ Board concurrent with the contract for sale and purchase of each site. The ~~board~~ Board may either accept, reject, or modify the work plans and contract.

(67) *Implementation.* Upon ~~board~~ Board approval, county staff will execute the purchase of the environmental lands and implement the work plans.

~~(7) *Contractual negotiation.* Due diligence, appraisals, and contractual negotiation for lands on the priority list will not begin until:~~

~~a. A work plan has been completed and approved by the board.~~

~~b. Required funds are identified.~~

(8) *Evaluation.* The ELMAC committee and county staff will review and update the priority list at least once annually. Owner willingness, partner and funding support, and conformance with the criteria will be the basis for changes to the list. Any changes to the list must be forwarded from the ELMAC committee to the ~~board~~ Board for consideration, except for deletions at the landowner's request, which will be deleted immediately by county staff.

* * *

Sec. 2-25-60. Persons authorized to negotiate, obligation to maintain confidentiality and public records law.

(a) The ~~board~~ Board shall, by majority vote, authorize the appropriate county staff member(s) to negotiate for the purchase, sale, or exchange of real property, or real property interests, on behalf of the county, pursuant to the terms of this article.

- (b) No member of the ~~board~~ Board, or ELMAC, shall directly negotiate for the purchase, sale, or exchange of real property, or real property interests, on behalf of the county, pursuant to the terms of this article, unless authorized to do so by a majority vote of the ~~board~~ Board.
- (c) No person or entity shall be authorized to negotiate on behalf of the county, or otherwise be directly involved in the purchase, sale or exchange of real property, or real property interests, pursuant to the terms of this article, if that person, entity, or a relative of that person has a financial interest in the transaction.
- (d) Except to the extent required under Section 119.07, Florida Statutes, as amended, no person acting on behalf of the county shall divulge information obtained in their official capacity with respect to any proposed purchase, sale or exchange of real property, or real property interests, pursuant to the terms of this article, for the purpose of giving the third party an unfair advantage. Nothing contained in this paragraph shall constitute a waiver by the county of its right to claim exemptions under Section 119.07, Florida Statutes, as amended. Furthermore, the provisions of Section 125.355, Florida Statutes, as amended, may be invoked by the county to maintain the confidentiality of appraisals, offers and counteroffers as allowed by that statute.
- (e) Persons acting on behalf of the county during the period of active negotiations for real property, or real property interests, pursuant to the terms of this article, shall provide a written statement verifying that neither they, the entity which they are employed by or otherwise represent, or a related person has a financial interest in the proposed transaction, and they acknowledge their agreement to maintain the confidentiality of information and documents as described in this article.
- (f) No contract or agreement negotiated pursuant to the terms of the ordinance for the purchase, sale, transfer or exchange of real property or real property interests shall be binding upon the county unless approved by a vote of the ~~board~~ Board in a public meeting.

Sec. 2-25-61. Conservation easements-agricultural lands.

- (a) [*Listing and ranking of sites for potential eligibility.*] The county's procedure for listing and ranking of sites for potential eligibility for the voluntary acquisition of conservation easements to preserve agricultural lands shall be consistent with the procedures set forth in section 2-25-57(a) with the addition of consideration of the following criteria:
 - (1) The quality of land for agricultural use, such as classifications of prime, unique, locally-important or state-wide important or other designation; and

- (2) Economic viability of the parcel, including agricultural on-site farm infrastructure and proximity to off-site farm infrastructure such as markets and adequate size for a bona fide agricultural operation; and
 - (3) Compatibility of surrounding uses or intended as a low-intensity/alternative agricultural operation; and
 - (4) Degree of development pressure on the parcel, including indicators such as proximity to the urban service boundary, zoning, residential development; and
 - (5) Proximity to other protected agricultural or environmental lands or wildlife corridors/greenways; and
 - (6) Additional benefits including, but not limited to, enhancement of wildlife habitat, air and water quality, hydrology, ground water recharge, preservation of historic and other cultural features and preservation of scenic qualities.
- (b) ~~Duties of the director of conservation lands management~~ Department Director of Natural Resources. The ~~director~~ Director of conservation and lands management Natural Resources, or designee, shall perform the following duties in regard to conservation easements for agricultural land:
- (1) Provide for the monitoring and maintenance of conservation easements for agricultural lands purchased by the county; and
 - (2) Promote, educate and encourage land owners to participate in the program established by this section; and
 - (3) Shall submit to the ~~board~~ Board of ~~county commissioners~~ an annual report based on all the activities carried out pursuant to the purchase of conservation easements for agricultural purposes. This report shall include, but is not limited to, a map indicating the location of agricultural lands in the county and location of the parcels from where development rights were purchased; total number of conservation easements and number of acres of each of the conservation easements in the agricultural lands throughout the county; number of land owner applications for the given year for the agricultural land purchase of development rights program.
 - (4) Provide any necessary assistance in the enforcement of conservation easements for agricultural lands. Conservation easements including those applicable to agricultural lands are enforceable by injunction or proceeding in equity or at law by ~~Manatee County~~ the county in accordance with applicable law including Section 704.06, Florida Statutes.

Secs. 2-25-62—2-25-79. Reserved.



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

CORD BYRD
Secretary of State

September 2, 2026

Angelina Colonnese
Clerk of the Circuit Court
Manatee County
1115 Manatee Ave W
Bradenton, FL 34205

Dear Angelina Colonnese:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Manatee County Ordinance No. 26-40, which was filed in this office on September 2, 2026.

Sincerely,

Alexandra Leijon
Administrative Code and Register Director

AL/dp

From: [Municode Ords Admin](#)
To: [Vicki Tessmer](#)
Subject: Re: Manatee County, FL Code of Ordinances - 1981(10428)
Date: Friday, September 4, 2026 1:21:54 PM
Attachments: [image001.png](#)
[Outlook-Sjimmiea.png](#)

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We have received your files.

Thank you and have a nice day.

Ords Administrator
Municodeords@civicplus.com
1-800-262-2633
P.O. Box 2235
Tallahassee, FL 32316

When available, please send all documents in WORD format to Municodeords@civicplus.com. However, if WORD format is not available, we welcome any document format including PDF.

svj (she/her/hers)

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From: Vicki Tessmer <vicki.tessmer@ManateeClerk.com>
Sent: Wednesday, September 2, 2026 1:51 PM
To: Municode Ords Admin <MunicodeOrds@civicplus.com>
Subject: FW: Ord 26-40 Manatee county

Hello,
Please find attached Manatee County ordinance 26-40, adopted on 9/1/2026, for codification.
Thank you,

Vicki Tessmer
Board Records Supervisor



For Angelina "Angel" Colonnese, Esq.
Manatee Clerk of the Circuit Court &
Comptroller
(941) 749-1800 Ext. 4081
1115 Manatee Ave W, Bradenton, FL 34205
www.ManateeClerk.com

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From: Kara Koenig <kara.koenig@mymanatee.org>
Sent: Wednesday, September 2, 2026 1:49 PM
To: Vicki Tessmer <vicki.tessmer@ManateeClerk.com>; Kendall Carson <kendal.carson@mymanatee.org>
Subject: Re: Ord 26-40

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Vicki - Please see attached thank you!

Best,

Kara Koenig | Environmental Lands Program Manager
Manatee County Government
Property Management Department
9000 Town Center Parkway
Lakewood Ranch, FL 34202
P.O. Box 1000
Bradenton, FL 34206
Office: 941-748-4501 x 6052
Mobile: 941-718-7584
mymanatee.org

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From: Vicki Tessmer <vicki.tessmer@ManateeClerk.com>

Sent: Wednesday, September 2, 2026 1:46 PM

To: Kara Koenig <KARA.KOENIG@MYMANATEE.ORG>; Kendall Carson <kendal.carson@mymanatee.org>

Subject: Ord 26-40

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Hi,

Do you have a word version of this ord, so we can send it to Municode?

Thank you,

Vicki Tessmer

Board Records Supervisor



For Angelina "Angel" Colonnese, Esq.
Manatee Clerk of the Circuit Court &
Comptroller
(941) 749-1800 Ext. 4081
1115 Manatee Ave W, Bradenton, FL 34205
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