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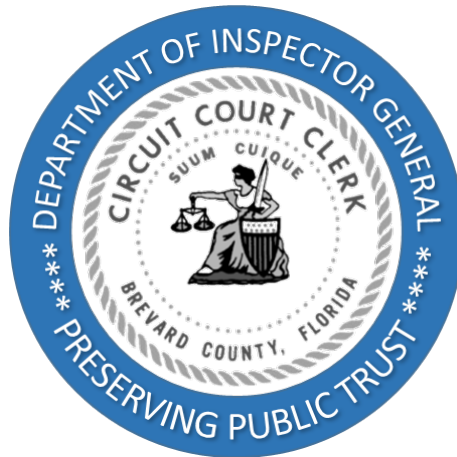
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CLERK OF THE CIRCUIT COURT & COMPTROLLER

BREVARD COUNTY

Report No. 2024-AUD-003

Review of Speak Up Brevard



RACHEL M. SADOFF
CLERK OF THE CIRCUIT COURT & COMPTROLLER
EIGHTEENTH JUDICIAL CIRCUIT
BREVARD COUNTY, FLORIDA

Department of Inspector General
Date: February 11, 2025

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TO: The Honorable Rachel M. Sadoff, Brevard County Clerk of the Circuit Court and Comptroller
FROM: Martin Miller, Inspector General
DATE: February 11, 2025
SUBJECT: Review of Speak Up Brevard, 2024 CEER Cycle

The Department of Inspector General (DIG) has conducted a review of the Speak Up Brevard program, 2024 CEER cycle, based upon concerns submitted by Brevard County citizens, who participated in the program. The DIG review unsubstantiated any allegation of misconduct during the review cycle.

Respectfully submitted,

Martin Miller

Martin Miller
Inspector General
Clerk of the Circuit Court & Comptroller Office
Brevard County, Florida



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Executive Summary

A review of the Speak Up Brevard program was conducted based on concerns from Brevard County citizens who participated in the CEER (Citizens Efficiency and Effectiveness Recommendations) 2024 submission cycle. The concerns challenge the responsiveness from county commissioners, the County Manager's Office, and staff; suggesting a lack of transparency and also questioning the county's commitment to citizen engagement. It also noted a departure from the Board of County Commissioners Policy 95 (BCC-95), originally titled "*Citizens Process for Advising the County Commission.*"

The grievance included a list of the citizens' concerns, specifically related to Brevard County Home Rule Charter, Section 2.9.10, and Board of County Commissioners Policy 95 (BCC-95) (both defined further below). Not all of the listed concerns were addressed as they did not specifically relate to the charter or policy, but were based on matter of opinions. (See *Exhibit A*. Concerns).

Citizen concerns: (See *Exhibit A*)

- The County Manager's Office failed to publish any announcements or press releases regarding the commencement of the 2024 CEER cycle, despite receiving multiple requests from the public.
- The preliminary review of CEER submissions performed by the county staff were not provided to the public in a timely manner, upon public requests. Reviews may/may not include county staff notes and recommendations.
- Citizens were charged a fee simply to review CEER recommendations, staff comments, and citizen suggestions.
- A majority of the citizens' recommendations were rejected.
- Lack of response from the County Manager's Office addressing inquiries from citizens.
- Absence of a county workshop for presentations from citizens to commissioners, contrary to original program intentions.
- Policy changes significantly affected BCC-95 and excluded public recommendations.
- Denial of additional speaking time for citizens with multiple submissions during the April 9, 2024, Board of County Commissioners meeting.

Background

Speak Up Brevard was formed on May 24, 2011, under Policy BCC-95, originally titled "Citizens Process for Advising the County Commission," guided by Brevard County Home Rule Charter, Section 2.9.10 ("County Charter Section 2.9.10").

County Charter Section 2.9.10 (See *Exhibit B* for original)

The Board of County Commissioners shall develop procedures that will provide a mechanism for an individual, or an organized group of individuals, to submit a formal written recommendation for the enhancement of the effectiveness and efficiency of county government to the county commission on an annual basis. The county commission's procedures shall include the following provisions:



- a. An annual filing date;
- b. The written recommendations shall be reviewed by the county commission and following the review, the county commission shall vote to either accept the recommendation, accept the recommendation with revisions, or reject the recommendation; and
- c. The county commission's final vote and consideration of the recommendation shall occur no later than 120 days after receipt of the written recommendation.
(Newly adopted 11-2-10)

Policy BCC-95

As of April 24, 2024, the Brevard County Board of County Commissioners adopted revisions to Policy BCC-95.

- Original Policy BCC-95 05.24.2011 (See *Exhibit C*)
- Revised Policy BCC-95 04.24.2024 (See *Exhibit D*)

In summary, only the changes made to Policy BCC-95 are included below.

Removal from original Policy BCC-95: (See *Exhibit C*)

III. Directives

D.

6. The County Manager will give the sponsor of the recommendation at least seven (7) days notice of the date, time and place of the meeting the recommendation is scheduled to be heard by the Board of County Commissioners.
9. The County Manager will provide a electronic listing with disposition, via the County's webpage, of all recommendations.

Additions to Policy BCC-95: (See *Exhibit D*)

I. Objective

Language reconciliation; from "process" to "procedures."

III. Directives

- A. January 31st of each year is hereby established as the annual filing date for Citizen Efficiency and Effectiveness Recommendations. No CEER shall be accepted after 11:59 p.m. on the annual filing date. As a courtesy, the County shall accept a CEER submission up to 30 days prior to the annual filing date but no sooner. A timely submitted CEER will be deemed to have been received on the annual filing date for purposes of calculating the time for the Board's final vote and consideration pursuant to Brevard County Home Rule Charter Section 2.9.10.c.
- C. Within 90 days after the annual filing date, the County Manager shall evaluate and comment upon each CEER. This evaluation shall include a recommendation that the Board of County Commissioners accept the CEER, F accept the CEER with revisions, or reject the CEER.



2. The County Manager may summarily recommend the rejection of any CEER that does not propose to enhance the efficiency and effectiveness of County Government consistent with the intent of Section 2.9.10 of the Brevard County Home Rule Charter. By way of example and not limitation, grievances relating to prior Board action specific service requests, and matters outside of the Board's jurisdiction are not appropriate subjects of a CEER.

Objective, Scope, and Methodology

Objective:

Review the validity of citizens' concerns of Speak Up Brevard, review of the 2024 CEER cycle, and BCC-95 policy changes.

Scope:

Review of County Charter Section 2.9.10 and Policy BCC-95 as they relate to Speak Up Brevard and the CEER 2024 submission cycle. Examination of governing policies on public decorum during Brevard County Commission meetings.

Methodology:

To fulfill the objective, the DIG used a methodology comprised of the following steps:

- Initial Assessment: Discussed the aspects of the concern about Speak Up Brevard, County Charter Section 2.9.10 objective and scope.
- Planning: Developed course of research into County Charter Section 2.9.10, Policy BCC-95, and review recordings of past Brevard County Board of County Commissioners meetings, specifically as it relates to this concern.
- Field Work: Reviewed previous minutes from Brevard County Board of County Commissioners meetings, requested documentation from the Clerk to the Board of County Commissioners, and tested the availability and accuracy of the associated websites and links.

Sources

www.brevardcounty.us

sites.brevardcounty.us/SpeakUpBrevard

⌘ Speak Up Brevard Recommendation Submission website pages

www.brevardfl.gov/County/Commission

- Brevard County Home Rule Charter Section 2.9.10 *Citizens Process for Advising the County Commission*

www.brevardfl.legistar.com

- Brevard County Board of County Commissioners Meeting 04.04.24 Video Source
- Brevard County Board of County Commissioners Meeting 04.04.24 Minutes
- Brevard County Board of County Commissioners Meeting 04.24.24 Video Source
- Brevard County Board of County Commissioners Meeting 04.24.24 Minutes



Public Notices Brevard County (column.us)

- Public Hearing Notices

Brevard County Board of County Commissioners-Calendar (legistar.com)

- April 9, 2024 Meeting Agenda

Florida Today Articles

- *Here's what changes Speak Up Brevard participants want County Commission to consider*, Author Dave Berman, Florida Today, April 4, 2024
- *Brevard Commissioners reject most resident suggestions during 'Speak Up Brevard' debate*, Author Dave Berman, Florida Today, April 10, 2024
- *Goodson proposal: Restore County Commission public comment to near beginning of meetings*, Author Dave Berman, Florida Today, May 7, 2024

Other resources provided by Kimberly Powell, Clerk to the Board of County Commissioners.

- Policy BCC-95 Citizens for Advising the County Commission, May 24, 2011
- Revised Policy BCC-95 Citizens Process for Advising the County Commission, April 24, 2024

Administrative Order AO-47F

Speak Up Brevard notification letter provided by Don Walker, Director of Communications/SCGTV

Findings

Below are the findings related to each of the identified concerns.

- The County Manager's Office failed to publish any announcements or press releases regarding the commencement of the 2024 CEER cycle, despite receiving multiple requests from the public.
 - There is no language or governing policy in County Charter Section 2.9.10 and Policy BCC-95 that requires the county manager to notify citizens of deadlines and submission requirements for Speak Up Brevard; however, there is an agenda published before meetings. The agenda for the April 9, 2024, meeting listed Speak Up Brevard as item I.2 as an agenda item to be heard and discussed. In addition, there is a public notification issued before Brevard County Board of County Commissioners meetings. (See *Exhibit E and F*)
- The preliminary review of CEER submissions performed by the county staff were not provided to the public in a timely manner upon public requests. Reviews may/may not include county staff notes and recommendations.
 - There is no language or governing policy in County Charter Section 2.9.10 and Policy BCC-95 that addresses this specific concern. According to Policy BCC-95, under III. Directives, D. 6. *"The County Manager will give the sponsor of the recommendation at least seven (7) days notice of the date, time and place of the meeting the recommendation is scheduled to be heard by the Board of County Commissioners."* (See *Exhibit C*)



- Citizens were charged a fee simply to review CEER recommendations, staff comments and citizen suggestions. Per the concern, *“The County Attorney charged two members of the public \$34.85 per hour for a legal assistant to monitor a review of two binders filled with citizen suggestions and staff recommendations.”*
 - Per Administrative Order AO-47, Under C. Records Custodian Responsibilities 11. *“Charge requesters for the cost of duplication and for extensive staff time. Extensive staff time is defined as any time after the first fifteen minutes that it takes to research, gather or process the public records request, as well as the time spent with the requester to review the records. Commissioners may charge for Commissioner time to research, gather or process public records; however, the amount a Commissioner can charge shall be limited to the average cost (salary and benefits) of the Commissioner's staff.” (See Exhibit H)*
- A majority of the citizens’ recommendations were rejected.
 - There is no language or governing policy in County Charter Section 2.9.10 or Policy BCC-95 that provides direction on what percentage of recommendations are to be approved. Per Policy BCC-95 under Directives III, C., *“The County Manager will solicit, under this policy and process, recommendations that promote the efficiency and effectiveness of County government as the intent of the Charter amendment was not to address citizen grievances or specific citizen service requests.” (See Exhibit C)*
- Lack of response from the County Manager's Office addressing inquiries from citizens.
 - Per Policy BCC-95, under Directives III, D., (See Exhibit C) *“6. The County Manager will give the sponsor of the recommendation at least seven (7) days notice of the date, time and place of the meeting the recommendation is scheduled to be heard by the Board of County Commissioners.”*
 - Letters of notification were sent March 13, 2024, weeks ahead of the Brevard County Board of County Commissioners' meeting scheduled for April 9, 2024, to inform Speak Up Brevard participants that their recommendations would be considered. (See Exhibit I)
- Absence of a county workshop for presentations from citizens to commissioners, contrary to original program intentions.
 - There is no language or governing policy in County Charter Section 2.9.10 or Policy BCC-95 that provides direction for workshops. During the Brevard County Board of County Commissioners' meeting held on April 9, 2024, there was a motion introduced by Commissioner Goodson that addressed the possibility of a meeting between the Board and Speak Up Brevard participants. The motion was followed by an exchange between board members. For the complete exchange, see the April 9, 2024 Board of County Commissioners' meeting video recording time stamp beginning at: 3:27:14. Commissioner Goodson began with, *“I’d like to make a motion to the Board, to see if the Board would consider meeting with Speak Up Brevard and to see if we could come to some agreement ...”*; in between there was some inaudible dialogue, minor exchanges and no “Second” to support the motion. Before moving onto the next agenda item, Commissioner Steele addressed Commissioner Goodson and Board members to state, *“We went through these things (recommendations)*



tooth and nail in our office and, and, and, and look, here's the problem, a lot of the recommendations are outright not going to work period, because of legal reasons, because of a variety of other reasons. I spent hours going through this stuff with my staff, every one of them. And, and then, but the, but the, but the point, but the point is, is that staff has done the same thing and when staff determined that we can't do it, the to, to go back and have a conversation with, with somebody that put in a recommendation that we can't do it, or, or it would take us over the 3% gap is, is really, completely frustrating beyond words. Some of those items were really, really good items. Now, I do agree with you that perhaps on the top 10 or top 15 or the top 20 that maybe you could do it then, but to go back and try to reconstruct this whole thing I think would very, very difficult and very, very time consume consuming and cost this commission a lot of money."

- Policy changes significantly affected BCC-95 and excluded public recommendations.

- Policy BCC-95 removed two items under III. Directives:
(See *Exhibit C*)

6. The County Manager will give the sponsor of the recommendation at least seven (7) days notice of the date, time and place of the meeting the recommendation is scheduled to be heard by the Board of County Commissioners.

*9. The County Manager will provide a electronic listing with disposition, via the County's webpage, of all recommendations. The newly adopted policy change allows the county manager and staff additional review time for citizen recommendations and also moves the submission date forward to January 2025, providing a time for citizens to utilize the program after the holiday season has passed. Policy BCC-95 also progressed a 90-day review of the submitted recommendations versus the former 45-day review period. This allows even more time to dedicate sufficient review of the citizens' recommendations. Additionally, per the agendas issued before commission meetings, "In accordance with BCC-97 Section G.1 the agenda shall provide a section for public comment at the end of each regular County Commission meeting following Board Reports. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. Speakers will be heard in the order in which they turned in a pink card asking to be heard. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda or request a staff report." (See *Exhibit E*)*



- Denial of additional speaking time for citizens with multiple submissions during the April 9, 2024, meeting.
 - There is no language or governing policy concerning speaking time in County Charter Section 2.9.10 or Policy BCC-95. Per agendas issued before commission meetings, *“In accordance with BCC-97 Section G.1 the agenda shall provide a section for public comment at the end of each regular County Commission meeting following Board Reports. The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. Speakers will be heard in the order in which they turned in a pink card asking to be heard. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda or request a staff report.”* Also, the agenda includes the following verbiage, *“If you wish to speak to any item on the agenda, including consent items, please fill out a speaker card before the item is considered by the Board. Persons addressing the Board shall have three minutes to complete his/her comments on any agenda item for which he/she has filled out a card. The Chair has the discretion to determine or alter time limits on any item which is not a quasi-judicial public hearing. The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.”* (See Exhibit E)

During the DIG review, an attempt was made to access the Speak Up Brevard website. An error message indicated that the page was inaccessible. There was no clarity on whether the website was dormant, was experiencing a technical issue, or just closed until the January 2025 CEER cycle. (See Exhibit G)

Recommendations

- Update Speak Up Brevard website to include the current policy changes adopted on April 23, 2024 to encompass language revisions and also the program’s new CEER submission dates.
 - *Since the inception of this DIG review, as of January 1, 2025, suggested recommendations have been implemented. (See Exhibit J)*
- Add hyperlinks on the Speak Up Brevard website page, linking it to County Charter Section 2.9.10 and also Policy BCC- 95 that governs the program. Add additional hyperlinks to the Public Hearing notices and Brevard County Board of County Commissioners meeting agendas, which explains the decorum and how citizens can request to speak, appeal and also retrieve information as it relates to the public meetings.
 - *Since the inception of this DIG review, as of January 1, 2025, suggested recommendations have been implemented. (See Exhibit J)*



- Since items 6 and 9 have been removed from Policy BCC-95, it would be prudent to add an additional field on the Speak Up Brevard submission form to inform submitters of the status of their recommendation within the review process. It is further recommended to add verbiage on the Speak Up Brevard submission website to clarify why items might face rejection, i.e. too costly, illegal, already in place under a different initiative, etc.

Exhibit A

MEMORANDUM

To: Brevard County Clerk of Circuit Court and Comptroller Court Rachel Sadoff

From: Citizen Participants and Advocates for the Brevard County Charter Speak Up Brevard Program

Date: July 22, 2024

Re: Request for Internal Audit 2024 Speak Up Brevard CEER Cycle

Introduction: The following issues outline significant concerns regarding the county's handling of the 2024 Speak Up Brevard submission cycle for citizen suggestions, reflecting a lack of transparency and responsiveness. These observations suggest a departure from the approved referendum of the Speak Up Brevard program, raising doubts about the county's commitment to engaging meaningfully with citizen input. We urge the county to conduct a thorough internal audit of the Speak Up Brevard program to address these concerns and to ensure accountability in compliance with the intended purpose of this important Charter Program.

Brevard County individuals were associated with the 2024 Speak Up Brevard CEER process:

- County Manager Frank Abbate
- County Communications Director Don Walker
- County Attorney Morris Richardson and County Records Custodian
- County Commissioners Jason Steele, John Tobia, Rita Pritchett, Rob Feltner, and Tom Goodson

Summary of Concerns:

- The County Manager failed to issue any announcements or press releases despite receiving multiple requests from the public.
- Draft staff recommendations were not provided to the public in a timely manner upon request.
- Citizens were charged for monitoring time simply to review staff comments and citizen suggestions.
- A majority of the recommendations were recommended for rejection.
- Lack of response from the County Manager's office to participant inquiries.
- Absence of a county workshop for presentations to commissioners, contrary to original program intentions.
- Mockery and negative motions by commissioners towards citizen suggestions.
- Minimal attention given to citizen recommendations, with focus on only a single suggestion.
- Policy changes excluded public recommendations and gutted the policy BCC-95 (see redlines).
- Decline of additional speaking time during the April 9th meeting for citizens with multiple submissions.

Details:

- The County Manager's Office did not publish any announcements or press releases for the 2024 submission cycle, despite receiving numerous requests to do so.
- The County Manager's Office did not timely make the draft version of the recommendations that included staff comments available to the public after multiple requests from the public.
- The County Attorney charged two members of the public \$34.85 per hour for a legal assistant to monitor a review of two binders filled with citizen suggestions and staff recommendations.
- Staff recommended rejecting 49 out of 59 recommendations received for the cycle (83%).
- The County Manager's office did not respond to numerous inquiries from participants.
- No county workshop was offered for participants to make presentations to commissioners after submissions were compiled, and prior to a formal meeting, as intended by the original suggestion of the Speak Up Brevard citizen charter (per 2010 meeting minutes).
- During the 4/9/24 Speak Up Brevard agenda item, Commissioner Tobia openly mocked Commissioner Goodson's suggestion for staff to meet with Speak Up Brevard participants. Commissioner Tobia also motioned to (negatively) change one recommendation (Lortie's) which was a proposal publish the program so residents know about it. This reflects a lack of regard for the program.
- Only one suggestion received positive attention from any commissioners at the April 9th meeting (an unexpected \$25,000 spending allocation for additional library hours at one Brevard library).
- Commissioner Tobia initiated changes to the Speak Up Brevard policy that excluded recommendations from the public at the April 23, 2024 commission meeting.
- The Commission Chairman promptly declined (via email) a participant request for citizens who submitted multiple suggestions to be granted additional speaking time at the April 9th commission meeting.
- The agenda item was placed at the end of a lengthy meeting on April 9th, and where multiple participants that submitted speaker cards had to leave for other engagements.

Per the Clerk of Courts Website: <https://www.brevardclerk.us/internal-audit>

What is the Clerk's Authority to Audit?

By authority of the Constitution of the State of Florida, Article VIII, Section 1(d), the Clerk of the Circuit Court serves as auditor and custodian of all county funds for the Brevard County Board of County Commissioners. These powers are preserved by Section 4.2.1 of the Brevard County Home Rule Charter.

What does an Internal Audit do?

For activities under the Board of County Commissioners and the Clerk of the Circuit Court, Internal Audit conducts independent limited scope audits that may include:

- Determining the activity's efficiency and effectiveness.
- Determining the activity's compliance with laws, regulations, policies, procedures, contracts, grants, and

Exhibit A

agreements.

- Evaluates the adequacy and effectiveness of the activity's internal controls.
- Review matters related to fraud, waste, abuse, thefts, or other irregularities detected during the internal audit examinations or reported from, citizens, vendors, employees, etc.

How is an area selected for an audit?

Per the Clerk of Court website, audits are selected by the Clerk of the Circuit Court based on observations of actions by the Board of County Commissioners, news reports, tips from citizens, and requests from the Clerk's staff, the Board of County Commissioners, or employees of the Board of County Commissioners. Audit priorities are set by the Clerk of the Circuit Court.

Call to Action: These points highlight significant issues that raise concerns about the county's commitment to the effectiveness and transparency of the Speak Up Brevard program justifying a program audit. Suggested improvements are included in the attached back-up. A request is included for an annual report denoting implemented suggestions from the prior cycles to help residents understand outcomes of the program.

We the undersigned citizens of Brevard County urge the Clerk of Court and county auditors to conduct an independent audit of the Speak Up Brevard program to review for compliance and to ensure it fulfills its intended purpose of soliciting and considering citizen suggestions in a fair and transparent manner as required in the Brevard County Charter.

Undersigned as noted by Brevard County Residents, all names used with permission.

- ❖ *Kristin Lortie, 2024 Speak Up Brevard Participant, Cocoa*
- ❖ *Susan Connolly, 2024 Speak Up Brevard Participant, Palm Bay*
- ❖ *Terry Mott, 2024 Speak Up Brevard Participant, Viera*
- ❖ *Kevin Jeffrey, 2024 Speak Up Brevard Public Commenter, Titusville*
- ❖ *Stel Bailey, National Advocate and Citizen Auditor, Port St. John*
- ❖ *Celeste Corrado, Cocoa*
- ❖ *Lillian Leber, Cocoa*
- ❖ *Linda Dolphin, Cocoa*
- ❖ *Tom Perez, Titusville*
- ❖ *Christopher Childs, Titusville*
- ❖ *Jenn Parrish, Titusville*
- ❖ *Sarah Hodges, Merritt Island*
- ❖ *Heather Elko, Melbourne*
- ❖ *Laurie Lefebvre, Palm Bay*

Exhibit B

2.9.4. In addition to its internal audits and such State audits as may be required by law, cause an annual independent post-audit by a certified public accountant of any and all government operations of County Government.

2.9.5. Adopt and amend a merit system which shall include a salary schedule for all County personnel in accordance with the provisions of this Charter.

2.9.6. Adopt by a majority vote of the total number of Commissioners such rules of parliamentary procedures as shall be necessary for the orderly transaction of the business of the Board of County Commissioners.

2.9.7. Designate which non-elected officers and employees shall be bonded and fix the amount and approve the form of the bond.

2.9.8. Exercise any power of the County not lodged in any other office by this Charter.

2.9.9. Impose such utility taxes as are authorized by general law only after approval of the electors of the County or the affected portion thereof at a duly called referendum.

2.9.10. Citizens process for advising the County Commission

The Board of County Commissioners shall develop procedures that will provide a mechanism for an individual, or an organized group of individuals to submit a formal written recommendation for the enhancement of the effectiveness and efficiency of County government to the County Commission on an annual basis. The County Commission's procedures shall include the following provisions:

a. An annual filing date;

b. The written recommendations shall be reviewed by the County Commission, and following the review, the County Commission shall vote to either accept the recommendation, accept the recommendation with revisions, or reject the recommendation; and,

c. The County Commission's final vote and consideration of the recommendation shall occur no later than 120 days after receipt of the written recommendation. (Newly adopted 11-2-10)

SECTION 2.10. LEGISLATIVE PROCEDURES

2.10.1. Official actions.

The Board of County Commissioners may take official action only by the adoption of ordinances, resolutions or motions. For purposes of this section, an ordinance means a legislative action or regulation of a general or permanent nature, enforceable as a local law. A resolution means an expression of a temporary character, or a provision for the disposition of the administrative business of the Board. A majority of the total number of Commissioners shall constitute a quorum, and the concurrence of a majority of the total number of Commissioners shall be required to adopt, amend or repeal any ordinance. A majority of those present shall be required to adopt, amend or repeal a resolution or motion under the terms of this provision. All Commissioners in attendance, including the chairman or presiding officer, shall vote on all actions, except where abstention of a Commissioner from voting is permitted or

Exhibit C

Meeting Date
May 24, 2011



AGENDA	
Section	NEW BUSINESS
Item No.	V!/.l) ./

AGENDA REPORT

BREVARD COUNTY BOARD OF COUNTY COMMISSIONERS

SUBJECT: Approval of Board Policy for Citizens Process for Advising the County Commission

DEPT/OFFICE: County Manager's Office

Requested Action:

It is requested that the Board of County Commissioners approve a policy that outlines the process for receiving and reviewing Citizens recommendations for effectiveness and efficiency improvements in Brevard County Government.

Summary Explanation & Background:

Section 2.9.10 of the Charter requires the Board to develop procedures that will provide a mechanism for an individual, or an organized group of individuals to submit a formal written recommendation for the enhancement of the effectiveness and efficiency of County government to the County Commission on an annual basis.

In accordance with the requirements of the Charter the attached policy provides for the following provisions:

- An annual filing date
- A review of and vote on recommendations no later than 120 days after receipt of the recommendations

Fiscal Impact: There is no fiscal impact associated with the request.

Exhibits Attached: Proposed Policy with Attachments

Contract /Agreement (If attached): Reviewed by County

Attorney

No

County Manager's Office

Howard Tipton , County Manager

BCC-149 (Rev.4-23-08) / Electronic Form

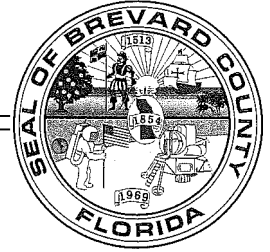
Department

Exhibit C

Stockton Whitten, Assistant County
Manager

J
U

J



Tammy Etheridge, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

Telephone: (321) 637-2001
Fax: (321) 264-6972

May 25, 2011

MEMORANDUM

TO: Stockton Whitten, Assistant County Manager

RE: Item VII.D.1., Approval of Board Policy for Citizens Process for Advising the County Commission

The Board of County Commissioners, in regular session on May 24, 2011, approved the proposed Board Policy that outlines the process for receiving and reviewing citizens recommendations for effectiveness and efficiency improvements in Brevard County Government. Enclosed is the original Policy for your action.

Your continued cooperation is always appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS
MITCH NEEDELMAN, CLERK

a.)\ -y_,o ll,u:l(y_)

Tammy Etheridge, Deputy Clerk

lds

Encls. (1)

cc: Budget
Finance



POLICY

TITLE: Citizens Process For Advising
The County Commission

NUMBER: BCC-

APPROVED: May 24, 2011

ORIGINATOR: County Manager's
Office

I. OBJECTIVE:

To provide a process for Citizens as individuals or as an organized group of individuals to submit formal written recommendations for the enhancement of the effectiveness and efficiency of Brevard County Government.

II. REFERENCE:

A. Brevard County Home Rule Charter Section 2.9.10.

III. DIRECTIVES

A. The County Manager, within this policy document, shall establish and recommend to the Board of County Commissioners a process and procedures whereby the Board can review and formally vote to accept, accept with revisions, or reject recommendations on the enhancement of the effectiveness and efficiency of County Government.

B. An annual filing date with a review period shall be established for receipt of submission and final vote of the Board of County Commissioners.

C. The County Manager will solicit, under this policy and process, recommendations that promote the efficiency and effectiveness of County government as the intent of the Charter amendment was not to address citizen grievances or specific citizen service requests.

D. Any individual or organized group may submit recommendations intended to enhance the efficiency and effectiveness of County Government by submitting to the County Manager an electronic or hardcopy of the "Citizen Efficiency and Effectiveness" form attached to this policy. Upon submittal, the form will be reviewed and acted upon according to the following procedure.

1. The annual filing date for submission shall be July 15, 2011 for the initial year and January 1 of each year thereafter.

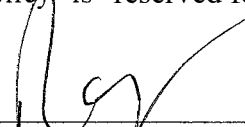
Exhibit C

2. The form will be available for download and submission on the County Internet Homepage. Hardcopies of the form will be available by request from the County Manager's Office.
3. Within forty five (45) days of receipt of the recommendation the County Manager's Office shall evaluate and comment upon the recommendation with a recommendation for the consideration of the Board of County Commissioners. If necessary the County Manager's Office will also forward the recommendation to the County Attorney for a review of the legality of the recommendation.
4. The County Manager after completion of the above referenced reviews will forward the recommendation and review package to the Board of County Commissioners for their review.
5. After forwarding the County Manager report to the Commission, the County Manager shall schedule an agenda item for the Board of County Commissioners to consider the citizen recommendation as is practical within the 120 day final vote requirement.
6. The County Manager will give the sponsor of the recommendation at least seven (7) days notice of the date, time and place of the meeting the recommendation is scheduled to be heard by the Board of County Commissioners.
7. The Board of County Commissioners must take a final vote to either approve, reject or revise and accept the recommendation within 120 days of the recommendation submittal date.
8. Under unusual or unforeseen circumstances, the Board of County Commissioners may waive any of the timing provisions relating to submittal, reporting or notice,
 - as set forth in this policy with the exception of the 120 day final vote requirement specified in the Brevard County Home Rule Charter Section 2.9.10.
9. The County Manager will provide a electronic listing with disposition, via the County's webpage, of all recommendations.

IV. RESERVATION OF AUTHORITY

The authority to issue and/or revise Commissioners.

this policy is reserved for the Board of County



Robin L. Ish, Chair
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA
As approved by the Board on May 24, 2011

Exhibit C

Citizen Efficiency and Effectiveness Recommendation form

First Name: Last Name: Middle Initial:

Street Number: Street Name:

Zip Code: City & State: *Enter Zip Code*

Phone Number: -- Email Address:

[+ Click to Add Additional Contacts](#)

Group Name:

Recommendation Title:

Areas Affected: *(If Known)*

Describe the current problem, issue, or concern that is addressed by the recommendation:

Describe your recommendation, how it would make an improvement, and how it could be adopted:

Benefits from Recommendation

What type(s) of benefit(s) will your recommendation provide? *(Check all you think apply)*

Tangible Benefits:

- Increase Productivity Cost Savings Conserve Energy
 Generate Revenue Eliminate Duplication Prevent, i/a/s;te

Estimated Cost to Implement: *(If Known)* \$

Estimated Return on Investment: \$

Intangible Benefits:

- Improve Service Improve Quality Improve Safety Improve Workplace

[Complete Step](#)



Enter the code shown:

Please type the code exactly as it appears in the image on the left.

The code is case Sensitive.

This helps prevent automated submissions.

Exhibit D

Agenda Report

2725 Judge Fran Jamieson
Way
Viera, FL 32940



New Business - Miscellaneous

1.8.

4/23/2024

Subject:

Proposed Revisions to Board Policy BCC-95, "Citizens Process for Advising the County Commission"

Fiscal Impact:

None

Dept/Office:

District 3 Commission Office

Requested Action:

It is requested that the Board adopt the attached revisions to Board Policy BCC-95, "Citizens Process for Advising the County Commission."

Summary Explanation and Background:

These revisions, the locally originated recommendations to improve efficiency amendment, provide more consistency between Board Policy BCC-95 and Brevard County Charter, Section 2.9.10.

Board Policy BCC-95 has not been reviewed since 2014.

Clerk to the Board Instructions:

Exhibit D

BREVARD *County*
BOARD OF COUNTY COMMISSIONERS

FLORIDA'S SPACE COAST



Kimberly Powell, Clerk to the Board, 400 South Street • PO Box 999, Titusville, Florida 32781-0999

Telephone: (321)637-2001
Fax: (321)264-6972
Kimberly.Powell@brevardclerk.us

April 24, 2024

MEMORANDUM

TO: Frank Abbate, County Manager

RE: Item 1.8., Proposed Revisions to Board Policy BCC-95 "Citizens Process Advising the County Commission"

The Board of County Commissioners, in regular session on April 23, 2024, adopted the revisions to Board Policy BCC-95 "Citizens Process for advising the County Commission". Enclosed is the executed Policy.

Your continued cooperation is always appreciated.

Sincerely,

BOARD OF COUNTY COMMISSIONERS
RACHEL M. SADOFF, CLERK


Kimberly Powell, Clerk to

/ns

Encl. (1)

cc: Commissioner Tobia

Exhibit D



BOARD OF COUNTY COMMISSIONERS

POLICY

Number: BCC-95
Cancels: 05/24/2011
Approved: 04/23/2024
Originator: County Manager's Office
Review: 04/23/2027

TITLE: CITIZENS PROCESS FOR ADVISING THE COUNTY COMMISSION (CEER)

I. Objective

To provide procedures for an individual or an organized group of individuals to submit a formal written recommendation for the enhancement of the effectiveness and efficiency of Brevard County Government to the Board of County Commissioners on an annual basis.

II. Definitions and References

A. Brevard County Home Rule Charter Section 2.9.10 .

B. "Citizen Efficiency and Effectiveness Recommendation" or "GEER" means a recommendation submitted by an individual or group to the Board of County Commissioners pursuant to Brevard County Home Rule Charter Section 2.9.10 and this policy.

iii. Directives

A. January 31 is hereby established as the annual filing date for Citizen Efficiency and Effectiveness Recommendations. No CEER shall be accepted after 11:59 p.m. on the annual filing date. As a courtesy, the County shall accept a GEER submission up to 30 days prior to the annual filing date, but no sooner. A timely submitted GEER will be deemed to have been received on the annual filing date for purposes of calculating the time for the Board's final vote and consideration pursuant to Brevard County Home Rule Charter Section 2.9.10.c.

B. An individual or an organized group of individuals may submit a CEER by providing to the Co_nty Manager a formal written recommendation in substantially the form attached to this policy.

Exhibit D

1. The GEER form shall be made available for download and submission on the official website for Brevard County Government. The County Manager's Office shall provide a hard copy upon request.
 2. A CEER may be submitted electronically or by mail to the County Manager's Office.
- C. Within 90 days after the annual filing date, the County Manager shall evaluate and comment upon each CEER. This evaluation shall include a recommendation that the Board of County Commissioners accept the CEER, accept the CEER with revisions, or reject the CEER.
1. If necessary, the County Manager will provide the CEER to the County Attorney for legal review.
 2. The County Manager may summarily recommend the rejection of any CEER that does not propose to enhance the efficiency and effectiveness of County Government consistent with the intent of Section 2.9.10 of the Brevard County Home Rule Charter. By way of example and not limitation, grievances relating to prior Board action, specific service requests, and matters outside of the Board's jurisdiction are not appropriate subjects of a CEER.
- D. Upon completion of the administrative review process, the County Manager will forward each CEER and the accompanying staff evaluation and recommendation to the Board of County Commissioners for review.
- E. The County Manager shall schedule the Board of County Commissioners' final vote and consideration of the CEERs to occur no later than 120 days after the annual filing date.

IV. Reservation of Authority

The authority to issue or revise this policy is reserved for the Board of County Commissioners.

ATT E & T: --

for


Rachel M. Sadoff, Clerk
A.B.C.



Jason Steele, Chair
BOARD OF COUNTY COMMISSIONERS
BREVARD COUNTY, FLORIDA

As approved by the Board on 04/23/2024

BCC-95 POLICY SUBSTANTIVE REVISIONS		
Section	Revision	Purpose
Section I.	Language reconciliation	Match language in policy to the Brevard County Charter Section 2.9.10, to allow for a submission per individual or group of individuals, and recognizing the program's annual occurrence
Section III.A	Change of annual filing date to January 31	Move the time period for submission to after the holiday season when County staff is less likely to be on leave, and for the convenience of citizens
Section 111.C	Change CMO's evaluation deadline from 45 days to 90 days	Provides up to 45 days additional time if needed for staff to review numerous recommendations and/or recommendations requiring extensive staff time, while still allowing for the Board's consideration of recommendations and final vote to occur within 120 days of the filing date as required by the Charter.
Section 111.C.2	Add administrative rejection recommendation option	The County Manager may recommend rejection for any CEER that does not meet the standards of Section 2.9.10 of the Brevard County Charter. Ex: not under County jurisdiction, or does not promote the efficiency and effectiveness of County government, such as personal service requests. These recommendations will still be reviewed by the Board.

**Policy revisions suggested by the District 3 Office, and reviewed by the County Attorney's Office for form and legal sufficiency.*

Exhibit D

Exhibit D

Speak Up Brevard Recommendations

About Speak Up Brevard (Click To CLOSE)

To provide a formal process for citizens to submit recommendations to the Board of County Commissioners regarding the Charter Amendment and the Board of County Commissioners' actions on the Charter Amendment.

Speak Up Brevard allows citizens to submit recommendations to the Board of County Commissioners regarding the Charter Amendment and the Board of County Commissioners' actions on the Charter Amendment.

After submitting a recommendation, the Board of County Commissioners will evaluate and act on the recommendation. The Board of County Commissioners will act on the recommendation within 120 days of the recommendation.

Click here to see recommendations that have not been submitted.

Contact Information

Group/Organization Name	First Name	Last Name	Middle Initial
Group Organization Name	First Name	Last Name	Middle Initial
Mailing Address	City	Zip Code	
	City		
Phone Number	Email Address	Alternate Email Address	
	Email		

Recommendation Information

Recommendation Title

Recommendation Title

Areas Affected (If Known)

Areas Affected

Department Affected (If Known)

Department Affected

Describe the current problem, issue, or concern:

Describe your recommendation and the benefits it would provide:

Attachments:

Select files

Check the box to "Notify" you are notified:

ERROR for Me owner.
Invalid domain for site key

Fiidl:::4 FiFh:::4

Exhibit E



Regular

Brevard County Board Of County Commissioners; Governing Board Of The Brevard Mosquito Control District; Governing Board Of The Barefoot Bay Water And Sewer District

2725 Judge Fran Jamieson Way
Viera, FL 32940

Agenda
Tuesday, April 9, 2024

If you wish to speak to any item on the agenda, including consent items, please fill out a speaker card before the item is considered by the Board. Persons addressing the Board shall have three minutes to complete his/her comments on any agenda item for which he/she has filled out a card. The Chair has the discretion to determine or alter time limits on any item which is not a quasi-judicial public hearing.

The Board of County Commissioners requests that speakers appearing under the Public Comment section of the agenda limit their comments and/or presentations to matters under the Board's jurisdiction. In Quasi-Judicial proceedings, fifteen (15) minutes shall be allowed for applicants and five (5) minutes for other speakers.

A. CALL TO ORDER 5:00 PM

B. INTENTIONALLY OMITTED

C. PLEDGE OF ALLEGIANCE: Commissioner Rob Feltner, District 4

D. MINUTES FOR APPROVAL:

E. RESOLUTIONS, AWARDS AND PRESENTATIONS

E.1. Resolution to recognize and commend Lieutenant Colonel Albert Therriault, Civil Air Patrol.

E.2. Resolution acknowledging April as Second Chance Month in Brevard County

F. CONSENT AGENDA (The entire Consent Agenda will be passed in one motion to include everything under Section F.)

Development and Environmental Services Group

Planning and Development

F.1. Final Plat and Contract Approval, Re: Watermark Phase 1 and 2
Developer: Stanley Martin Homes, LLC District 1

Public Works Department

- F.2. Approval, Re: Dedication of Public Access Sidewalk Easement from Central Viera Community Association, Inc. for the Pineda Boulevard West Extension -Segments F, G and H, Phase 2 - District 4.
- F.3. Adopt Resolution and Release Performance Bond: Reeling Park North, Phase 5 - District 4
Developer: The Viera Company
- F.4. REMOVED FROM AGENDA
- F.5. Approval, Re: Dedication by Warranty Deed for Tract M of Crossmolina - Phase 1 and Bill of Sale from The Viera Company for the benefit of Lift Station W-45 - District 4

Community Services Group

Housing and Human Services

- F.6. Approval, Re: Appointment to the Local Health Council of East Central Florida, Inc.

Parks and Recreation Department

- F.7. Confirmation, Re: New Members to Board of Directors of Golf Brevard, Inc. (District 3)
- F.8. Approval; RE: Appointment of Environmentally Endangered Lands Selection and Management Committee (SMC) Member - All Districts.

Transit Services Department

- F.9. Approval of Coordination Agreement, Re: Bus Transportation Services with School Board of Brevard County
- F.10. Approval, Re: Federal Transit Administration Fiscal Year 2024 Certification and Assurances.

Administrative Services Group

County Manager

- F.11. Appointment(s) / Reappointment(s)
- F.12. State Lobbying Services Contract with Ronald L. Book, P.A.
- F.13. Brevard County Lifeguard Services Grant Program

Miscellaneous

- F.14. Bill Folder

F.15. Precinct Boundaries - Altered and Added (Chapter 101.001(1) F.S.)

G. PUBLIC HEARINGS

H. UNFINISHED BUSINESS

I. NEW BUSINESS

Development and Environmental Services Group

I.1. Report and Discussion Regarding Tree Maintenance along the County portion of Rockledge Drive. - District 2.

County Manager

I.2. Speak Up Brevard 2024 - Citizen Efficiency and Effectiveness Recommendation (CEER) Submissions

Miscellaneous

I.3. Grant Requirements Pertaining to Background Screening Procedures and Disqualification of Sexual Predators and Sexual Offenders

Add Ons

J. BOARD REPORTS

J.1. Frank Abbate, County Manager

J.2. Morris Richardson, County Attorney

J.3. Rita Pritchett, Commissioner District 1, Vice-Chair

J.4. Tom Goodson, Commissioner District 2

J.5. John Tobia, Commissioner District 3

J.6. Rob Feltner, Commissioner District 4

J.7. Jason Steele, Commissioner District 5, Chair

K. PUBLIC COMMENTS

In accordance with the Americans with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations or an interpreter to participate in the proceedings, please notify the County Manager's Office no later than 48 hours prior to the meeting at (321) 633-2010.

Assisted listening system receivers are available for the hearing impaired and can be obtained from SCGTV staff at the meeting. We respectfully request that ALL ELECTRONIC ITEMS and CELL PHONE REMAIN OFF while the County Commission is in session. Thank You.

This meeting will be broadcast live on Space Coast Government Television (SCGTV) on Spectrum Cable Channel 499, Comcast (North Brevard) Cable Channel 51, and Comcast (South Brevard) Cable Channel 13 and AT&T U-verse Channel 99. SCGTV will also replay this meeting during the coming month on its 24-hour video server nights, weekends, and holidays. Check the SCGTV website for daily program updates at <http://www.brevardfl.gov>. The Agenda may be viewed at: <http://www.brevardfl.gov/Board Meetings>

In accordance with BCC-97 Section G.1 the agenda shall provide a section for public comment at the end of each regular County Commission meeting following Board Reports . The purpose of public comment is to allow individuals to comment on any topic relating to County business which is not on the meeting agenda. Individuals delivering public comment shall be restricted to a three-minute time limit on their presentation. Speakers will be heard in the order in which they turned in a pink card asking to be heard. With the exception of emergency items, the Board will take no action under the Public Comment section, but can refer the matter to another meeting agenda or request a staff report.

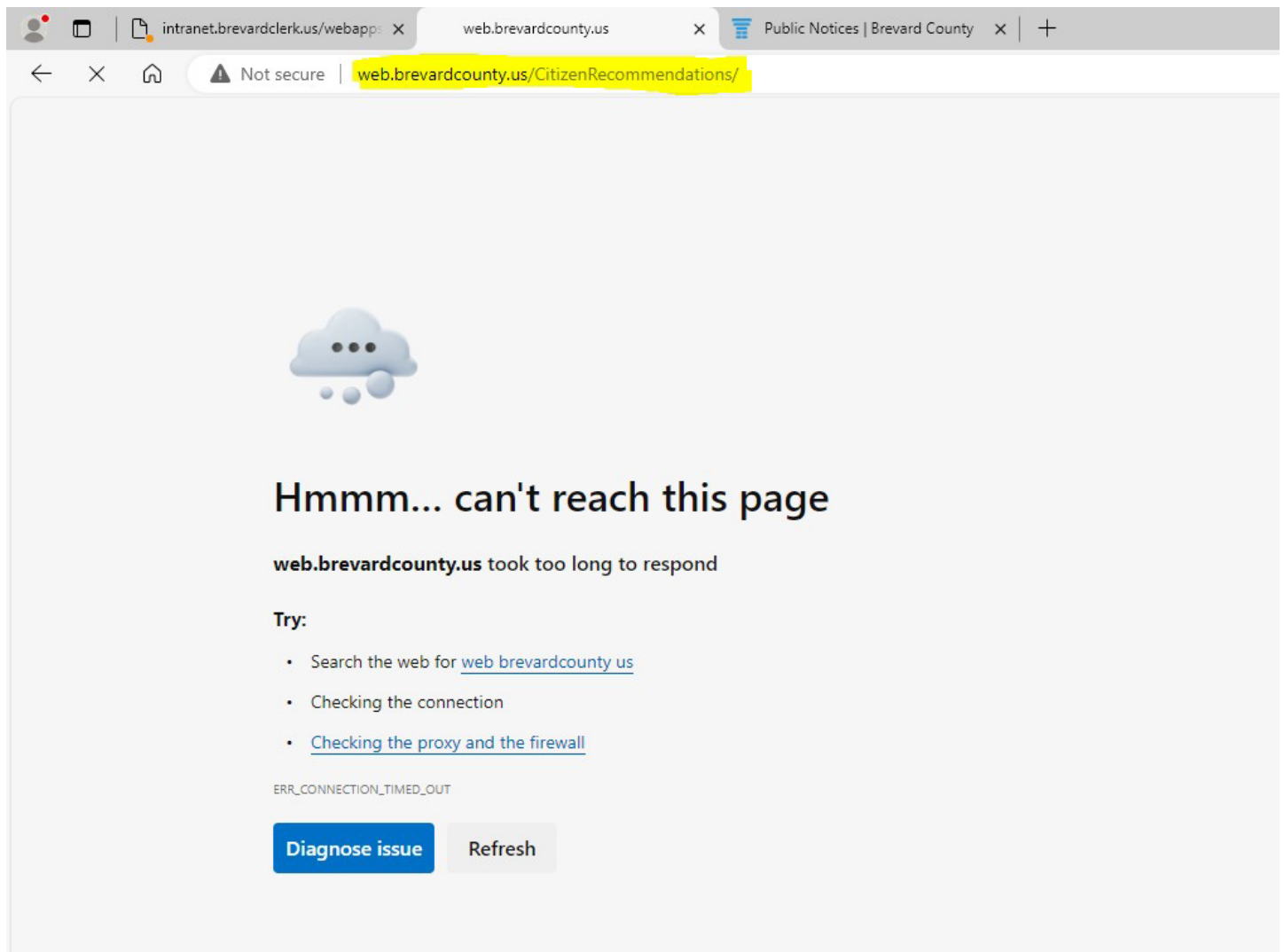
Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission . The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission,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

Exhibit F

×




Exhibit G



intranet.brevardclerk.us/webapps x web.brevardcounty.us x Public Notices | Brevard County x +

Not secure | web.brevardcounty.us/CitizenRecommendations/



Hmmm... can't reach this page

web.brevardcounty.us took too long to respond

Try:

- Search the web for [web.brevardcounty.us](#)
- Checking the connection
- [Checking the proxy and the firewall](#)

ERR_CONNECTION_TIMED_OUT

[Diagnose issue](#) [Refresh](#)

Exhibit H



BOARD OF COUNTY COMMISSIONERS

ADMINISTRATIVE ORDER

Number: A0-47
Cancels: 02/11/2020
Approved: 09/14/2022
Originator: County Attorney
Review: 09/14/2025

TITLE: COORDINATION OF PUBLIC RECORDS REQUESTS

I. Purpose and Scope

Brevard County is committed to the requirements set forth in Chapter 119, Florida Statutes, governing access to public records, also known as the Public Records Law.

The purpose of this Administrative Order is to provide guidelines and procedures for all County administrative personnel, department directors and staff to assure compliance and uniformity with regard to the handling of requests for inspection and copies of public records not exempted by State law.

II. Authority

- A. Chapter 119, Florida Statutes - The Public Records Law
- B. BCC-22, Records Management Program
- C. BCC-30, Cost of Copying Documents for the Public
- D. BCC-33, Social Media Policy

111. Definitions

- A. **Public Records** - all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency. This includes electronic records, such as any data files or databases, word processing files, spreadsheets, digital photos, voice and video recordings, electronically generated or maintained documents relating to County business and any other electronic messages relating to County business, including text messages, tweets, written communication on social networking websites, and email.
- B. **Records Custodian** - an employee appointed by the director of each County department to oversee the management, retention and timely disposition of their records, whether maintained on-site, offsite, in electronic systems or stored at the Records Management Center; and assists in

Exhibit H

carrying out the requirements of Section 119.07, Florida Statutes.

- C. **Records Coordinator** - the individual appointed by the County Attorney to coordinate the County's response to public records requests in conjunction with the Records Custodians from each department.
- D. **Requestor** - the person requesting to inspect and/or receive copies of public records.
- E. **Redacting** - to electronically conceal or manually black out from a copy of an original public record any information deemed confidential or exempt from disclosure by statute.
- F. **Public Records Request Tracking Software** - a software program utilized by County staff and monitored by the Records Coordinator to assist staff in assuring records requests are timely addressed.

IV. What is a Public Record?

Section 119.011, Florida Statutes, defines "public records" as all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the County.

A. Public records include (but are not limited to):

1. All paper documents maintained by County employees or County officials, including any archived documents stored in private or public facilities.
2. All electronic records relating to County business whether generated on work or home computers, phones, or other electronic devices including, but not limited to, email, text and voice mail.
3. All materials made or received by the County in connection with official business which are used to perpetuate, communicate or formalize knowledge.
4. Draft documents, whether on paper or electronic, once they have been sent to or circulated to another person or persons.

B. The following are not public records:

1. Personal emails, text messages, social media messages, or substantially similar communications that do not involve official business of the County.
2. Draft documents that have not been circulated to another person or persons.

Exhibit H

3. Personal notes concerning County business unless they are circulated or sent to others or if they were taken with the intention to perpetuate, communicate, or formalize knowledge.
4. Based upon the current status of the law, web browser history is not a public record. (Note: If any documents showing an employee's web browsing history were previously created and/or are created for official county business (such as a disciplinary action) those documents would be public records. However, any such records should be reviewed for redaction of any exempt and/or confidential information prior to disclosure.)

V. Responding to a Public Records Request

A. General Employee Responsibilities

1. **Notify the department's Records Custodian of the request.**
2. **Respect the requesting party's rights under the law**, including his or her right to remain anonymous. A requestor is not required to provide any identifying information, nor is the party required to put a request for public records in writing. The requestor can be asked for contact information, but if the requestor declines to give such information, it cannot be required. Any inquiry after that should be how to contact the requestor or have the requestor contact the employee about payment of any authorized deposits/fees or to pick up the records.
3. **Refer the requestor to a location on Brevard County's website whenever possible.** In cases where the County's website hosts the same records as those requested, such as recordings of board meetings or presentations, providing a link to the specific webpage should be sufficient and may be more convenient and cost-effective for the requestor. **Do not simply provide a link or direction to the website. Take steps to: (1) ensure that the requesting party is able to access the relevant portion of the website; and (2) confirm that the information on the website is fully responsive to the request made.**
4. **Follow approved procedures for processing public records requests**, which are outlined in this Administrative Order.

B. Department Director Responsibilities

1. **Appoint an employee to be the Records Custodian for the department.**
2. **Support the Records Custodian and other employees in fulfilling public records requests made and ensure they have appropriate training.** Fulfilling public records requests is a legally required part of the job of every County employee.

Exhibit H

3. **Follow approved procedures for processing public records requests,** which are outlined in this Administrative Order.

C. Records Custodian Responsibilities

1. **Be knowledgeable about the public records tracking software program.** A user manual for Records Custodians will be made available. It is important that Records Custodians understand how to enter requests into the program so that the County can track, and efficiently fulfill all records requests.
2. **Upon receipt of a new request for public records, enter the information and original request into the public records tracking system.**
3. **Determine if the request is cumulative to a pending request and requires extensive staff time to fulfill the request or is a new request to the extent allowed by law.**
 - A. If a requestor seeks to expand a pending request, you can add the additional items into the existing request rather than creating a new request. In determining if a request is cumulative consider the following:
 1. Is it regarding a substantially similar topic or subtopic;
 2. Is it an expansion of the scope of a prior request;
 3. Duration of time which has passed between the requests;
 4. Lack of ability to verify the requests are from the same person;
 5. Any other reasonable basis for concluding that the request is cumulative to a prior request.
 - B. If it is determined that the request is cumulative to a pending request and requires extensive time to fulfill the request, inform requestor of the cumulative nature of the request and provide an invoice with the additional time and amount.
4. **Direct the requestor to the correct department for the records.** Sometimes, requestors might approach the wrong department for records. If the records sought are being held by another department, the requestor should be directed to the appropriate department. **If a record sought has an unknown origin, contact the Records Coordinator.**
5. **Contact the Records Coordinator if a request might include**

Exhibit H

records outside the department. The Records Coordinator exists to facilitate multi-departmental requests. Do not hesitate to contact the Records Coordinator for assistance.

6. **Contact the Records Coordinator if a request includes emails.** The Office of the County Attorney and the Information Technology Department are the only two departments with the capacity to comprehensively search County emails. As a result, the Record Custodian may have to go to the Office of the County Attorney to review the results of such email searches performed. All emails shall be reviewed by the Records Custodian and the appropriate county staff member to ensure no exempt and/or confidential information is contained therein. If a request for a Commissioner's emails is received, the Commissioner and/or his or her designee shall be responsible for ensuring all responsive emails are included and review the emails for exempt and/or confidential information.
7. **Make all non-exempt records available,** in their original format, for inspection and/or copying within a reasonable timeframe of the original request. **There are many exemptions and the County is required to invoke them when applicable.** Personal information subject to exemptions may be contained in records other than a personnel file. Therefore, if a request seeks **any** information regarding a specific employee, prior to release, the record custodian shall contact Human Resources to check whether the employee is entitled to any personal exemptions prior to the release of the information. If a department is unsure as to whether certain information is exempt under Florida law, contact the County Attorney's Office for clarification.
8. **Do not create new records to respond to a public records request except as required by law.** A request may come in asking for answers to a list of questions, to fill out a form, or otherwise seeking a county employee to create a new record. If there is a responsive record that provides the information sought it should be provided, otherwise inform the requester that there are no responsive records. This direction would not prevent a department from providing information from electronically stored records using the software routinely used to access and use the records in the normal course of business. If a department is unsure how to respond to a request for electronically stored records, contact the County Attorney's Office for clarification. Staff is not required to answer any questions regarding the public records provided.
9. **In writing, acknowledge a request has been received and, if needed, clarify the request.** Many requests require clarification. Communicating with the requester often will result in a more focused request that involves less time and expense to respond.

Exhibit H

10. **Follow up on records requests promptly.** When the request is for particular records that are readily available, a best practice is to make them available to the requester as soon as possible. In other cases, let the requesting party know when the records will be available for inspection, or that extensive research will be required.
11. **Charge requesters for the cost of duplication and for extensive staff time.** Extensive staff time is defined as any time after the first fifteen minutes that it takes to research, gather or process the public records request, as well as the time spent with the requester to review the records. Commissioners may charge for Commissioner time to research, gather or process public records; however, the amount a Commissioner can charge shall be limited to the average cost (salary and benefits) of the Commissioner's staff.
12. **Provide the requesting party with a cost estimate prior to fulfilling his or her request.** This estimate should include the cost of the time required for redacting any exempted information as well as the time spent reviewing emails generated through the IT department.
13. **Refer to the attached Public Records Request Fee and Cost Schedules to quote, estimate and invoice for the costs associated with the public records request.**
14. **Collect all of the fees for the estimated duplication and staff time fees upfront before starting the work to gather or research or duplicate records.** Require additional funds be provided prior to release of the records if the cost estimate is exceeded, or reimburse any amount necessary should the amount collected be more than the actual cost of resources used. The funds received for reimbursement of employee time and/or copying costs will be deposited by the department whose staff is responsible for the response. If multiple departments are involved in responding to a request, the funds received will be shared in a pro rata share in accordance with the time spent by each department's staff in responding to the request. No County Department/Office shall pay for the cost of a public records request utilizing County funds.
15. **Unpaid invoices.** If a requester has previously received an invoice and has not paid the costs associated with that request, the County will not provide records for subsequent requests until such time as the past due amounts have been paid.
16. **Close any open requests after 30 days with no contact with the requester.** If a requester has not been in contact with the department for more than 30 days after a letter /email is sent with deposit information or requesting clarification of the request, the department should close the request. The initial letter/email to the requester should advise the requester that if the County does not receive a response

Exhibit H

within 30 days of the letter/email, it will be assumed that the requester does not wish to proceed with the request and the request will be considered closed. **Provide for and supervise all inspections of original or master copies of public records** to prevent damage, loss or alteration.

17. **Maintain a record of the request and its resolution.** Update the public records request tracking software program on a regular basis to provide the status of the request until closed by providing the records or by notification to requester that request was closed based on lack of communication or failure to provide deposit after thirty or more days of initial contact from Records Custodian/Coordinator. Status updates would include a summary of contacts between a custodian and requester that result in a revised request and how it was revised.
18. **Update the public records tracking software program to note the location of the County's copy of what was provided in response to the records request.**
19. **Maintain public records in accordance with the dictates of Florida law and BCC-22.**
20. **Follow approved procedures for processing public records requests,** which are outlined in this Administrative Order.

VI. County Attorney Support Fee

If the County Attorney's Office, or its appointed Records Coordinator, spends more than five (5) hours with a given department in ensuring a request gets fulfilled, the department will be assessed a \$200/hour fee for the support provided by the County Attorney's Office. These costs will be assessed to the requester and shall be paid in full prior to the production of any associated records in accordance with section V(C)(14) above.

VII. Reservation of Authority

The authority to issue and/or revise this Administrative Order is reserved to the County Manager.

Frank Abbate, County Manager

Date

9/14/22

Exhibit H

Public Records Request Fee Schedule*

Those seeking copies of public records will be charged only the actual costs of making copies. However, if the nature or volume of the request requires extensive use of technology or clerical assistance by County staff, the county may charge, in addition to actual cost of duplication, an additional special service charge in accordance with Chapter 119, Florida Statutes. In order to charge the actual cost for employee time for the special service charge the record custodian shall use the specific staff member's hourly rate including the cost of benefits. Commissioners may charge for Commissioner time to research, gather or process public records; however, the amount a Commissioner can charge shall be limited to the average cost (salary and benefits) of the Commissioner's staff. This amount can be obtained from the department's finance officer. If multiple employees are involved in responding to the request, the appropriate hourly rate should be applied for the time each spent on the response.

Public Records Cost Schedule*

As of the date of this revision of A0 -47, the uniform fee for copies to be charged by all departments is as follows, unless otherwise provided by law:

Media	Cost
Paper: First 30 pages per month	Free
Paper: 11x8.5 or less - one-sided	.15
Paper: 11x8.5 or less - two-sided	.20
Paper: 14x8.5 or less - one-sided	.15
Paper: 14x8.5 or less - two-sided	.20
Paper: 11x17	.25
Media Storage Devices (Flash Drives, CDs, DVDs, VHS, etc.)	All actual cost of the media storage device and any associated sleeve/packaging. Actual mailing costs must be charged rather than a flat fee. Mailing costs include jewel case and padded mailing envelope, subtracting the sleeve cost, plus postage.
Postage	Large orders or those to be mailed out of country will be weighed and calculated individually, using www.usps.gov for postage rates.
Copy Service Costs	Any unusually large volume of copying that requires the documents to be sent to a copy service for reproduction will be billed to the requester based on the actual cost to the county.

_____ ; The department shall make a reasonable effort to designate the lowest paid qualified employee(s) operationally available to work on responses to record requests to make the records available at the lowest possible cost to a requester.



Exhibit I

BOARD OF COUNTY COMMISSIONERS

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301
Viera, Florida 32940

March 13, 2024

Mary B. Blakely
842 Belhurst Lane
Rockledge, FL 32955

Re: Speak Up Brevard - April 9, 2024 Board Meeting

Dear Ms. Blakely,

Thank you for taking the time to take part in Brevard County Government's annual Speak Up Brevard initiative and for identifying issues that concern you. County staff reviewed your concern and recommendation, with those presented by 23 other County residents. These will be considered by the Brevard County Board of County Commissioners at its April 9 Board Meeting scheduled for 5 p.m. in the Board Chambers at 2725 Judge Fran Jamieson Way, Viera, FL., 32940.

It is anticipated that any action the Board may choose to take on your recommendation will be decided during this meeting.

On April 4 at 5 p.m., all of the Speak Up Brevard concerns/recommendations received by the County will be posted on the County's website, www.brevardfl.gov, under the Board Meetings icon, and located on the April 9 Board Meeting Agenda under New Business 'Speak Up Brevard'.

Our Communications Director Don Walker is available to answer any questions you may have. Don can be reached at 321-305-9194 and don.walker@brevardfl.gov.

Sincerely,

Frank Abbate
County Manager



Exhibit I

BOARD OF COUNTY COMMISSIONERS

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301
Viera, Florida 32940

March 13, 2024

William K. Kirwin
463 Spoonbill Lane
Melbourne Beach, FL 32951

Re: Speak Up Brevard - April 9, 2024 Board Meeting

Dear Mr. Kirwin,

Thank you for taking the time to take part in Brevard County Government's annual Speak Up Brevard initiative and for identifying issues that concern you. County staff reviewed your concern and recommendation, with those presented by 23 other County residents. These will be considered by the Brevard County Board of County Commissioners at its April 9 Board Meeting scheduled for 5 p.m. in the Board Chambers at 2725 Judge Fran Jamieson Way, Viera, FL., 32940.

It is anticipated that any action the Board may choose to take on your recommendation will be decided during this meeting.

On April 4 at 5 p.m., all of the Speak Up Brevard concerns/recommendations received by the County will be posted on the County's website, www.brevardfl.gov, under the Board Meetings icon, and located on the April 9 Board Meeting Agenda under New Business 'Speak Up Brevard'.

Our Communications Director Don Walker is available to answer any questions you may have. Don can be reached at 321-305-9194 and don.walker@brevardfl.gov.

Sincerely,

Frank Abbate
County Manager



Exhibit I

BOARD OF COUNTY COMMISSIONERS

County Manager's Office
2725 Judge Fran Jamieson Way
Building C, Room 301
Viera, Florida 32940

March 13, 2024

Richard Webb
3184 Lago Vista Drive
Melbourne, FL 32940

Re: Speak Up Brevard - April 9, 2024 Board Meeting

Dear Mr. Webb,

Thank you for taking the time to take part in Brevard County Government's annual Speak Up Brevard initiative and for identifying issues that concern you. County staff reviewed your concerns and recommendations, with those presented by 23 other County residents. These will be considered by the Brevard County Board of County Commissioners at its April 9 Board Meeting scheduled for 5 p.m. in the Board Chambers at 2725 Judge Fran Jamieson Way, Viera, FL., 32940.

It is anticipated that any action the Board may choose to take on your recommendations will be decided during this meeting .

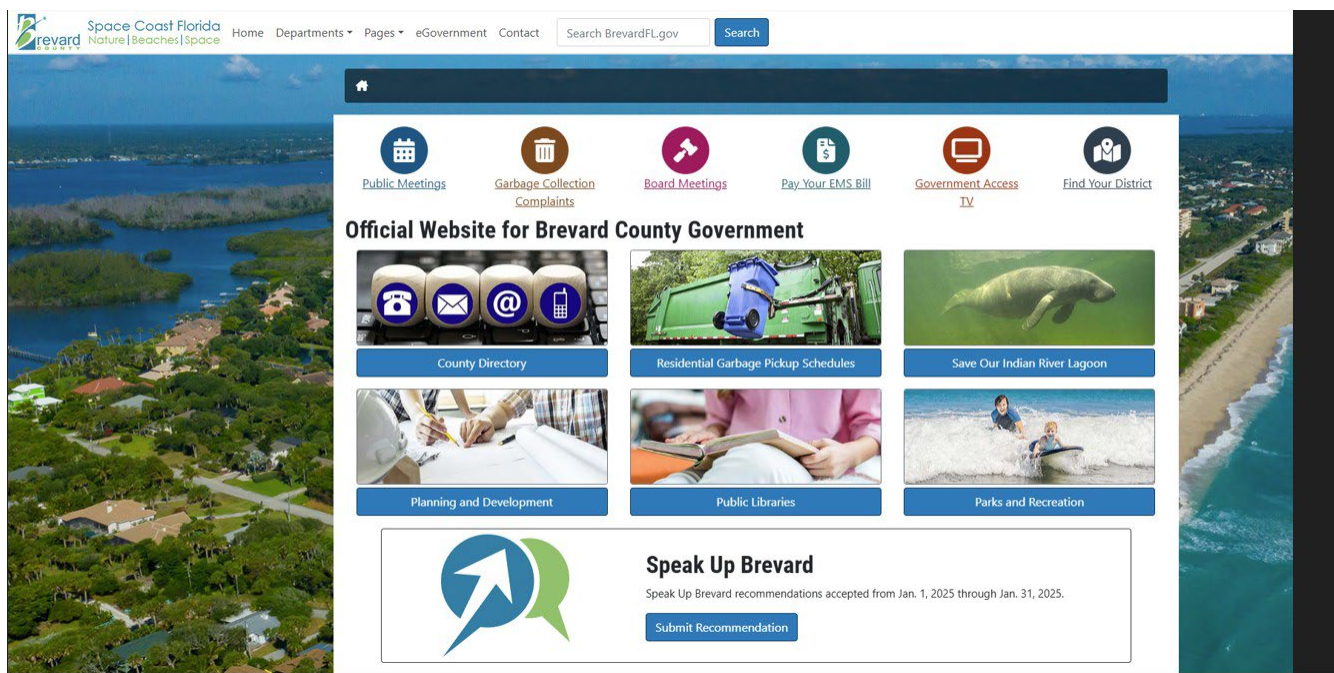
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Our Communications Director Don Walker is available to answer any questions you may have. Don can be reached at 321-305-9194 and don.walker@brevardfl.gov.

Sincerely,

Frank Abbate
County Manager

Exhibit J



Speak Up Brevard Recommendations

About Speak Up Brevard. (Click To CLOSE)

To provide a formal process for citizens to submit recommendations to Brevard County government, and as a result of charter amendment, Brevard County has implemented a web-based application called "Speak Up Brevard."

Speak Up Brevard allows citizens to submit ideas which would assist county government in conserving energy, saving costs, eliminating duplication, generating revenue, increasing productivity, or preventing waste.

After submitting a recommendation, the **County Manager's Office** has 90 days to evaluate and comment on the recommendation, and then forward it to the **Board of County Commissioners** for their review. The Board of County Commissioners must take a final vote to either approve, reject, or revise and accept the recommendation within 120 days. The sponsor of the recommendation will be given at least a week's notice prior to it being heard/voted on by the Board.

[Click here to search recommendations](#) that have been submitted this year and previous years.