

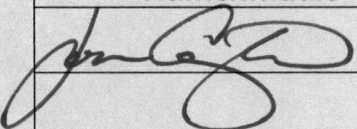
# CITY OF GREENACRES

## OFFICIAL MINUTES TRACKING

Council/Board: City Council  
Meeting Date: 2-5-18  
Transcribed by: muf No. of Pages: 11 Transcription Time: 6.5

### REVIEW OF MINUTES

Reviewed By:

Name/Initials	Date	Revisions	
	<u>2/15/18</u>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No
		<input type="checkbox"/> Yes	<input type="checkbox"/> No

### APPROVAL OF MINUTES

Meeting Date: 3-5-18

Motion By: Dugo Seconded By: Bousquet

Check One: ☒ Approved ☐ Tabled ☐ Denied Vote: 5/0

Changes requested by Council or Board? ☐ Yes ☒ No

If yes, note changes: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Scanned and Filed: \_\_\_\_\_ By: \_\_\_\_\_



## OFFICIAL MINUTES

**CITY OF GREENACRES  
5800 Melaleuca Lane  
Greenacres, FL 33463**

**CITY COUNCIL MEETING  
Monday, February 5, 2018 – 7:00 P.M.**

### **1. Call To Order and Roll Call.**

Mayor Flores called the City Council Meeting of Monday, February 5, 2018 to order at 7:00 p.m.  
City Clerk Joanna Cunningham called the roll.

#### **ROLL CALL:**

##### Council Present:

Joel Flores, Mayor  
Paula Bousquet, Deputy Mayor  
John Tharp, Council Member  
Judith Dugo, Council Member  
Anderson Thelusme, Council Member

##### Absent (Excused):

Peter A. Noble, Council Member

Attendees from Public: 20

Press: 1

##### Staff Present:

Andrea McCue, City Manager  
James D. Stokes, City Attorney  
Joanna Cunningham, City Clerk/PIO  
Michael Grimm, Director/Building  
Jim McInnis, Director/Finance  
Mark Pure, Fire Chief/Fire Rescue Department  
Suzanne Skidmore, Director/Human Resources  
Michele Thompson, Director/Leisure Services  
Kara L. Irwin-Ferris, Director/Planning & Engineering  
Carlos Cedeño, Director/Public Works  
Melody Larson, Assistant to the City Clerk

### **2. Pledge of Allegiance to the Flag.**

Mayor Joel Flores led the Pledge of Allegiance.

### **3. Comments From the Public for Agenda Items Only.**

Mayor Flores asked if there were comments from the public; hearing none, he continued with the Agenda.

### **4. Agenda Approval.**

- A. Additions, deletions, or substitutions to the Agenda.
- B. Motion to approve and adopt entire agenda as set.

Mayor Flores inquired if there were any additions, deletions or substitutions to the Agenda; hearing none, he called for a motion.

**MOTION:** Council Member Dugo made a motion to approve the Agenda.  
Council Member Tharp seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 4 - 0.**

**5. Special Business.**

- A. Proclamation:** "Random Acts of Kindness Week" for February 11-17, 2018- Joel Flores, Mayor.

City Clerk Joanna Cunningham read the proclamation into the record.

- B. Proclamation:** "Eating Disorders Awareness Week" for February 26-March 4, 2018. – Joel Flores, Mayor.

City Clerk Joanna Cunningham read the proclamation into the record. Director of Operations Sharon Glynn thanked the Mayor and Council for their support and explained that the Alliance for Eating Disorders Awareness is a non-profit organization in Palm Beach County dedicated to educating the public on eating disorders for the last 17 years. Every 62 minutes someone in the U.S. falls victim of an eating disorder. She urged everyone to call 561-841-0900 if they know someone with this debilitating condition.

- C. Proclamation:** "Pink Shirt Day" for February 28, 2018 – Joel Flores, Mayor.

City Clerk Joanna Cunningham read the proclamation into the record. Marcia Bahia explained that Pink Shirt Day began in 2007 in Canada when a boy wore pink to school and was bullied by his peers. Next day in his support, many children wore pink. The Literacy Coalition, PrimeTime, PBSO, and many other partners selected this year's theme of, "Many Cultures, One Community". She urged everyone to wear pink on February 28th in support of anti-bullying, respect, community and positive relationships. Mayor Flores announced he would be visiting L.C. Swain Middle School wearing pink on February 28<sup>th</sup>.

- D. Presentation:** Certificate of Appreciation presented to Carol Glasser – Joel Flores, Mayor.

Mayor Flores and Leisure Services Director Michele Thompson recognized Carol Glasser for her community service and involvement with the first City's Little Free Library. Ms. Glasser has donated thousands of dollars and collected 2180 books, 1500 of which she personally purchased. Mayor Flores called Ms. Glasser a true community hero.

**6. Consent Agenda.**

A. Mayor Flores asked Council if they wished to pull any of the four (4) Consent Agenda items; hearing none, he called for a motion.

1. **Official Minutes:** City Council Workshop January 16, 2018 – Joanna Cunningham, City Clerk.
2. **Resolution No. 2018-05:** Authorizing the execution of the FY 2017-2018 Interlocal Agreement between Palm Beach County and the City of Greenacres for the full reimbursement of emergency medical services grant equipment in the amount of \$15,563.86; and providing for an effective date EMS; pursuant to Staff Memo - Mark Pure, Fire Chief.
3. **Resolution No. 2018-07:** Authorizing the submittal of an application for funding to the Palm Beach Transportation Planning Agency (TPA) grant for 2018 Transportation Alternatives (TA) program, for a multipurpose pathway in the City of Greenacres; and authorizing the appropriate city officials to execute all necessary documents; pursuant to Staff Memo – Kara Ferris, Planning & Engineering Director.
4. **EMS Write-offs:** Pursuant to Staff Memo and Exhibit - James McInnis, Finance Director.

**MOTION:** Deputy Mayor Bousquet made a motion to approve the four (4) Consent Agenda items. Council Member Thelusme seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 4 - 0.**

**7. Regular Agenda:**

- A. **Ordinance No. 2018-01:** First Reading; Providing for a temporary ban on medical marijuana dispensaries which extends the moratorium previously adopted by the City Council; providing for further extensions if necessary; providing for geographic boundaries of applicability; providing for provisions for early termination; providing for conflicts; providing for severability; and providing for an effective date.– Andrea McCue, City Manager.

City Manager McCue described the third and final extension to the temporary ban on medical marijuana dispensaries. On January 16, 2018, City Council directed staff to gather additional data on dispensaries countywide and its potential impact.



Mayor Flores called on Council Members for comments; hearing none, he called for a motion.

**MOTION:** Council Member Dugo made a motion to approve Ordinance No. 2018-01 on first reading as presented. Deputy Mayor Bousquet seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 4 - 0.**

8. **Comments from the Public.** None.

9. **Discussion Items:**

A. **Follow-up on Street Lighting** - Andrea McCue, City Manager.

City Manager McCue reported that streetlighting is part of the FY 18 Budget and includes hiring a consultant to survey the areas to identify where additional lighting is needed. During the budget process, Public Works was informed by the County that FPL has an LED lighting pilot program. Staff recommends waiting to see what the LED pilot program yields since LED lighting provides more coverage and could reduce the number of lights needed. Staff will remain in contact with the County monitoring the pilot program. Meanwhile, Public Works is currently overseeing trimming of the Live Oaks along 10<sup>th</sup> Avenue North to improve visibility.

B. **Unauthorized Yard Signs**— Michael Grimm, Building Director.

Building Director Michael Grimm reported that a Code Enforcement officer picks up illegal signs daily in the mornings and now on weekend mornings; building inspectors also provide assistance with over 400 signs removed in January. He reported that another 69 signs were removed this past weekend. Citations have been issued and tax preparation services are the biggest violator. Staff witnessed a substantial reduction in the number of signs following the issuance of citations.

**Unauthorized Bins** – Council Member Dugo requested a status report. Director Grimm reported that a certain number of newspaper bins have been removed. The larger clothes bins have phone numbers and the City has been notifying them to either remove them, or have citations issued which could lead to judgements placed against their businesses.

C. **Medical Marijuana Dispensaries** – Kara L. Ferris, Planning & Engineering Director.

Planning and Engineering Director Kara L. Ferris presented a list of actions taken to date by other municipalities regarding medical marijuana dispensaries. She explained they are linked with pharmacy uses pursuant to State Statutes. In Greenacres, pharmacies are a permitted use with a special exception required for

a drive-thru lane in commercial and mixed-use districts. Out of all 38 Palm Beach County municipalities surveyed, Jupiter was the only municipality that had taken no action; most others banned dispensaries. Lake Worth first allowed them and subsequently banned them. Eight municipalities permitted dispensaries with regulations: Boynton Beach, Glen Ridge, North Palm Beach, Palm Springs, Riviera Beach, Royal Palm Beach, Tequesta and Wellington. Some cities extended the 500 ft. distance requirement for dispensaries and pharmacies and Wellington created a minimum 10,000 sq. ft. requirement for treatment centers and pharmacies limiting one per commercial development.

Director Ferris noted the State's distinction between treatment centers and dispensaries. State Statutes do not allow cities to ban treatment centers; however, dispensaries can be banned. Licensed treatment centers cultivate, process, transport and disperse medical marijuana whereas dispensaries handle the retail sales.

The City can ban, wait and see, or change the allowable zoning districts, increase the distance requirements for treatment centers, limit the number of treatment centers and set minimum square footage standards. A security plan approved by the Florida Department of Health should be given to PBSO District 16 and be kept on file.

Mayor Flores was in agreement with Wellington's 1,000 ft. distance requirement from schools and their 10,000 square foot minimum requirement for pharmacies and limiting one (1) treatment center per commercial development. Appropriate zoning districts were discussed. He asked if existing pharmacies would be grandfathered in.

Director Ferris explained that if a pharmacy building has remained vacant and the business tax receipt has expired for at least six (6) months, the special exception use that was originally granted would also expire and the use would become non-conforming.

Council Member Dugo pointed out that most of the City's pharmacies have drive-thru lanes and asked if dispensaries would also be allowed to have drive-thru's.

Director Ferris emphasized that consistency was key for both pharmacies and dispensaries.

Council Member Tharp voiced his opposition to dispensaries and suggested limiting them to Commercial Intensive (CI) zoning districts with the same restrictions implemented by Wellington, but banning them for a year.

Council Member Dugo agreed.

Director Ferris requested direction from Council on drafting a zoning text amendment.

City Attorney Stokes suggested holding off for a year to see what other cities do.

Director Ferris pointed out that Palm Beach County followed state regulations

which will allow dispensaries in unincorporated pocket areas.

Mayor Flores and City Manager McCue discussed the current ban deadline of March 5, 2018 and the newly proposed deadline of April 15, 2018 outlined in Ordinance No. 2018-01. City Manager McCue was unsure of changes from first to second reading of the Ordinance.

Mayor Flores proceeded with calling for a consensus on either the City extending the moratorium or proceed with the Ordinance with amended regulations.

Council Member Tharp: Extend the moratorium for 12 months.

Council Member Dug: Extend the moratorium for 12 months.

Council Member Thelusme: Extend the moratorium for 12 months.

Deputy Mayor Bousquet: Extend the moratorium for 12 months.

**Consensus: Extend the moratorium to April 15, 2019.**

City Attorney Stokes suggested calling Agenda Item 7.A Ordinance No. 2018-01 back to the table for reconsideration to amend the date to April 15, 2019. The Ordinance would come back to Council for second reading on March 5, 2018.

Mayor Flores called for a Motion to Reconsider Agenda Item 7.A Ordinance No. 2018-01.

**MOTION:** Council Member Tharp made a motion to reconsider Agenda Item 7A, Ordinance No. 2018-01. Council Member Dugo seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 4 - 0.**

**MOTION:** Council Member Tharp made a motion to amend the expiration date of the moratorium on medical marijuana dispensaries to April 15, 2019. Council Member Thelusme seconded the motion.

**VOTE ON THE MOTION:** **In Favor:** Deputy Mayor Bousquet, Council Member Tharp, Council Member Dugo, and Council Member Thelusme.

**Motion carried: 4 - 0.**

D. **Drug Free Work Place Policy & Medical Marijuana** - James Stokes, City Attorney.

City Attorney Stokes reported on the City's outdated personnel regulations, the potential impact medical marijuana may have on the workforce, and Council's need to discuss these issues.

Florida Statute 381.986(15) does not require employers to accommodate the use of medical marijuana in the workplace or an employee working while under the influence of marijuana. The question becomes, "Does the City want to accommodate the use of medical marijuana in the workplace and accept the potential liability?"

#### Liability

City Attorney Stokes emphasized there is no liability for the City from prohibiting an employee from using medical marijuana on the job. There is, however, potential liability (unknown) if employees are injured on the job, injures others or damages property due to medical marijuana in their system. He cautioned there are no test cases at this time since this is a new issue. Respondeat Superior makes the employer (government or private) responsible for its employees. Under the federal Civil Rights Act, a government employer is responsible for the civil rights violations that any employee commits against an individual, only if there is a policy, practice or procedure that contributed to the violation. Another potential liability could be for negligent hiring.

#### Worker's Compensation

F.S. 440.101 provides employers with a drug-free workplace policy to receive a discount on insurance premiums. If the City accommodates the use of medical marijuana in the workplace, the City will lose its 5% discount with its insurance provider (\$16,100 for FY 18).

#### Federal Grants

City Attorney Stokes stated that federal law lists marijuana as an illegal drug and as such, federal grants could negatively be affected if the City amended its drug-free workplace policy to accommodate medical marijuana.

From his survey of nine surrounding local governments, none were amending their drug-free workplace policies to accommodate medical marijuana; the same holds true for surrounding counties. Coral Springs and Monroe County are treating medical marijuana as any prescription drug. It is simply too premature to amend policies at this time.

City Attorney Stokes noted that testing is also a concern; however, with current testing methods, an employer cannot determine if a an employee tests positive for the drug, is it legal or illegal marijuana. He believed it was too premature to amend policies and suggested monitoring the situation.

City Attorney Stokes urged Council to not update the City's current drug-free workplace policy at this time.



Mayor Flores agreed with the attorney's recommendation and called for a consensus to not update the City's existing drug-free workplace policy:

Council Member Tharp: Agreed  
Council Member Dugo: Agreed.  
Council Member Thelusme: Agreed.  
Deputy Mayor Bousquet: Agreed.

**Consensus: To not update the City's existing drug-free workplace policy.**

**E. Use of City Seal - Joel Flores, Mayor.**

City Manager McCue provided an overview of several discussions that arose in December 2016; when a Councilmember inquired about using the City seal in campaign material; the City Attorney's initial opinion; his subsequent change in opinion following additional information learned about the City's trademarked seal, and his recommendation to obtain Council authorization for its use. She recommended establishing a Council policy on the appropriate use of the City seal.

Mayor Flores asked the City Attorney that when he renders his opinions, are they his professional opinion or are they based on research.

City Attorney Stokes explained that his opinions are based on research and explained that the 2000-43 Attorney General Opinion (AGO) was inapplicable in this case because it refers to the State of Florida seal. He also noted that the AGO referred to Chapter 165.043, F.S., whereas he cited Chapter 495, F.S. He clarified that the City seal is registered as a service mark with the State. Chapter 165 states that a governing body by ordinance may designate an official county or municipal seal. He distributed copies of Ordinance No. 16 adopted in 1947 and explained that 1947 was the only time the seal was adopted by ordinance. The corporate seal is still being used today by the Building Department to seal Certificates of Occupancy. What is being used today as the City seal was not designated by ordinance; therefore, 165.043, F.S. does not apply nor does the 2000-43 AGO. His research revealed that the City service mark was registered in 1971 and renewed every 10 years. There were several name changes through the years from Town of Greenacres, Town of Greenacres City and then City of Greenacres. He suggested drafting an ordinance adopting a City seal to take advantage of F.S. 165.043. and drafting a policy on its use.

Mayor Flores asked where does the City stand, since some candidates were told they could use the City seal in photos for campaign purposes and others were told they could not.

City Attorney Stokes stated that he has been notifying candidates that the seal can be used in the background of photos but not as a heading and then provides them with his 2016 e-mail on the topic. He emphasized that the City uses the same design for both a logo and a seal, even though it has never been designated as the official City seal by ordinance and therefore does not have the criminal protection under Chapter 165.043, F.S.

Discussion followed on the earned right of elected officials to stand before the City

seal whereas new candidates should not have that same right; making the distinction between a City seal and City logo; caution of creating policies where incumbents have privileges not granted to new candidates; the legal definition of "the background of a photo" being vague; establishing objective criteria for the size of the logo in the background; creating a policy prohibiting the use of the City seal and creating a policy with a specific effective date.

Mayor Flores polled Council to obtain a second opinion on the 2000-43 AGO dated July 20, 2000.

Deputy Mayor Bousquet: Yes.  
Council Member Tharp: Yes.  
Council Member Dugo: Yes.  
Council Member Thelusme: Yes.

**Consensus: Mayor Flores instructed City Attorney Stokes and the City Manager to work together on obtaining a second opinion of AGO 2000-43 and asked that their findings be e-mailed to the Mayor and Council.**

**10. Staff Comments:**

**A. City Manager's Report.**

- Bring Your Child To Work Day - Sixteen children had a fun day filled with department presentations, a mock City Council meeting, a visit to Fire Rescue and Public Works. City Manager McCue thanked HR for their assistance in coordinating a very active program.
- Passport Acceptance Program – The Department of State approved the City as a Passport Acceptance Agency, training is complete, Public Works and Building Departments are working on logistics. The anticipated launch date is Spring 2018.
- Legislative Session - Currently ongoing with weekly follow-up meetings on the status of bills. 192 local officials attended Legislative Action Days with Home Rule topping the discussion. Every Monday at 9 am is call-in day with the Florida League of Cities where information on pending bills is available.
- FDEM Survey Link - Public Works was asked to share a survey link on how the public handled evacuations during Hurricane Irma. The link has been posted on the City's social media sites.
- Coffee with the Mayor –The first date is March 1<sup>st</sup> at 8:00 am at the Community Center. Upcoming dates are June 7<sup>th</sup>, Sept. 13<sup>th</sup> and Dec. 13<sup>th</sup>. Some area businesses are interested in hosting meetings.
- Department Head Retreat – The focus of the retreat was on the City's mission, values and goals. With a planned Request for Proposal (RFP) for economic development, staff decided to ask employees for their opinion on the City's progress. Employees are being asked for their thoughts on their Department's

and the City's progress and return their responses into HR by the end of February; their responses can remain anonymous.

- Upcoming Events:

Hands Only CPR Day - Feb. 10<sup>th</sup> at Station 94.

Pink Shirt Day – Feb. 28<sup>th</sup> at Community Center at 3:00 pm.

Egg'stravaganza - March 31<sup>st</sup> from:10:00-1:30 pm at SJF Community Park.

Rock 'n Roll Sunday – May 20<sup>th</sup> from 6 pm -10 pm at SJF Community Park.

B. City Attorney's Report. None.

11. Mayor and City Council Reports.

District V – Deputy Mayor Bousquet had nothing new to report.

District IV - Council Member Thelusme had nothing new to report.

District III – Council Member Dugo read an excerpt of Chapter 165.043, F.S. to clarify that a policy on the use of the City seal would not be needed if an ordinance recognizing the City seal and mandating its use was adopted.

District 1 – Council Member Tharp had nothing new to report.

Mayor

- Adopt-a-Road Program – Mayor Flores expressed his desire to implement a program in Greenacres similar to what the Village of Wellington has done where residents, non-profits and local businesses adopt a portion of a Village road for a minimal fee (which covers the cost of the sign and maintenance 3-4 times a year). He asked that it be included as a discussion item on the March 5<sup>th</sup> City Council agenda.
- Bring Your Child to Work Day – He thanked the HR Division and Department Directors for a successful day with the kids. He thanked City Clerk Joanna Cunningham for staging a very interactive mock City Council meeting where the children acted like true civic leaders.
- Transportation Summit – This event focused on drivers sharing roads with pedestrians and cyclists. The City continues to experience a great number of vehicle accidents and speeding violations. A workshop with PBSO, Fire Rescue, City officials and County Commissioners has been suggested to address these issues since most of the roads within the City's jurisdiction are state and county roads. He asked the City Manager to extend invitations to the Board of County Commissioners.
- Legislative Roundtable – Mayor Flores attended a roundtable with U.S. Congresswoman Lois Frankel and Governor Rick Scott where he discussed Charter school accountability and the need for more affordable/workforce housing. The County has established a task force

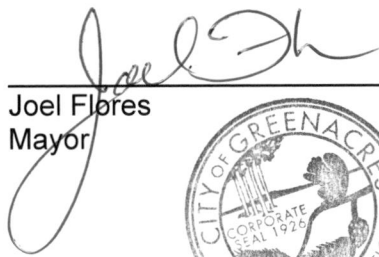
with a 9-month timeline. Director Ferris is conducting a data analysis of surrounding municipalities.

- Florida League of Cities – He submitted his name for consideration to serve on the Board of Directors.
- PBC Youth Master Plan – The PBC Youth Services Department created a Youth Master Plan (from birth to age 22). Twelve million dollars in funding is allocated to various youth development programs countywide. The Future Leaders Program is available countywide and Greenacres was the recipient of a \$77,000 social/emotional learning grant. Four Greenacres youth were invited to attend the Future Leaders Youth Council.

12. **Adjournment.**


With no further business to discuss, Deputy Mayor Bousquet moved to adjourn the meeting, seconded by Council Member Tharp. The meeting adjourned at 9:47 p.m.

**CITY COUNCIL**

  
Joel Flores  
Mayor  
/mel



Respectfully submitted,

  
Joanna Cunningham, MMC  
City Clerk  
Date Approved: 3/5/18

**Attachments**

Little Free Libraries  
Drug-Free Workplace Presentation  
Zoning Districts for Medical Marijuana Facilities  
Memo on Use of City Seal



LITTLE FREE LIBRARIES	SPONSORS/PARTNERS	EST. # BOOKS DISTRIBUTED	BOOKS ON HAND (EOM)
Charter #57917 8/11/17 Greenacres Community Center  (Holds approximately 45 books.)	Mary Lindsey, Lake Worth Little Free Libraries: Donated Charter; initial book inventory; plus, additional books gleaned from PBC School Board Warehouse  Volunteers, Donations from the Public and Employees  Barnes & Noble, Wellington 1/31/18: 50 new books for K- 5 <sup>th</sup> grade	Approximately 20 books per week. 25 wks x 20/wk=  Approximately <b>500 books</b>	326 gently used children's books;  147 gently used adult books; plus,  66 gently used seasonal books  50 new books
Mobile Charters 11/15/17 #M66965, #M66992 Youth Programs, Events (Holds approximately 50 children's books.)	Volunteers, Donations from the Public and Employees	Approximately <b>200 books</b>	
Youth Programs 01/18 Charter # Pending Classroom Libraries	Volunteers, Donations from the Public and Employees	<b>1162 new books</b>	
Events: Lunch w/ Santa 12/9/17 Palms West Hospital 12/24/17 (Holiday & Fire Rescue Theme)	Volunteers, Donations from the Public and Employees	<b>318 new books</b>	
Daddy Daughter Dance 2/24/18 (Dance, Princess Theme)			35 new books
Egg'stravaganza 3/31/18 (Spring Theme)			57 new books
Ignite the Night 7/4/18 (Patriotic Theme)			18 new books
<b>ESTIMATED # BOOKS DISTRIBUTED THROUGH 1/31/18</b>		<b>2,180 BOOKS</b>	
<b>BOOKS ON HAND AS OF 1/31/18</b>			<b>699</b>

# Little Free Library Ribbon Cutting – August 2017.

Mrs. Carol Glasser volunteered to become the City's LFL Steward in Nov. 2017.





# Summation of LFL Resources

LITTLE FREE LIBRARIES	SPONSORS/PARTNERS	EST. # BOOKS DISTRIBUTED	BOOKS ON HAND (EOM)
<b>Charter #57917 8/11/17</b> <b>Greenacres Community Center</b>  (Holds approximately 45 books.)	Mary Lindsey, Lake Worth Little Free Libraries: Donated Charter; initial book inventory; plus, additional books gleaned from PBC School Board Warehouse  Volunteers, Donations from the Public and Employees  Barnes & Noble, Wellington 1/31/18: 50 new books for K-5 <sup>th</sup> grade	Approximately 20 books per week. 25 wks x 20/wk=  Approximately 500 books	326 gently used children's books;  147 gently used adult books; plus,  66 gently used seasonal books  50 new books
<b>Mobile Charters 11/15/17</b> <b>#M66965, #M66992</b> <b>Youth Programs, Events</b> (Holds approximately 50 children's books.)	Volunteers, Donations from the Public and Employees	Approximately 200 books	
<b>Youth Programs 01/18</b> <b>Charter # Pending</b> <b>Classroom Libraries</b>	Volunteers, Donations from the Public and Employees	1162 new books	
<b>Events:</b> <b>Lunch w/ Santa 12/9/17</b> <b>Palms West Hospital 12/24/17</b> (Holiday & Fire Rescue Theme)	Volunteers, Donations from the Public and Employees	318 new books	
<b>Daddy Daughter Dance 2/24/18</b> (Dance, Princess Theme)			35 new books
<b>Egg'stravaganza 3/31/18</b> (Spring Theme)			57 new books
<b>Ignite the Night 7/4/18</b> (Patriotic Theme)			18 new books
<b>ESTIMATED # BOOKS DISTRIBUTED THROUGH 1/31/18</b>		2,180 BOOKS	
<b>BOOKS ON HAND AS OF 1/31/18</b>			699

- Since November 2017, Mrs. Glasser has purchased over 1,500 new books for the 3 LFL's she has also chartered for the City. She has also purchased themed books the following events:
- DDD – 35
- Eggstravaganza – 57
- July 4<sup>th</sup> – 18



# 318 holiday books were purchased for Fire Rescue and Lunch w/ Santa Event





# Palms West Hospital-Dec. 24, 2017

Mrs. Glasser also just begun funding a First Responders Program; equipping Fire Rescue with books, coloring & activity books, and journals for them to give to youth they treat - spreading a little joy during a traumatic event.







- New Chartered LFL for the Youth Programs Division
- Mrs. Glasser has funded the cost of 3 new chartered LFL's;
- 2 mobile units in Parent Lobby
- A beautiful library area for classrooms to share with 1,162 new books for student enjoyment.



# What an amazing gift!!

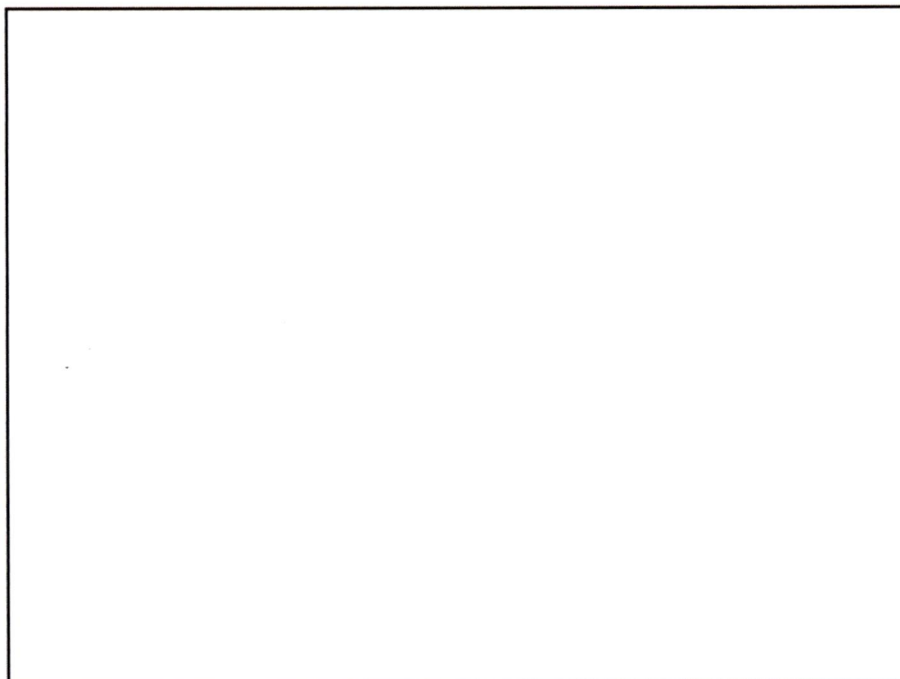
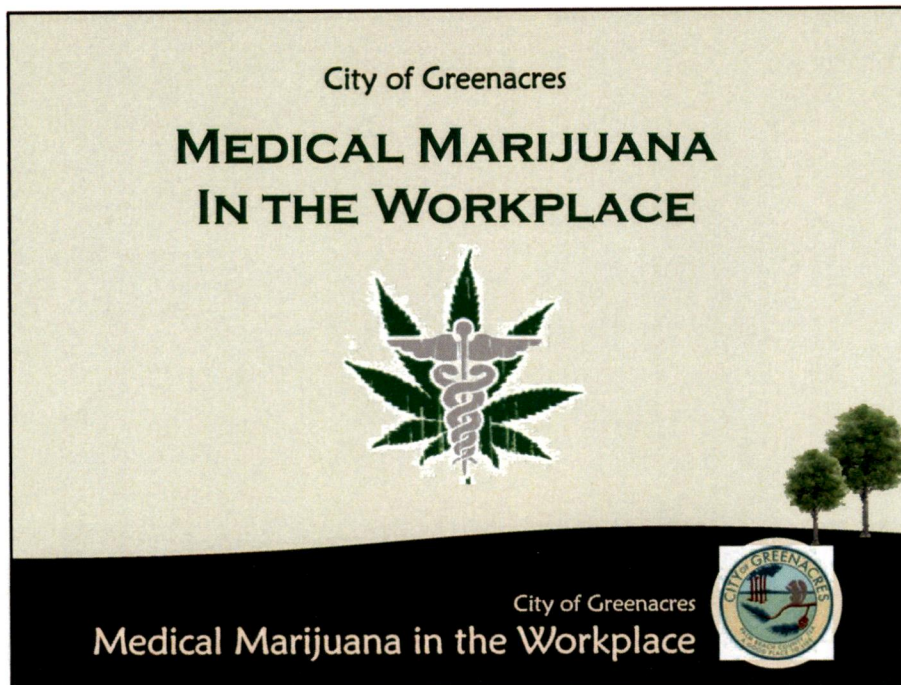




# Teens enjoying the new books!







**FLORIDA EXPRESSLY STATES THAT NO  
EMPLOYER NEEDS TO ACCOMMODATE  
MEDICAL MARIJUANA USE:**

Fla. Constitution Language

- ☒ Fla. Const. Art X, § 29(c)(6): Nothing in this section shall require any accommodation of any on-site medical use of marijuana in any correctional institution or detention facility or place of education or employment, or of smoking medical marijuana in any public place.

City of Greenacres

Medical Marijuana in the Workplace



**FLORIDA EXPRESSLY STATES THAT NO  
EMPLOYER NEEDS TO ACCOMMODATE  
MEDICAL MARIJUANA USE:**

Fla. Statute Language

- ☒ Fla. Stat. § 381.986(15): This section does not require an employer to accommodate the medical use of marijuana in any workplace or any employee working while under the influence of marijuana.

City of Greenacres

Medical Marijuana in the Workplace





**ISSUES WHICH ARISE:****LIABILITY.**

There is NO liability for the City, as an employer, from prohibiting any employee from using Medical Marijuana while on-the-job, or working with a measureable amount of Marijuana in his/her system.

City of Greenacres  
Medical Marijuana in the Workplace

**ISSUES WHICH ARISE:****LIABILITY.**

There is NO liability for the City, as an employer, from prohibiting any employee from using Medical Marijuana while on-the-job, or working with a measureable amount of Marijuana in his/her system.

- Florida Constitution says so.
- Florida Statute says so.
- Out-of-State cases are consistent on this point.

City of Greenacres  
Medical Marijuana in the Workplace



## ISSUES WHICH ARISE:

### LIABILITY.

There IS potential liability in the event a City employee is injured on-the-job, injures another person on-the-job, is in a vehicle accident, or damages property, and there is Marijuana in his/her system.

City of Greenacres  
Medical Marijuana in the Workplace



## ISSUES WHICH ARISE:

### LIABILITY.

There IS potential liability in the event a City employee is injured on-the-job, injures another person on-the-job, is in a vehicle accident, or damages property, and there is Marijuana in his/her system.

- Legal Marijuana is too new to know the impact on liability.

City of Greenacres  
Medical Marijuana in the Workplace





## ISSUES WHICH ARISE:

### LIABILITY.

There IS potential liability in the event a City employee is injured on-the-job, injures another person on-the-job, is in a vehicle accident, or damages property, and there is Marijuana in his/her system.

- Legal Marijuana is too new to know the impact on liability.
- *Respondeat Superior* makes us responsible for employees.
- *Monell* creates federal liability based on policy.
- Potential liability for negligent hiring.

City of Greenacres

Medical Marijuana in the Workplace



## ISSUES WHICH ARISE:

### WORKER'S COMPENSATION.

Fla. Stat. 440.101, *et al.*, provides that an employer with a DFWP has the benefit of certain defenses and receives a discount on its worker's compensation insurance premium.

- The League of Cities has confirmed that we will lose a five (5%) percent discount on our insurance premium if our DFWP is not in compliance with Florida Statute.

City of Greenacres

Medical Marijuana in the Workplace



**ISSUES WHICH ARISE:****WORKER'S COMPENSATION.**

Fla. Stat. 440.101, *et al.*, provides that an employer with a DFWP has the benefit of certain defenses and receives a discount on its worker's compensation insurance premium.

- The League of Cities has confirmed that we will lose a five (5%) percent discount on our insurance premium if our DFWP is not in compliance with Florida Statute.
- This amounts to approx. **\$16,000 per year** (FY2018).



City of Greenacres

Medical Marijuana in the Workplace

**ISSUES WHICH ARISE:****WORKER'S COMPENSATION.**

Fla. Stat. 440.101, *et al.*, provides that an employer with a DFWP has the benefit of certain defenses and receives a discount on its worker's compensation insurance premium.

- Florida Statute still lists Marijuana as a prohibited, illegal drug, therefore allowing for Medical Marijuana will make any DFWP non-compliant.



City of Greenacres

Medical Marijuana in the Workplace





## ISSUES WHICH ARISE:

### FEDERAL GRANTS & PROGRAMS.

It is generally expected that, because Marijuana remains illegal at the federal level, that Grant recipients and Program participants are going to be required to attest that their DFWP does not allow for the use of illegal drugs – which will include Marijuana.

City of Greenacres  
Medical Marijuana in the Workplace



## ISSUES WHICH ARISE:

### OTHER GOVERNMENT AGENCIES IN FLORIDA.

A survey of surrounding cities have shown that no municipal employer has amended their DFWP to accommodate Medical Marijuana.

Municipality Survey - Employee Medical Marijuana Use			
Cities	Allow Dispensaries	Not Allow Dispensaries	Personnel Changes in Policies
Boynton Beach	X		No Changes
Delray Beach		X	No Changes
Greenacres			
Jupiter		X	No Changes
Lake Worth	X		No Changes
Lantana		X	No Changes
Royal Palm Beach		X	No Changes
Palm Beach		X	No Changes
Wellington	X		No Changes
West Palm Beach		X	No Changes

City of Greenacres  
Medical Marijuana in the Workplace



**ISSUES WHICH ARISE:****OTHER GOVERNMENT AGENCIES IN FLORIDA.**

Speaking to an official with the Florida Department of Management Services, (the State's HR Department) no state agency has amended its DFWP to accommodate Medical Marijuana.



DEPARTMENT OF MANAGEMENT  
**SERVICES**



City of Greenacres

Medical Marijuana in the Workplace

**ISSUES WHICH ARISE:****LEGAL VS. ILLEGAL MARIJUANA.**

A significant concern is that, with current testing procedures, it is difficult, if not impossible, to determine whether a drug test which is positive for Marijuana is the result of lawful, Medical Marijuana, or illegal street-grade Marijuana.

Thus, a person could have a lawful Medical Marijuana I.D. card, but still be a chronic user of illegal Marijuana, only using the I.D. card as a cover.



City of Greenacres

Medical Marijuana in the Workplace





**ISSUES WHICH ARISE:****OTHER GOVERNMENT AGENCIES IN FLORIDA.**

Both local government and the state government are saying that it is premature to amend their policies, and the liability issues remain a concern.

They all admit that they will monitor and consider changes in the future, if appropriate, as the field evolves.

City of Greenacres  
Medical Marijuana in the Workplace

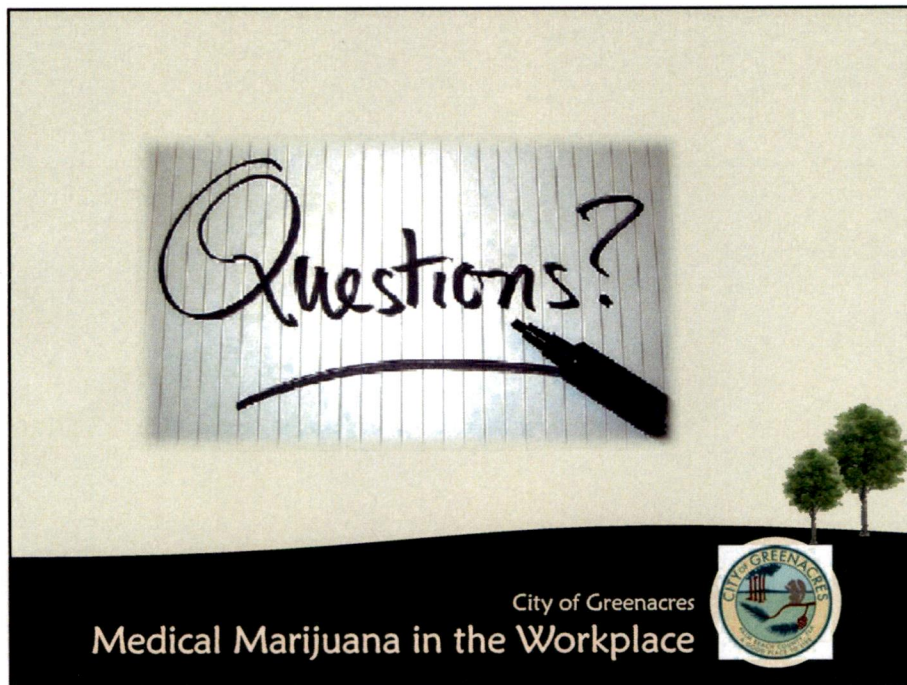
**ISSUES WHICH ARISE:****RECOMMENDATION.**

The City Attorney recommends that the City of Greenacres take a similar approach. Leave any accommodation for Medical Marijuana out of the DFWP at this time.

We will continue to monitor the evolution of Medical Marijuana in Florida and at the federal level, and will make recommendations in the future, if appropriate.

City of Greenacres  
Medical Marijuana in the Workplace









City of Greenacres

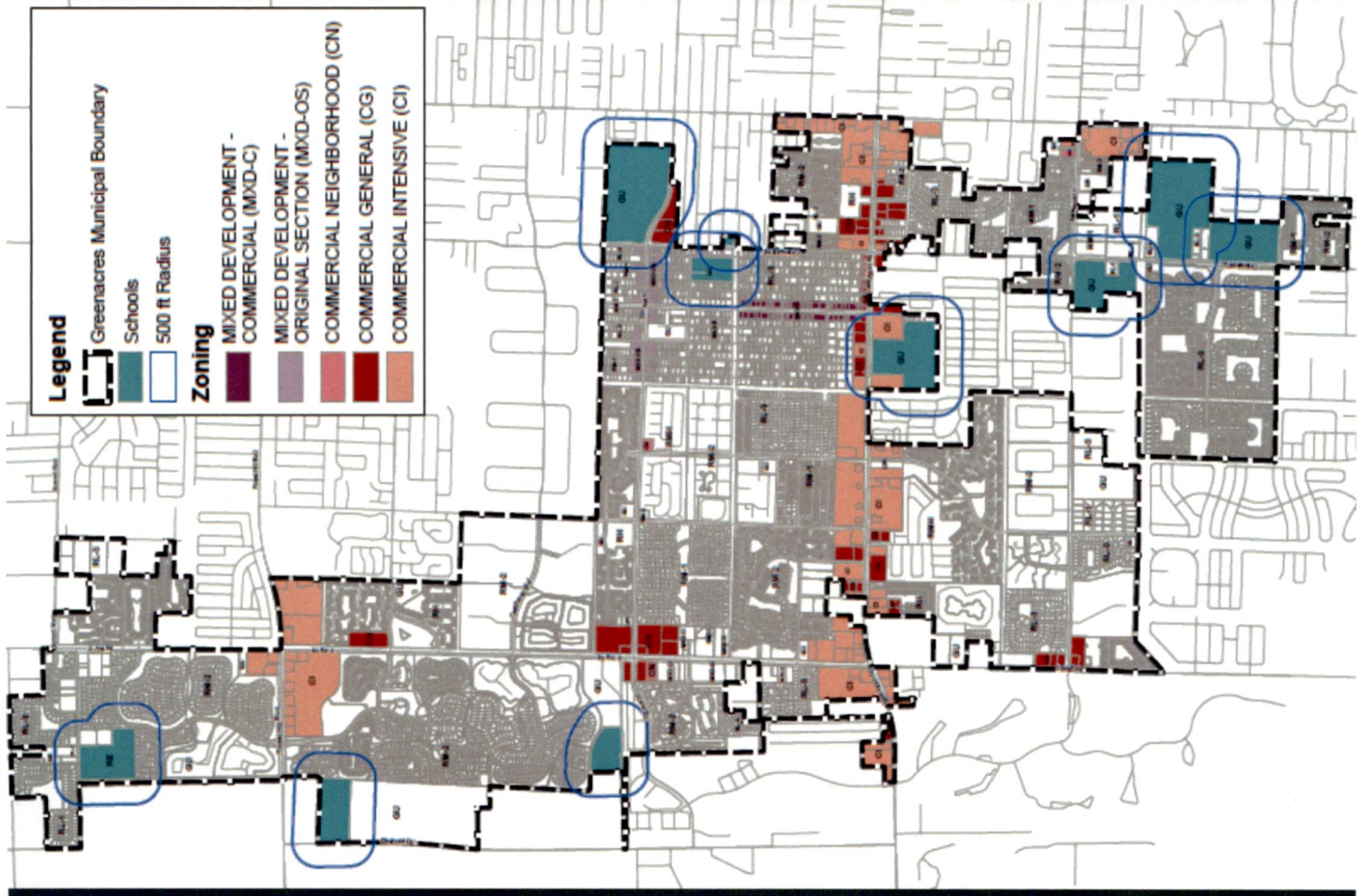
# Medical Marijuana



# Existing Land Use/Zoning

- Pharmacy (Permitted), Pharmacy w/ Drive-thru (Special Exception)
- Commercial Land Use
  - Commercial Neighborhood (CN)
  - Commercial General (CG)
  - Commercial Intensive (CI)
- Mixed Use Land Use
  - Mixed Development – Commercial (MXD-C)
  - Mixed Development – Original Section (MXD-OS)







# Palm Beach County Municipalities

## BANNED

- Atlantis
- Belle Glade
- Boca Raton
- Cloud Lake
- Delray Beach
- Golf
- Gulf Stream
- Haverhill
- Highland Beach
- Hypoluxo
- Juno Beach
- Jupiter Inlet Colony
- Lake Clarke Shores
- Lake Park
- Lake Worth\*
- Lantana
- Manalapan
- Mangonia Park
- Ocean Ridge
- Palm Beach Gardens
- Palm Beach Shores
- South Palm Beach
- West Palm Beach\*

## PERMITTED / REGULATED

- Boynton Beach
- Glen Ridge
- North Palm Beach
- Palm Springs
- Riviera Beach
- Royal Palm Beach
- Tequesta
- Wellington

## NO ACTION

- Jupiter



# Municipal Regulations

- "...municipality may not enact ordinances for permitting or for determining the location of dispensing facilities which are more restrictive than its ordinances permitting or determining the locations for pharmacies..."
- Extend 500' distance requirement provided by the State, include pharmacies
- Place minimum square footage requirements for pharmacies (10,000 sq. ft. – Wellington)
- Permit one pharmacy/medical marijuana treatment center per commercial development (Wellington)
- Allow Medical Marijuana Treatment Centers but NOT Medical Marijuana Treatment Center Dispensaries (Tequesta, NPB)
  - Limited to Industrial zoning
- Zoning regulations in effect prior to SB 8A (Palm Springs, Orlando)
  - Preemptive vs. Retroactive




# Greenacres Regulations

- Can change allowable zoning districts for pharmacies/medical marijuana treatment center dispensing facilities
  - Existing active pharmacies will be legal non-conforming uses
  - Cannot be abandoned for more than 6 months
- Regulate distance requirements
  - 500 feet for medical marijuana treatment center dispensaries
  - Increased requirements for pharmacies/dispensaries
- Provide limits to number of pharmacies/MM Treatment Center Dispensaries for commercial development
- Provide minimum square footage requirement for pharmacies/MM Treatment Center Dispensaries
- Place distance requirements from residential zoning districts, other dispensaries, parks, etc.
- Require that a security plan approved by the Florida Department of Health for the dispensary must be filed with the police chief before the dispensary opens for business and any changes to the security plan must be filed with the police chief within seven days of approval by the Florida Department of Health.
- Prohibit Drive-in facilities for pharmacies/MM Treatment Center Dispensaries



# CITY OF GREENACRES

## INTEROFFICE MEMORANDUM 2018.02JA1.01

**TO:** Mayor and City Council  
**FROM:** Andrea McCue, City Manager   
**SUBJECT:** Use of City Seal  
**DATE:** February 1, 2018  
**COPIES:** James Stokes, City Attorney  
Joanna Cunningham, City Clerk

**Direction from City Council**

on 2/5/18 by a vote of           

Get 2nd Opinion; Get AG Opinion

In response to Mayor Flores' request for additional information following receipt of an e-mail from the City Attorney providing information on use of the City's Seal on campaign material, I reviewed the e-mails sent regarding use of the seal going back to 2016 and found the following:

In December 2016, a member of Council reached out to the City Attorney to inquire if it was allowable for the City Logo to be used in campaign material. On December 8, 2016, the City Attorney provided an opinion to the Council member, copying the City Manager and City Clerk. The opinion advised that, "having checked our Charter and our Ordinances, it is my opinion that there is no such restriction." Additionally, it was advised that, "Florida Statutes does not prohibit it, and our Logo is not trademarked as a Service Mark."

Following copied receipt of this e-mail, the City Clerk advised the City Attorney that the City's seal is a trademarked symbol as she recently had gone through the process of renewing the registration which must be done every five (5) years. She provided the City Attorney with the supporting documentation used for the renewal of the seal for his review.

The City Attorney immediately sent a follow-up e-mail to the Council member advising that, "Upon sending this email, our City Clerk provided me some documents which may impact my opinion." He asked that the Council member hold off for another day so that he could quickly sort out the information.

Later that evening on December 8, 2016, The City Attorney again provided the requesting Council member an opinion via e-mail following his review of the information provided to him by the City Clerk. He shared that after his review of the information it was "apparent" that the City renewed the Service Mark on the City Seal. He went on to advise that the Service Mark was obtained through the State of Florida rather than the federal government and as such, there is a different level of protection and different authorized uses. He cited Chapter 495, Florida Statutes which prohibits the use of a registered Service Mark when it is used in commerce (advertising goods or services) and serves to mislead the public as the source of the advertising. He then clarified with, "it could be said that you are advertising to offer your service as a Council member." He felt it was a strained definition but saw how the point could be made and accordingly he advised that permission from the Council would be needed for unfettered use.

He closed with recommending that the Council member not use the City Seal as a headline or logo for advertising but if the City Seal is in the background of a photograph as was indicated by the Council member in the initial request, it would not be a violation of Chapter 495, F.S.

On January 12, 2018, the City Attorney sent an e-mail to a different Council member who had contacted him inquiring about the use of the City Seal in campaign material. He forwarded his e-mail that was sent on December 8, 2016, and advised that as this matter was raised during the last election, he was confident that the same analysis applied and it was consistent to stick to his previous advice and thus forward the previous opinion he provided.

On January 21, 2018, a Council member sent a message to the City Clerk regarding use of the City Seal as the Council member received campaign material in the mail from a candidate (non-incumbent member) running for a Council seat and used the City Seal in a photograph. Additionally another member of Council sent a message to the City Manager asking the same question to which the City Manager advised that the question raised would be sent to the City Attorney for follow-up and an opinion. Following the City Clerk's receipt of the message, she researched the matter and found a Florida Attorney General opinion dated July 20, 2000, outlining the appropriate and allowed uses of a municipal seal. The City Clerk forwarded the opinion to her work email and to the City Manager for review and she also informed the Council member who contacted her that she would research further on Monday.

On Monday January 22, 2018, the City Clerk discussed the Attorney General opinion with the City Manager and also pulled the Florida Statute which was referenced in the opinion and additionally researched Municode to see if other municipalities had any Codes or Ordinances on use of a City Seal. She found that some have adopted Ordinances outlining its use and some have language in their municipal charters on appropriate use of their City Seal. She did share and review all this information with the City Attorney upon his arrival. Later in the day the City Attorney, City Manager and City Clerk met to discuss this matter further and the City Attorney planned to draft an e-mail to the Mayor and Council providing any clarifying information necessary as a result of the questions that had been received.

The City Attorney advised in the e-mail that the propriety of candidates using the "City Logo" in campaign material was complex and several factors needed to be considered. He went on to add in part that many cities have a City Seal (official use only) and a City Logo but our City uses the same design for both purposes. Additionally he advised that "City Seals are protected by Florida Statute which dictates the parameters of their use and provides that it is a criminal offense (second degree misdemeanor) to misuse the City Seal." He added that "Logos may be unprotected," and that depending on the level of registration for the Logo there would be different degrees of protection for it. He stated that the City of Greenacres has no official Policy on the use of the City Seal/City Logo and recommended that a policy be adopted by Ordinance, which will establish how and when the Seal can be used. In closing he provided that "for the current election cycle, because no policy currently exists, it would be my recommendation that no action is taken regarding candidates utilizing the City Logo in campaign material" and that "allowing incumbents, but not challengers, to use the City Logo, would give rise to an allegation that the City is endorsing incumbents over challengers."



Ultimately, after review of the e-mails and reference materials, both incumbent Council members requested clarification on the use of the City Seal in campaign materials and the City Attorney provided an opinion advising that if the City Seal was in the background of a picture, it would not be a violation of Chapter 495, F.S. The Attorney General's opinion provides that, "In no event shall approval be given for the use of the Seal for the following: (a) political or campaign purposes." While the Attorney General's opinion is clear the inquiring Council members sought and received a legal opinion on this issue.

Moving forward it is important that the City establish a policy outlining appropriate use of the City Seal including any information on appropriate use outlined by the State Attorney General or contained in Florida Statutes.

AM/ja  
Attachments

## Joanna Cunningham

---

**From:** James Stokes  
**Sent:** Thursday, December 08, 2016 4:43 PM  
**To:** Paula Bousquet  
**Cc:** Andrea McCue; Joanna Cunningham  
**Subject:** City logo

Dear Ms. Bousquet ~

You asked me whether there is any restriction on using a City Logo on campaign material. Having checked our Charter and our Ordinances, it is my opinion that there is no such restriction. Florida Statutes does not prohibit it, and our Logo is not trademarked as a Service Mark (as some cities do).

It is important to clarify that this is the City Logo – not the City Seal. The City Seal does have specific legal uses and is controlled by our City Clerk.

If you have any further questions, please let me know.

*Jim*

cc: City Manager; City Clerk;  
(blind) Mayor & Council members

**James D. Stokes**

City Attorney

Board Certified: *Labor & Employment Law*

Board Certified: *City, County & Local Government Law*

**City of Greenacres**

5800 Metaleuca Lane | Greenacres, Florida 33463-3515 | tel. 561.642.2017 | fax 561.642.2004 | e: jstokes@ci.greenacres.fl.us

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## Joanna Cunningham

---

**From:** James Stokes  
**Sent:** Thursday, December 08, 2016 4:52 PM  
**To:** James Stokes; Paula Bousquet  
**Cc:** Andrea McCue; Joanna Cunningham  
**Subject:** RE: City logo

Dear Ms. Bousquet ~

Upon sending this email, our City Clerk provided me some documents which may impact my opinion. If you could hold-off another day, I should be able to sort this out quickly.

Thank you.

Jim

James D. Stokes  
City Attorney

---

**From:** James Stokes  
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If you have any further questions, please let me know.

Jim

cc: City Manager; City Clerk;  
(blind) Mayor & Council members

James D. Stokes  
City Attorney  
Board Certified: *Labor & Employment Law*  
Board Certified: *City, County & Local Government Law*

City of Greenacres  
5800 Melaleuca Lane | Greenacres, Florida 33463-3515 | tel. 561.642.2017 | fax 561.642.2004 | e: [jstokes@ci.greenacres.fl.us](mailto:jstokes@ci.greenacres.fl.us)

5

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3

**Joanna Cunningham**

---

**From:** James Stokes  
**Sent:** Thursday, December 08, 2016 5:21 PM  
**To:** Paula Bousquet  
**Cc:** Andrea McCue; Joanna Cunningham  
**Subject:** City Seal

Dear Ms. Bousquet ~

Having looked at the paperwork that our City Clerk provided, it is apparent that we recently renewed an expired service mark on our City Seal (in our case, the City Logo and the City Seal are one-in-the-same)\*.

This Service Mark was obtained by the Florida Secretary of State, rather than the federal government. Accordingly, it has a different level of protection and different authorized uses. Our Service Mark is covered by Chapter 495, Florida Statutes. Infringements are covered by Section 495.131, Florida Statutes. In summary, this section prohibits the use of a registered Service Mark when it is used in commerce (advertising goods or services) and serves to mislead the public as to the source of the advertising. Technically, it could be said that you are advertising to offer your service as a Council member. It's a strained definition, but I see how the point could be made. Accordingly, it would necessitate "permission" of the Council for unfettered use.

This said, I would suggest that you not use the City Seal as a headline or logo for your advertising. However, if the City Seal is in the background of a photograph (as you indicated), that would not be a violation of Chapter 495, F.S.

If hope this helps.

*Jim*

\* Many cities have a "Seal" different from a "Logo", such as West Palm Beach:

City Seal:



City Logo:



WEST PALM BEACH

James D. Stokes

City Attorney

Board Certified: *Labor & Employment Law*

Board Certified: *City, County & Local Government Law*

**City of Greenacres**

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## **Joanna Cunningham**

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**From:** James Stokes  
**Sent:** Friday, January 12, 2018 2:35 PM  
**To:** Judith Dugo  
**Cc:** Andrea McCue; Joanna Cunningham  
**Subject:** FW: City Seal

Dear Councilwoman Dugo ~

Below is the answer to this question which was raised during the last election. I am confident that the same analysis applies and, to be consistent, I am sticking to my previous advice.

I hope this helps.

Jim

cc: Andrea & Joanna

James D. Stokes  
City Attorney

---

**From:** James Stokes  
**Sent:** Thursday, December 08, 2016 5:21 PM  
**To:** Paula Bousquet  
**Cc:** Andrea McCue; Joanna Cunningham  
**Subject:** City Seal

Dear Ms. Bousquet ~

Having looked at the paperwork that our City Clerk provided, it is apparent that we recently renewed an expired service mark on our City Seal (in our case, the City Logo and the City Seal are one-in-the-same)\*.

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This said, I would suggest that you not use the City Seal as a headline or logo for your advertising. However, if the City Seal is in the background of a photograph (as you indicated), that would not be a violation of Chapter 495, F.S.

If hope this helps.

Jim

\* Many cities have a "Seal" different from a "Logo", such as West Palm Beach:

City Seal:



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WEST PALM BEACH

James D. Stokes

City Attorney

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## Joanna Cunningham

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**From:** Social Info  
**Sent:** Monday, January 22, 2018 2:20 PM  
**To:** Joanna Cunningham; James Stokes; Andrea McCue  
**Subject:** Advisory Legal Opinion - Municipalities; use of municipal seal

<http://www.myfloridalegal.com/ago.nsf/Opinions/E967F075568C89158525692D00525071>

Sent from my iPad

## Florida Attorney General Advisory Legal Opinion

Number: AGO 2000-43

Date: July 20, 2000

Subject: Municipalities; use of municipal seal

---

Mr. Nicholas F. Tsamoutales  
Cocoa Beach City Attorney  
1900 Palm Bay Road, Northeast  
Suite G  
Palm Bay, Florida 32905-7538

RE: MUNICIPALITIES--SEALS--authorization by municipality of use of  
municipal seal. s. 165.043, Fla. Stat.

Dear Mr. Tsamoutales:

You have requested my opinion on substantially the following question:

Is the City of Cocoa Beach, which has designated an official seal pursuant to section 165.043, Florida Statutes, authorized to enter into agreements allowing the manufacture, use, or display of a facsimile or reproduction of the municipal seal and for the payment of a fee to the municipality for the privilege of doing so?

In sum:

Section 165.043, Florida Statutes, authorizes the City of Cocoa Beach to enter into agreements for the manufacture, use, and display of the municipal seal for other than official use. In the absence of any prohibition against the City of Cocoa Beach imposing a fee for the unofficial use of the municipal seal I cannot say that the city is precluded from imposing such a fee.

The City of Cocoa Beach has designated an official municipal seal pursuant to section 165.043, Florida Statutes:

"The governing body of a county or municipality may, by ordinance, designate an official county or municipal seal. The manufacture, use, display, or other employment of any facsimile or reproduction of the county or municipal seal, except by county or municipal officials or employees in the performance of their official duties, without the express approval of the governing body is a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083."



This statute was enacted in 1991 and the title of the enabling legislation indicates that its purpose was not only to authorize the adoption of an official seal but also to "restrict[] its use without the express approval of the governing body[.]"[1] The language of the statute clearly contemplates the official use of such a seal, and the use of the seal for other purposes with the express approval of the governing body.

In terms similar to those used in section 165.043, Florida Statutes, the Department of State is made custodian of the Great Seal of the State of Florida and charged with its custody, use, and protection.[2] In accomplishing these duties and responsibilities the Department of State has adopted administrative rules regulating the use of the Seal of the State of Florida.

As this office noted in an informal opinion to Mr. Don Bell, General Counsel for the Department of State, "the state statutes appear to have granted the Department of State broad discretion [in the use of the state seal]."[3] The opinion states:

"The statute thus authorizes the department to grant anyone's application upon a showing of good cause for the seal's use for a proper purpose. The statute does not specify what constitutes 'good cause' or 'proper purpose'; rather the interpretation of those terms appears to be left to the discretion of the Department of State."

The department has adopted administrative rules prescribing an application form to request approval from the department for use of the seal and provides an official contact for filing these forms.[4] Standards for approval are specified, and in determining what constitutes a proper purpose, the rule sets forth the minimum factors to be considered:

- "(a) the specific item to be manufactured;
- (b) the manner in which the Seal is to be displayed on the item to be manufactured;
- (c) the nature of the proposed use, including manner, purpose and place of use;
- (d) whether the public would tend to be misled by the appearance of the Seal on the product to believe that the product carries official State sanction or approval;
- (e) whether the use of the Seal would tend to mislead the public into believing that a person, meeting, project or event carries official State sanction or approval;
- (f) whether the dignity of the Seal will be preserved if approval is granted." [5]

In addition, the rule prohibits use of the seal for certain purposes:

- "(5) In no event shall approval be given for the use of the Seal for

the following:

- (a) political or campaign purposes;
- (b) stationery other than official government stationery;
- (c) decorative automobile license tags;
- (d) business cards other than official government business cards;
- (e) designation of landmarks not listed in the National Registry of Historical Places or designated as a historical site under a local ordinance;
- (f) t-shirts, jackets or other clothing which might lead the public to believe that the person wearing such apparel is an official of the state;
- (g) publications other than official government publications or publications serving a governmental purpose; or
- (h) advertising and news releases." [6]

The rule provides penalties for the submission of false or inaccurate information and provides that the department may revoke its approval relating to the use of the Seal under certain circumstances. [7]

Your question also suggests that the City of Cocoa Beach would like to impose a fee for the unofficial use of the municipal seal. No consideration of a fee is contained in section 165.043, Florida Statutes. However, section 166.021(1), Florida Statutes, recognizes the home rule powers granted to municipalities in Article VIII, section 2(b), of the Florida Constitution, stating that they "may exercise any power for municipal purposes, except when expressly prohibited by law." Thus, the City of Cocoa Beach must make a determination that imposing a fee for the unofficial use of the municipal seal will serve a municipal purpose in order to justify such action.

In sum, section 165.043, Florida Statutes, grants the governing body of a municipality the authority to designate an official municipal seal and the discretion to allow the use of such a seal for other than official purposes. The City of Cocoa Beach may wish to consider adopting administrative rules, such as those promulgated by the Department of State for use of the state seal, prior to approving the unofficial use of the municipal seal. Further, the imposition of a fee for the unofficial use of the municipal seal must be found by the city to serve a municipal purpose.

Sincerely,

Robert A. Butterworth  
Attorney General

RAB/tgh

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- [1] See Title to Chapter 91-59, Laws of Florida.
- [2] See s. 15.03, Fla. Stat.
- [3] See Informal Opinion to Don Bell, dated March 7, 1997.
- [4] Rule 1-2.0021, Fla.R.Admin.P.
- [5] Rule 1-2.0021(4), Fla.R.Admin.P.
- [6] Rule 1-2.0021(5), Fla.R.Admin.P.
- [7] Rule 1-2.0021(6), Fla.R.Admin.P.

Select Year: 2016 ▼ Go

## The 2016 Florida Statutes

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Title XII

## MUNICIPALITIES

Chapter 165

## FORMATION OF LOCAL GOVERNMENTS

[View Entire Chapter](#)

**165.043 Official county or municipal seal.**—The governing body of a county or municipality may, by ordinance, designate an official county or municipal seal. The manufacture, use, display, or other employment of any facsimile or reproduction of the county or municipal seal, except by county or municipal officials or employees in the performance of their official duties, without the express approval of the governing body is a second degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083.

History.—s. 1, ch. 91-59.

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## Joanna Cunningham

---

**From:** Joanna Cunningham  
**Sent:** Monday, January 22, 2018 11:27 AM  
**To:** 'KDomínguez@TownofPalmBeach.com'  
**Subject:** Question for Clerks re: City Seal

Does anyone have a policy regarding the use of your City Seal – in particular, if it can be used in election materials or in the background of a photo? And who decides if it can be used? City Manager? Council?

*Joanna Cunningham*, MMC

Joanna Cunningham, City Clerk/PIO

City of Greenacres  
5800 Melaleuca Lane  
Greenacres, FL 33463  
Email: [jcunningham@greenacresfl.gov](mailto:jcunningham@greenacresfl.gov)  
Phone: 561-642-2006  
Fax: 561-642-2004

Find us on [Facebook](#) & [Twitter](#)



BE GREEN  
KEEP IT ON  
THE SCREEN

## Joanna Cunningham

---

**From:** Joanna Cunningham  
**Sent:** Monday, January 22, 2018 11:34 AM  
**To:** James Stokes  
**Subject:** North Palm Beach Code re: Logo

### • Sec. 1-10. - Village logo.

(a)  
*Description of logo.* The official logo of the Village of North Palm Beach, consists of a ship's wheel showing eight handles, equally spaced around the outside; the uppermost handle positioned at twelve o'clock. The words "The Village of North Palm Beach" are emblazoned on the side of the wheel and the date "1956" is emblazoned on the hub. When depicted in two-dimensional media, a rope encircles the ship's wheel. A reasonable facsimile of the logo is attached as Exhibit "A".

(b)  
*Adoption of logo.* The logo described and depicted in paragraph (a) is hereby adopted as the official logo of the Village of North Palm Beach, Florida, a municipal corporation organized and existing in accordance with the laws of the State of Florida.

(c)  
*Unlawful practices and penalties.* Any facsimile or reproduction of this logo shall only be manufactured, used, displayed, or otherwise employed for official Village of North Palm Beach business or upon the written approval of the Village Council of the Village of North Palm Beach, Florida. The village council may grant approval for the use of the logo upon application by any person showing good cause for proper civic purpose. The village council may adopt reasonable rules for the manufacture or use of this logo or any facsimile or reproduction thereof. Any person violating the provision of this ordinance shall be guilty of a misdemeanor and punished as provided by law.

(d)  
*Registration with Secretary of [the] State of Florida.* The village logo shall be registered with the Secretary of [the] State of Florida as a "service mark" in accordance with F.S. ch. 495 and shall be the sole property of the Village of North Palm Beach.

(Ord. No. 30-2002, § 1, 12-12-02)



## Joanna Cunningham

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**From:** Joanna Cunningham  
**Sent:** Monday, January 22, 2018 11:35 AM  
**To:** James Stokes  
**Subject:** Lantana use of Logo

### Sec. 2-3. - Town logo.

(a)  
*Description.* The logo of the town consists of a circle within which is depicted a sailboat with white sails on which there are blue, yellow and red stripes. The sailboat is sailing on dark blue water and a native grey and white seagull is flying to the left of the sailboat with a yellow sun in a sky of light blue. There is a person in the sailboat dressed in yellow and the sailboat has a red flag on the tip of the sail which extends into the yellow sun.

The words "Town of Lantana" are formulated in blue letters and are curved along the top of the circle.

(b)  
*Adoption.* The logo described and depicted in paragraph (a) above is hereby adopted as the official logo of the town, a municipal corporation organized and existing in accordance with the laws of this state.

(c)  
*Unlawful practices; penalties.* Any facsimile or reproduction of this logo shall only be manufactured, used, displayed or otherwise employed for official town business or upon the written approval of the town council pursuant to a duly adopted resolution of the council. The town council may grant approval for the use of the logo upon application by any person showing good cause for the use of the logo for a proper civic purpose. The town council may adopt reasonable rules, by resolution, for the manufacture or use of this logo, or any facsimile or reproduction thereof. This logo shall be registered with the Secretary of State in accordance with the laws of this state and shall be the sole property of the town. Any person violating the provisions of this section shall be guilty of a misdemeanor and punished as provided by law.

(Ord. No. O-17-87, § 1, 11-9-87)

*Joanna Cunningham, MMC*

Joanna Cunningham, City Clerk/PIO

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BE GREEN  
KEEP IT ON  
THE SCREEN

## Andrea McCue

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**From:** James Stokes  
**Sent:** Monday, January 22, 2018 5:08 PM  
**To:** Andrea McCue; Joanna Cunningham  
**Subject:** Use of City Logo

Dear Mayor and members of the City Council ~

The question has arisen regarding the propriety of candidates using the City Logo in campaign literature. While this is a complex issue, the answer comes down to a simple response and recommendation.

What makes this a complex issue is because we must consider the following:

1. Many cities have a City Seal (official use only) and a City Logo (see below). We use the same design for both purposes.
2. City Seals are protected by Florida Statute, which dictates the parameters of their use and provides that it is a criminal offense (second degree misdemeanor) to misuse a City Seal.
3. City Logos may be unprotected, may be registered as a trademark with the U.S. Government, or may be registered as a Service Mark with the State of Florida. Each of these levels of registration provide for different degrees of protection.
4. The use of a registered trademark or service mark in the form of a logo has numerous exceptions, including parodies and incidental exposure (i.e., appearing in the background). Whether something is "in the background" is a subjective determination.
5. A variety of authorities issue advisory opinions on the subject, including the Attorney General, the Secretary of State's Division of Elections, the Florida Elections Commission, the Florida Ethics Commission, and the Department of Administrative Hearings (DOAH). These are usually in conjunction with other questions and/or issues.
6. Most of these opinions involve an analysis of the ordinance or policy of the city or county at issue.
7. As we are discussing the City Logo in the context of an election, we must also be aware of the requirement that the city itself not endorse any one candidate over another candidate (in the same way we can educate, but not advocate, on our ballot questions). We must remain completely neutral.

The City of Greenacres has no official policy on the use of the City Seal/City Logo. While governance of the City Seal is a matter of state statute, that law calls upon the City Council to approve the use of the City Seal. Because it would be impossible to bring every single use of the City Seal to the Council on a case-by-case basis, it is recommended that a policy be adopted by ordinance which will establish how and when the Seal can be used.

A second recommendation would be to direct the City Manager to explore the possibility of creating a City Logo separate from the City Seal. A City Logo could be useful in marketing and economic development. The policy discussed above could either (1) include the City Logo; or (2) could apply only to the City Logo, leaving the City Seal for official business only pursuant to state statute.

Accordingly, for the current election cycle, because no policy currently exists, it would be my recommendation that no action is taken regarding candidates utilizing the City Logo in campaign material. Allowing incumbents, but not challengers, to use the City Logo, would give rise to an allegation that the City is endorsing incumbents over challengers. We need to stay neutral. If any individual wishes to file a charge with the appropriate regulatory agency against a candidate alleging the misuse of the City Logo, they need to do that without the City's official involvement.

I hope this clears things up.

*Jim*

West Palm Beach: Seal vs. Logo:



Minneloa: Seal vs. Logo:



Jacksonville: Seal vs. Logo: