Agenda

Crystal River City Council Meeting
Regular Meeting Agenda
Monday, October 12, 2026 at 5:30 PM
Citrus County Welcome Center

Joe Meek, Mayor
Chris Ensing, Vice Mayor/Council Seat #3
Gabrielle Satchell, Council Seat #1
Mindi Hastings, Council Seat #2
Robert Holmes, Council Seat #5

Audra Curts-Whann, City Manager
Rob Batsel, City Attorney
Mia Fink, City Clerk

NOTICE TO PUBLIC

Any person who decides to appeal any decision of the Governing Body with respect to any matter considered at this meeting will need a record of the proceedings and for such purpose may need to provide that a verbatim record of the proceeding is made, which record includes testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

Any person requiring reasonable accommodation at this meeting because of a disability or physical impairment should contact the City of Crystal River, City Manager's Office, 123 N.W. Highway 19, Crystal River, Florida, 34428 (352) 795-4216, at least two (2) days before the meeting.

GENERAL MEETING PROCEDURES

1. In consideration of others, we ask that you follow a few basic rules:

   A. Please turn cell phones off, or place on vibrate. If you must make a call, please step out into the hallway.

   B. If you must speak to someone in the audience, please speak softly or go out into the hallway.

   C. Personal comments/remarks, directed to Council or the public, are not allowed and are considered out of order.

2. Public Comment:

   A. The general public will be allowed three (3) minutes to speak during the Public Input section at the beginning of the meeting and five (5) minutes to speak during the Public Input section at the end of the meeting.

1. CALL TO ORDER
A. Roll Call
B. Invocation
C. Pledge of Allegiance
D. Recognition of Elected Officials in Attendance

2. ADOPTION OF AGENDA

3. PRESENTATIONS

A. Amendment Three Presentation

4. UNFINISHED BUSINESS

5. PUBLIC INPUT

(Three Minute Time Limit)

6. APPROVAL OF CONSENT AGENDA

A. Motion to approve minutes of the City Council meeting held September 28, 2026

B. Motion to approve modification to the wage range exhibit included in the Human Resources Policy Manual dated October 1st, 2026

C. Motion to adopt Resolution No. 27-R-01, to reassign the Fire Chiefâ€™s current command vehicle, a 2022 Ford F-250, as a replacement Brush Truck, approve the purchase of a 2017 Ford Explorer to utilize as the new Fire Chief command vehicle and purchase and installation of a skid unit for the existing 2022 Ford F-250 to be used as the replacement brush truck for the total amount not to exceed $30,000.

D. CRHS Homecoming Parade and Scarecrow Fest Road Closure Rescheduled

7. PUBLIC HEARING

A. Consideration of Ordinance 26-O-11 amending Chapter 11, Licenses and Business Regulations of the Code of Ordinances to create a new Article V, Waterway Rental Vessel Vendor Safety, establish a local permitting and safety program for livery vessel rental vendors and operators, and providing for amendments to Section 11, hold a public hearing on October 12, 2026, at 5:30 p.m, and if approved, authorize the Mayor to execute the Ordinance.
AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA; AMENDING CHAPTER 11, LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL RIVER TO CREATE A NEW ARTICLE V, WATERWAY RENTAL VESSEL VENDOR SAFETY, ESTABLISHING A LOCAL PERMITTING AND SAFETY PROGRAM FOR LIVERY VESSEL RENTAL VENDORS AND OPERATORS; MAKING FINDINGS OF FACT; PROVIDING FOR A CONFORMING AMENDMENT TO SECTION 11-2; ADOPTING A REVISED CHAPTER 11 AS EXHIBIT A; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR THE ESTABLISHMENT OF FEES BY RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

B. Consideration of Ordinance No. 26-O-12 Amending Chapter 12, "Offenses and Miscellaneous Provisions" of the Code of Ordinances, by Amending Section 12-10, Same- "Certain Acts Prohibited", Prohibiting the Use of Jake Brakes, Defining the Term, Providing for Signage, hold a Public Hearing for October 12, 2026, at 5:30 p.m, and if approved, authorize the Mayor to sign the Ordinance.
AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING CHAPTER 12, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF

ORDINANCES OF THE CITY OF CRYSTAL RIVER, BY AMENDING SECTION 12-10, SAME—CERTAIN ACTS PROHIBITED, TO PROHIBIT THE USE OF JAKE BRAKES WITHIN THE CORPORATE LIMITS OF THE CITY AND TO DEFINE THE TERM "JAKE BRAKE"; PROVIDING FOR SIGNAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

8. INTRODUCTION AND FIRST READING OF ORDINANCES

9. CITY ATTORNEY

10. CITY MANAGER

A. Motion to approve the "State Lobbying Services Agreement" with The Southern Group in the amount of $50,000.00

B. Motion to award a contract to Purvis, Gray and Company for Professional Independent Auditing Services for a three-year contract with the option of an additional two-year renewal, with the initial fiscal year ending September 30, 2026, at a cost of $50,500.

11. CITY COUNCIL

A. Motion to approve the Crystal River City Council meeting schedule for calendar year 2027

B. Consideration of Engagement Letter with Tom Ankersen for Crystal River Boating and Waterway Legal, Policy, and Strategic Advisory Services

C. Betz Farm Attorney - hiring outside council - T/M

12. COUNCIL MEMBER AND COMMITTEE REPORTS

A. Mayor Meek
B. Vice Mayor Ensing
C. Council member Satchell
D. Council member Hastings
E. Council member Holmes

13. PUBLIC INPUT

(Five Minute Time Limit)

14. ADJOURNMENT

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 3.A.**

Requested Motion: Amendment Three Presentation

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 6.A.**

Requested Motion: Motion to approve minutes of the City Council meeting held September 28, 2026

ATTACHMENTS:
Description
Minutes 09.28.26 MF.docx
20261006131508992.pdf

Minutes
Crystal River City Council
Regular Council Meeting
Monday, September 28, 2026 5:30 p.m.
Citrus County Welcome Center

1. CALL TO ORDER

Vice Mayor Ensing called the meeting to order at 5:30 p.m.

Council members present: Vice Mayor Chris Ensing, Council member Mindi Hastings, Council member Robert Holmes, Council member Gabrielle Satchell

Council members absent: Mayor Joe Meek

Staff present: City Manager Audra Curts, City Attorney Rob Batsel, City Clerk Mia Fink, Finance Director Michelle Russell-Maynard, Assistant Finance Director Cindy Marihugh, Assistant City Manager/Public Works Director Troy Slattery, Growth Management Director Carly Hanson, Human Resources Director Mary Helprin, Visitors Services Director Andrea Hullstrung, Community Engagement Director Madeline Scarborough

Council member Holmes led the invocation, and Vice Mayor Ensing led the Pledge of Allegiance.

2. ADOPTION OF AGENDA

Vice Mayor Ensing called for the agenda to be amended, placing item 11A as first order of business. Council member Holmes opposed the suggested agenda amendment.

Motion to adopt the agenda was made by Council member Hastings; seconded by Council member Holmes. Motion carried 4-0.

3. PRESENTATIONS

4. UNFINISHED BUSINESS

A. Discussion on Council member inquiry regarding increased deductibles for property and casualty insurance
City Manager Curts presented a summary of claims history for past five years *(Property and APD Losses-Excluding Named Storms).*

5. PUBLIC INPUT

Edna Bachman- Crystal River Village- Discussed Legacy Development project and previous code enforcement case, noting flooding issues.

Ed Lucasik- Spoke in opposition of Betz Farm development, noting density and stormwater concerns.

Anthony Oyo- Discussed sand mine project and environmental impacts.

Gail Kostelnick- Crystal River- Discussed Amendment 3 and potential financial impacts.

Tammy Fields- Discussed concerns related to capacity, impacts on recreation and environmental impacts, and noted potential funding and regulatory constraints (Manatee Protection Act).

Robin Orlandi- Spoke in opposition of Betz Farm development, noting BMAP and potential environmental impacts.

Timothy Gilbert- Discussed Betz Farm development application and prior PDC vote, noting potential impacts to stormwater and other infrastructure.

6. APPROVAL OF CONSENT AGENDA

A. Motion to approve minutes of the City Council meeting held September 14, 2026

B. Monthly Departmental Report Summary for the month of August

C. Motion to approve the setting of a workshop pertaining to the Riverwalk Project to be held Wednesday, October 28, 2026 at 1:00 p.m.

D. Motion to approve the setting of a workshop with presentation by Monarch regarding City Hall design to be held Thursday, November 12, 2026 at 1:00 p.m.

E. Motion to approve modifications to the Human Resources Policy Manual dated October 1st, 2026

Motion to approve the consent agenda was made by Council member Satchell; seconded by Council member Holmes. Motion carried 4-0.

7. PUBLIC HEARING

A. Motion to adopt Resolution No. 26-R-17 setting the Final T.R.I.M. rate at 6.59 mills for FY2026/2027 on Final Public Hearing for Adoption of the Final Millage Rate for September 28, 2026, at 5:31 p.m.

Staff Presentation: Finance Director Michelle Russell-Maynard presented to Council.

Public Hearing:
No one spoke for or against the resolution.

Motion to adopt Resolution No. 26-R-17 setting the Final T.R.I.M. rate at 6.59 mills for FY2026/2027 on Final Public Hearing for Adoption of the Final Millage Rate for September 28, 2026, at 5:31 p.m. was made by Council member Holmes; seconded by Council member Hastings. Motion carried 4-0.

B. Motion to adopt Resolution No. 26-R-18 Adopting the Final Budget for FY2026/2027 on Final Public Hearing for Adoption of the Final FY2026/2027 Budget for September 28, 2026 at 5:31 p.m.

Staff Presentation: Finance Director Michelle Russell-Maynard presented to Council.

Public Hearing:
No one spoke for or against the resolution.

Motion to adopt Resolution No. 26-R-17 setting the Final T.R.I.M. rate at 6.59 mills for FY2026/2027 on Final Public Hearing for Adoption of the Final Millage Rate for September 28,

2026, at 5:31 p.m. was made by Council member Satchell; seconded by Council member Hastings. Motion carried 4-0.

C. Motion to adopt Resolution No. 26-R-19 Adopting the Final Budget for the Community Redevelopment Agency for FY2026/2027 on Final Public Hearing for Adoption of the Final CRA Budget for FY2026/2027 for September 28,2026 at 5:31 p.m.

Staff Presentation: Finance Director Michelle Russell-Maynard presented to Council.

Public Hearing:
No one spoke for or against the resolution.

Motion to adopt Resolution No. 26-R-19 Adopting the Final Budget for the Community Redevelopment Agency for FY2026/2027 on Final Public Hearing for Adoption of the Final CRA Budget for FY2026/2027 for September 28,2026 at 5:31 p.m. was made by Council member Hastings; seconded by Council member Satchell. Motion carried 4-0.

8. INTRODUCTION AND FIRST READING OF ORDINANCES

A. Introduction and First Reading of Ordinance No. 26-O-12 Amending Chapter 12, "Offenses and Miscellaneous Provisions" of the Code of Ordinances, by Amending Section 12-10, Same- "Certain Acts Prohibited", Prohibiting the Use of Jake Brakes, Defining the Term, Providing for Signage and setting a Public Hearing for October 10, 2026 at 5:30 p.m.

City Clerk Fink read the ordinance by title only.

B. Introduction of Ordinance 26-O-11 amending Chapter 11, Licenses and Business Regulations of the Code of Ordinances to create a new Article V, Waterway Rental Vessel Vendor Safety, establish a local permitting and safety program for livery vessel rental vendors and operators, and providing for amendments to Section 11, and set a public hearing on October 12, 2026, at 5:30 p.m.

City Clerk Fink read the ordinance by title only and Growth Management Director Carly Hanson presented the proposed ordinance. Council discussion was held regarding consistency with FWC requirements, annual safety meeting and next steps. City Attorney Batsel provided clarification and confirmed language would be struck as requested (annual safety meeting).

9. CITY ATTORNEY

A. Motion to approve "First Amendment to Settlement Agreement" between 579 CRYSTAL RIVER LP and the City of Crystal River

City Attorney Batsel provided an overview of the draft agreement and addressed questions regarding timelines and provisions.

Motion to approve "First Amendment to Settlement Agreement" between 579 CRYSTAL RIVER LP and the City of Crystal River was made by Council member Holmes; seconded by Council member Satchell.

Council discussion was held regarding provisions of the agreement, including HVAC completion for certain portion.

Motion carried 4-0.

B. Motion to approve "Second Amendment to Riparian Rights Agreement" between One Oak Kings Bay, LLC and the City of Crystal River as necessary to proceed with Phase II of the Kings Bay Riverwalk Project

City Attorney Batsel provided a detailed overview of the item and addressed questions regarding private dock improvements.

Motion to approve "Second Amendment to Riparian Rights Agreement" between One Oak Kings Bay, LLC and the City of Crystal River as necessary to proceed with Phase II of the Kings Bay Riverwalk Project was made by Council member Hastings; seconded by Council member Satchell. Motion carried 4-0.

City Attorney Batsel also addressed questions regarding property previously owned by Pete's Pier Dockside, Inc.

10. CITY MANAGER

A. Motion to authorize staff to accept Change Order No. 1 for Bid No. 25-B-05 "Stormwater Drainage Clearing Areas" to replace deteriorated galvanize corrugated pipe under the Take 5 Oil Change driveway. This Section will be replaced with C900 PVC in cased in flowable fill, and the section of deteriorated galvanize corrugated pipe that's under the green area will be CIPP lined at a total cost of $136,585.00

Assistant City Manager/Public Works Director Troy Slattery presented the item.

Motion to authorize staff to accept Change Order No. 1 for Bid No. 25-B-05 "Stormwater Drainage Clearing Areas" to replace deteriorated galvanize corrugated pipe under the Take 5 Oil Change driveway. This Section will be replaced with C900 PVC in cased in flowable fill, and the section of deteriorated galvanize corrugated pipe that's under the green area will be CIPP lined at a total cost of $136,585.00 was made by Council member Holmes; seconded by Council member Hastings. Motion carried 4-0.

B. Motion to authorize staff to accept Southern Site & Power Construction proposal in the amount of $38,500.00 to install new water and sewer infrastructure to service four (4) residential homes where no existing water or sewer lines are currently available.

Assistant City Manager/Public Works Director Troy Slattery presented the item.

Vice Mayor Ensing formally recused himself from voting *(Form 8B attached).*

Motion to authorize staff to accept Southern Site & Power Construction proposal in the amount of $38,500.00 to install new water and sewer infrastructure to service four (4) residential homes where no existing water or sewer lines are currently available was made by Council member Hastings; seconded by Council member Holmes. Motion carried 3-0.

C. Motion to authorize the Mayor to execute the Commitment Letter for the Flood Mitigation Assistance (FMA) Program grant project

Erin Capps, Vice President and National Emergency Management Market Director of Atkins Realis presented to Council *(attached under agenda item 10C)*. City Manager Curts discussed alternative options for program implementation. Council member Hastings inquired about partial funding.

D. City Manager Update on Various Projects and Initiatives

City Manager Curts provided an update on items including Trooper Smith Memorial event, resident pass program, Crystal River Mall property, 21 capital projects, Copeland Park pavilion, City Hall (upcoming workshop), Hunter Springs Park tree removal, secondary well project\, Three Sisters Springs Refuge renovations, Creative Playground public input sessions, derelict vessel removal during Save Our Waters Week by CCSO, FWC, WM and community partners, Crystal River Fire Department Open House and status of mooring field research project.

11. CITY COUNCIL

A. "Betz Farm" Discussion

Council member Hastings introduced the item and discussed purpose of the request, noting need for preparation for impacts related to the project. Council discussion was held on need for further research, regarding need for preparation for public discussion on the matter, project details, previous County PDC votes and transportation impacts. Growth Management Director Carly Hanson addressed questions regarding preparation and ongoing communications with County staff.

City Manager Curts introduced new West Side Commander Lieutenant Ray Fischer, who provided background information on his history with CCSO.

12. COUNCIL MEMBER AND COMMITTEE REPORTS

A. Mayor Meek

B. Vice Mayor Ensing discussed derelict vessel removal during Save Our Waters Week by CCSO, FWC, WM and community partners.

C. Council member Satchell discussed Amendment 3 and related FLC information distributed, requesting a Council presentation.

D. Council member Hastings provided an update on Kings Bay Focus Group activities, noting topics of discussion including capacity study and related funding, previous efforts to address issues on the bay, pilot program and customer pick-up program at Kings Bay Park.

E. Council member Holmes confirmed CCCCF meeting and by-laws update upcoming.

13. PUBLIC INPUT

Curtiss Bryant-Discussed details related to Betz Farm development application, noting County contract status, expressed concerns regarding potential impact and requested the City send a letter of opposition to the BOCC.

Tracy Duncan- Spoke in opposition of Betz Farm development.

Tammy Fields- Spoke in opposition of Betz Farm development , noting concerns regarding potential impacts (environmental traffic, stormwater, water and sewer).

Marina Weiler-Crystal River- Spoke in opposition of Betz Farm development, suggesting decreased density of nature preserve designation.

Dylan Ayala- Crystal River- Discussed item 9B, noting redundancy in draft ordinance, and discussed previous use of Kings Bay Park for customer drop-off and pick-up.

Robin Orlandi- Spoke in opposition of Betz Farm development, noting concerns regarding potential impacts (stormwater, environmental) and discussed land-based recreational opportunities and history of property.

Maxine Connor-Spoke in opposition of Betz Farm development, noting concerns regarding stormwater.

Gail Kostelnick- Crystal River- Noted Betz Farm discussion and inquired about potential impacts of Amendment 3.

Joshua Smith- Discussed item 8B, proposed Ordinance No. 26-O-1, inquiring about safety procedures, and related costs to small businesses. He also expressed concerns regarding Betz Farm development (overcrowding and environmental impact).

14. ADJOURNMENT Mayor Meek adjourned the meeting at 8:44 P.M.

FORM 8B MEMORANDUM OF VOTING CONFLICT FOR COUNTY, MUNICIPAL, AND OTHER LOCAL PUBLIC OFFICERS

LAST NAME—FIRST NAME—MIDDLE NAME	NAME OF BOARD, COUNCIL, COMMISSION, AUTHORITY, OR COMMITTEE
ENSING, CHRISTOPHER, ALLEN	CRYSTAL RIVER CITY COUNCIL
MAILING ADDRESS P.O. Box 995	THE BOARD, COUNCIL, COMMISSION, AUTHORITY OR COMMITTEE ON WHICH I SERVE IS A UNIT OF: ☒ CITY ☐ COUNTY ☐ OTHER LOCAL AGENCY
CITY COUNTY CRYSTAL RIVER FL 34428	NAME OF POLITICAL SUBDIVISION: CITY OF CRYSTAL RIVER
DATE ON WHICH VOTE OCCURRED 09/28/26	MY POSITION IS: ☒ ELECTIVE ☐ APPOINTIVE

WHO MUST FILE FORM 8B

This form is for use by any person serving at the county, city, or other local level of government on an appointed or elected board, council, commission, authority, or committee. It applies to members of advisory and non-advisory bodies who are presented with a voting conflict of interest under Section 112.3143, Florida Statutes.

Your responsibilities under the law when faced with voting on a measure in which you have a conflict of interest will vary greatly depending on whether you hold an elective or appointive position. For this reason, please pay close attention to the instructions on this form before completing and filing the form.

INSTRUCTIONS FOR COMPLIANCE WITH SECTION 112.3143, FLORIDA STATUTES

A person holding elective or appointive county, municipal, or other local public office MUST ABSTAIN from voting on a measure which would inure to his or her special private gain or loss. Each elected or appointed local officer also MUST ABSTAIN from knowingly voting on a measure which would inure to the special gain or loss of a principal (other than a government agency) by whom he or she is retained (including the parent, subsidiary, or sibling organization of a principal by which he or she is retained); to the special private gain or loss of a relative; or to the special private gain or loss of a business associate. Commissioners of community redevelopment agencies (CRAs) under Sec. 163.356 or 163.357, F.S., and officers of independent special tax districts elected on a one-acre, one-vote basis are not prohibited from voting in that capacity.

For purposes of this law, a "relative" includes only the officer's father, mother, son, daughter, husband, wife, brother, sister, father-in-law, mother-in-law, son-in-law, and daughter-in-law. A "business associate" means any person or entity engaged in or carrying on a business enterprise with the officer as a partner, joint venturer, coowner of property, or corporate shareholder (where the shares of the corporation are not listed on any national or regional stock exchange).

* * * * * * * * * * * * * * * * *

ELECTED OFFICERS:

In addition to abstaining from voting in the situations described above, you must disclose the conflict:

PRIOR TO THE VOTE BEING TAKEN by publicly stating to the assembly the nature of your interest in the measure on which you are abstaining from voting; *and*

WITHIN 15 DAYS AFTER THE VOTE OCCURS by completing and filing this form with the person responsible for recording the minutes of the meeting, who should incorporate the form in the minutes.

* * * * * * * * * * * * * * * * *

APPOINTED OFFICERS:

Although you must abstain from voting in the situations described above, you are not prohibited by Section 112.3143 from otherwise participating in these matters. However, you must disclose the nature of the conflict before making any attempt to influence the decision, whether orally or in writing and whether made by you or at your direction.

IF YOU INTEND TO MAKE ANY ATTEMPT TO INFLUENCE THE DECISION PRIOR TO THE MEETING AT WHICH THE VOTE WILL BE TAKEN:

- You must complete and file this form (before making any attempt to influence the decision) with the person responsible for recording the minutes of the meeting, who will incorporate the form in the minutes. (Continued on page 2)

APPOINTED OFFICERS (continued)

- A copy of the form must be provided immediately to the other members of the agency.
- The form must be read publicly at the next meeting after the form is filed.

IF YOU MAKE NO ATTEMPT TO INFLUENCE THE DECISION EXCEPT BY DISCUSSION AT THE MEETING:

- You must disclose orally the nature of your conflict in the measure before participating.
- You must complete the form and file it within 15 days after the vote occurs with the person responsible for recording the minutes of the meeting, who must incorporate the form in the minutes. A copy of the form must be provided immediately to the other members of the agency, and the form must be read publicly at the next meeting after the form is filed.

DISCLOSURE OF LOCAL OFFICER'S INTEREST

I, CHRIS ENSING, hereby disclose that on 9/28/26, 20 26

(a) A measure came or will come before my agency which (check one or more)

✓ inured to my special private gain or loss;

___ inured to the special gain or loss of my business associate, _____ ;

___ inured to the special gain or loss of my relative, _____ ;

___ inured to the special gain or loss of _____, by whom I am retained; or

___ inured to the special gain or loss of _____, which is the parent subsidiary, or sibling organization or subsidiary of a principal which has retained me.

(b) The measure before my agency and the nature of my conflicting interest in the measure is as follows:

If disclosure of specific information would violate confidentiality or privilege pursuant to law or rules governing attorneys, a public officer, who is also an attorney, may comply with the disclosure requirements of this section by disclosing the nature of the interest in such a way as to provide the public with notice of the conflict.

09/28/26
Date Filed

Signature

NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES §112.317, A FAILURE TO MAKE ANY REQUIRED DISCLOSURE CONSTITUTES GROUNDS FOR AND MAY BE PUNISHED BY ONE OR MORE OF THE FOLLOWING: IMPEACHMENT, REMOVAL OR SUSPENSION FROM OFFICE OR EMPLOYMENT, DEMOTION, REDUCTION IN SALARY, REPRIMAND, OR A CIVIL PENALTY NOT TO EXCEED $10,000.

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 6.B.**

Requested Motion:

Motion to approve modification to the wage range exhibit included in the Human Resources Policy Manual dated October 1st, 2026

Summary:

Staff is presenting a revision to the wage range exhibit of the Human Resources Policy Manual, effective October 1, 2026. The budgeted Fire Department Administrative Assistant position was inadvertently omitted from the exhibit presented to Council on September 28, 2026. The proposed revision corrects this oversight by adding the position to the exhibit.

Staff Recommendation:
Motion to approve modification to the wage range exhibit included in the Human Resources Policy Manual dated October 1st, 2026

ATTACHMENTS:
Description
Document Revision.pdf
Wage Range Exhibit.pdf

City of Crystal River Human Resources Manual Document Revision

Version	Date	Revised By	Description of Changes
1.0	10/1/2023	Mary Helprin	Initial version
1.1	11/1/2023	Mary Helprin	Updated Employment Policy – page 12
1.2	5/1/2025	Mary Helprin	Exhibit A
1.3	10/1/2025	Mary Helprin	Artificial Intelligence Policy– Article 5
1.4	1/26/2026	Mary Helprin	Update Network and Cell Phone Policies - page 19
1.5	1/26/2026	Mary Helprin	Update Discipline Policy – Article 11
1.6	1/26/2026	Mary Helprin	Clarification of Holidays and Holiday Pay – page 46
1.7	1/26/2026	Mary Helprin	Add Vehicle/Equipment/Boat Policy – Article 6
1.8	10/1/2026	Mary Helprin	Update Drug and Alcohol Policy
1.9	10/1/2026	Mary Helprin	Update Organization Chart and Wage Range Document
2.0	10/6/2026	Mary Helprin	Update Wage Range Exhibit adding Fire Department Administrative Assistant

Note: This revision page is intended to provide a summary of changes made to the Human Resources Policy Manual. For detailed information about specific policy revisions, please refer to the corresponding sections in the manual or exhibits.

EXHIBIT A

WAGE RANGE

ADMINISTRATION		PAY RANGE	
JOB TITLE	**JOB CLASSIFICATION**	**MINIMUM**	**MAXIMUM**
CITY MANAGER	OFFICIAL/ADMINISTRATIVE	$ 100,000.00	$ 140,000.00
CITY CLERK	OFFICIAL/ADMINISTRATIVE	$ 65,000.00	$ 90,000.00
DEPUTY CITY CLERK/EXECUTIVE ADMIN	ADMINISTRATIVE SUPPORT	$ 45,000.00	$ 70,000.00
COMMUNITY ENGAGEMENT DIRECTOR/PIO	OFFICIAL/ADMINISTRATIVE	$ 55,000.00	$ 80,000.00
HUMAN RESOURCES DIRECTOR	OFFICIAL/ADMINISTRATIVE	$ 55,000.00	$ 80,000.00
THREE SISTERS VISITORS CENTER		**PAY RANGE**	
JOB TITLE	**JOB CLASSIFICATION**	**MINIMUM**	**MAXIMUM**
DIRECTOR OF VISITORS SERVICES	OFFICIAL/ADMINISTRATIVE	$ 65,000.00	$ 90,000.00
VISITOR EXPERIENCE SPECIALIST LEAD	ADMINISTRATIVE SUPPORT	$ 15.14	$ 22.36
VISITOR EXPERIENCE SPECIALIST - PT ANNUAL	ADMINISTRATIVE SUPPORT	$ 15.14	$ 22.36
VISITOR EXPERIENCE SPECIALIST - SEASONAL	ADMINISTRATIVE SUPPORT	$ 15.14	$ 22.36
TROLLEY DRIVER - PT	SERVICE/MAINTENANCE	$ 15.14	$ 22.36
PARKING ATTENDANT - SEASONAL	SERVICE/MAINTENANCE	$ 15.14	$ 22.36
PUBLIC WORKS		**PAY RANGE**	
	JOB CLASSIFICATION	**MINIMUM**	**MAXIMUM**
PUBLIC WORKS DIRECTOR/ASST CITY	OFFICIAL/ADMINITRATIVE	$ 85,000.00	$ 125,000.00
ASSISTANT PUBLIC WORKS DIRECTOR	OFFICIAL/ADMINITRATIVE	$ 65,000.00	$ 90,000.00
PUBLIC WORKS EXCUTIVE ADMIN ASSISTANT	ADMINISTRATIVE SUPPORT	$ 45,000.00	$ 70,000.00
PUBLIC WORKS SUPERINTENDENT	FIRST/MID OFFS/MGRS	$ 47,500.00	$ 72,500.00
TRADES WORKER	SKILLED CRAFT WORKER	$ 19.95	$ 29.57
MECHANIC	SKILLED CRAFT WORKER	$ 18.03	$ 27.64
HEAVY EQUIPMENT OPERATOR	SKILLED CRAFT WORKER	$ 18.03	$ 27.64
EQUIPMENT OPERATOR	SKILLED CRAFT WORKER	$ 16.83	$ 26.44
MAINTENANCE WORKER I/GROUNDSWORKER	SERVICE/MAINTENANCE	$ 15.14	$ 22.36
MAINTENANCE WORKER II	SERVICE/MAINTENANCE	$ 16.11	$ 23.32
PARK RANGER - PT LEAD	SERVICE/MAINTENANCE	$ 16.11	$ 23.32
PARK RANGER - PT	SERVICE/MAINTENANCE	$ 15.14	$ 22.36

EXHIBIT A

WAGE RANGE

		PAY RANGE	
JOB TITLE	**JOB CLASSIFICATION**	**MINIMUM**	**MAXIMUM**
GROWTH MANAGEMENT DIRECTOR	OFFICIAL/ADMINISTRATIVE	$ 85,000.00	$ 125,000.00
ASSISTANT GROWTH MANAGEMENT DIRECTOR	OFFICIAL/ADMINISTRATIVE	$ 65,000.00	$ 90,000.00
ASSOCIATE PLANNER	PROFESSIONALS	$ 47,500.00	$ 72,500.00
GROWTH MANAGEMENT ADMINISTRATOR	ADMINISTRATIVE SUPPORT	$ 18.03	$ 27.64
PERMIT TECHNICIAN	ADMINISTRATIVE SUPPORT	$ 16.83	$ 26.44
CODE ENFORCEMENT OFFICER	ADMINISTRATIVE SUPPORT	$ 19.23	$ 28.85
CODE ENFORCEMENT OFFICER PT	ADMINISTRATIVE SUPPORT	$ 19.23	$ 28.85

BUDGET AND FINANCE		**PAY RANGE**	
JOB TITLE	**JOB CLASSIFICATION**	**MINIMUM**	**MAXIMUM**
BUDGET AND FINANCE DIRECTOR	OFFICIAL/ADMINISTRATIVE	$ 85,000.00	$ 125,000.00
ASSISTANT BUDGET AND FINANCE DIRECTOR	OFFICIAL/ADMINISTRATIVE	$ 65,000.00	$ 90,000.00
SENIOR ACCOUNTANT	PROFESSIONALS	$ 50,000.00	$ 75,000.00
CUSTOMER SERVICE/ACCOUNTS PAYABLE CLERK	ADMINISTRATIVE SUPPORT	$ 16.83	$ 26.44
UTILITY BILLING CLERK	ADMINISTRATIVE SUPPORT	$ 18.03	$ 27.64
UTILITY BILLING CUSTOMER SERVICE	ADMINISTRATIVE SUPPORT	$ 16.83	$ 26.44

FIRE		**PAY RANGE**	
JOB TITLE	**JOB CLASSIFICATION**	**MINIMUM**	**MAXIMUM**
FIRE CHIEF	OFFICIAL/ADMINISTRATIVE	$ 85,000.00	$ 125,000.00
FIRE INSPECTOR	SERVICE WORKERS/TECHNICIAN	$ 19.23	$ 28.85
FIREFIGHTER/EMT	SERVICE WORKERS/TECHNICIAN	$ 50,000.00	$ 70,000.00
FIREFIGHTER/EMT - PT	SERVICE WORKERS/TECHNICIAN	$ 16.52	$ 23.12
FIREFIGHTER - VOLUNTEER	SERVICE WORKERS	Based on Stipends	Based on Stipends
FIRE DEPARTMENT ADMINISTRATIVE ASSISTANT	ADMINISTRATIVE SUPPORT	$ 16.83	$ 26.44

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 6.C.**

Requested Motion:

Motion to adopt Resolution No. 27-R-01, to reassign the Fire Chief's current command vehicle, a 2022 Ford F-250, as a replacement Brush Truck, approve the purchase of a 2017 Ford Explorer to utilize as the new Fire Chief command vehicle and purchase and installation of a skid unit for the existing 2022 Ford F-250 to be used as the replacement brush truck for the total amount not to exceed $30,000.

Summary:

On September 18th, CRFD Brush 1, a 2011 Ford F-550, responded to a brush fire when the vehicle experienced a brake failure, followed by a loss of steering. Fortunately, the driver was able to safely maneuver the truck into the grass median. Once in the median, the truck stalled and was unable to restart. GS Towing subsequently towed the vehicle to the local Ford dealership for diagnosis and repair.

Since the incident, the Fire Chief has been in communication with the dealership's service manager regarding the truck's condition. He was recently advised that the engine is seized, most likely because of an oil pump failure. The truck did have oil in the engine, and it had been serviced by Public Works prior to the incident.

Upon review of the Fire Department Renewal & Replacement schedule, Brush 1 was scheduled for replacement in 2026, with an allocated budget of approximately $150,000.

Preliminary figures provided for engine replacement indicate the repair could cost up to $20,000. Given the age of the vehicle, its recent brake and steering failures, the seized engine, and the fact that it was already scheduled for replacement this year, Management does not believe investing a significant amount of money into an engine replacement would be the most practical use of those funds.

Additionally, repairing the engine would address only the current engine failure and would not eliminate the concerns associated with continuing to operate a 15-year-old emergency response vehicle. Considering the truck's age, overall condition, recent mechanical failures, and planned replacement schedule, Management believes moving forward with the replacement process would provide a more reliable and fiscally responsible solution for the Fire Department.

Management has proposed the idea of reassigning the 2022 Ford F-250 as the replacement Brush Truck and purchasing a pre-owned 2017 Ford Explorer for the Fire Chief command vehicle for the cost of

$9,995. Converting the 2022 Ford F-250 into a brush truck will require the purchase and installation of a skid unit. Current quotes received range from approximately $12,000 to $24,363, depending on the unit and configuration. The $30,000 represents a worse-case scenario, and it is anticipated that the final cost will be below that amount as the Department continues to search for a suitable pre-owed skid unit; this cost also includes any graphics needed.

Funding for the purchase of the pre-owned vehicle and any associated costs to convert the 2022 Ford F-250 as a replacement Brush Truck not to exceed $30,000 will come from Fire Department Renewal & Replacement. The Department will also list the 2011 Ford F-550 on GovDeals; any proceeds received from the sale will be placed back into the Fire R&R account.

This approach will allow the Fire Department to replace the capabilities of the aging brush truck while also addressing the need for a command vehicle, all while utilizing existing budgeted funds and avoiding the cost of purchasing a new emergency vehicle.

Staff Recommendation:

Adoption of Resolution No. 27-R-01, reassignment of the Fire Chief's current command vehicle, a 2022 Ford F-250, as a replacement Brush Truck, approval of the purchase of a 2017 Ford Explorer to utilize as the new Fire Chief command vehicle and purchase and installation of a skid unit for the existing 2022 Ford F-250 to be used as the replacement brush truck for the total amount not to exceed $30,000.

Project Cost:
$ 30,000 (not to exceed)

Funding Source:
001-00000-10163-0FIRE (Fire Department - Renewal & Replacement)

Amount Available:
$ 265,298.57

ATTACHMENTS:
Description
brush truck memo.pdf
2017 Ford Explorer for sale in Thonotosassa, FL - Copcarsonline.pdf
Res 27-R-01 Fire Truck Purch-Reallocation 10-12-2026.doc
BA #24424 R&R Transfer Fire Vehicle Reassignment 10-12-2026.pdf

Crystal River Fire Department
650 NW 3rd Avenue
Crystal River, Florida 34428
www.crystalriverfl.org
Chief of Department, Frank L. Melillo MAS.

Protecting the City of Crystal River Since 1915

MEMORANDUM

To: City Council
From: Chief Frank Melillo
Subject: Request for Funding – Brush Truck Replacement and Skid Unit Conversion
Date: October 7, 2026

Purpose

I am requesting authorization to utilize funds previously budgeted for the replacement of the Department's 2011 brush truck to purchase a pre-owned command vehicle and a skid unit for the Department's existing 2022 Ford F-250.

This approach will allow the Department to replace the capabilities of the aging brush truck while also addressing the need for a command vehicle, all while utilizing existing budgeted funds and avoiding the cost of purchasing a new emergency vehicle.

Background

The Department had planned to replace the 2011 brush truck as part of the 2026 vehicle replacement schedule. However, at the time, I made the decision not to replace the vehicle to preserve those funds for future vehicle replacement needs, as costs for Fire Engines are rising.

Unfortunately, the 2011 brush truck subsequently experienced a catastrophic engine failure. With the vehicle being approximately 15 years old, I did not believe it was fiscally responsible to spend approximately $22,000 on an engine replacement for an aging emergency vehicle.

Rather than investing a significant amount of money into a 15-year-old vehicle, I am proposing a solution that makes better use of the Department's existing resources.

Proposed Solution

The Department proposes to:

1. Purchase a pre-owned command vehicle for less than $10,000.
2. Utilize the existing 2022 Ford F-250, currently assigned as the Chief's vehicle, and convert it into a brush truck through the installation of a skid unit.
3. Reallocate the 2022 Ford F-250 to serve as the replacement brush truck.
4. Use the funds originally budgeted for the replacement of the 2011 brush truck to accomplish these purchases.

Crystal River Fire Department
650 NW 3rd Avenue
Crystal River, Florida 34428
www.crystalriverfl.org
Chief Frank Melillo

Protecting the City of Crystal River Since 1915

The quotes I have received to date range from approximately $12,000 to $24,363, depending on the unit and configuration.

Based on the quotes currently being received, I am requesting an amount not to exceed $30,000 for the combined purchase of the pre-owned command vehicle and the skid unit conversion.

The $30,000 figure represents a worst-case scenario, and I anticipate the actual final cost will be below that amount as I continue to search for a suitable pre-owned skid unit.

Fiscal Impact / Cost Savings

This proposal allows the Department to address two vehicle needs without purchasing a new brush truck or making an expensive repair to the existing 2011 vehicle.

Most importantly, this approach is expected to save the City more than $100,000 compared with purchasing a new replacement brush truck.

The Department can accomplish this by:

- Utilizing funds that were already budgeted for vehicle replacement.
- Purchasing a pre-owned command vehicle for less than $10,000.
- Reusing the City's existing 2022 Ford F-250 rather than purchasing another vehicle.
- Installing a skid unit on an existing, relatively new vehicle.
- Avoiding approximately $22,000 in repairs to the 15-year-old brush truck.
- Continuing to preserve funds for future emergency vehicle replacements.

Recommendation

I recommend that the City Council authorize the use of up to $30,000 of the funds previously budgeted for the 2026 brush truck replacement for the purchase of a pre-owned command vehicle and the acquisition and installation of a skid unit on the Department's 2022 Ford F-250. This solution provides the Department with the necessary emergency response capabilities while demonstrating responsible stewardship of public funds. By utilizing existing equipment and reallocating previously budgeted funds, the Department can meet its operational needs while avoiding the substantially higher cost of purchasing a new replacement brush truck.

Requested amount: Not to exceed $30,000, Estimated savings: More than $100,000.

Respectfully,

Chief Frank Melillo

(727) 513-5840 11801 Elyssa RD | Thonotosassa, FL 33592

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2017 Ford Explorer

Police Interceptor Utility SUV

Open Now 10:00 am - 5:00 pm

SHARE:

(727) 513-5840 Message Us







2017 Ford Explorer

Police Interceptor Utility SUV

Price

$9,995

92,285 miles

View Price Breakdown

Vehicle Info

Condition	Used
Engine	3.7L V6 Gasoline 304hp
Drivetrain	All Wheel Drive
Trim	Police Interceptor Utility
Generation	5th (2011 - 2019)
Max Seating	5
Crash Test Rating	★★★★★
Fuel	Gasoline
Exterior Color	White
Interior Color	Charcoal Black

Description

PRICED RIGHT! And a great looking unit!

Just in and ready to go is a fully equipped 2017 Ford Explorer Police Interceptor Utility AWD - the ultimate choice for law enforcement professionals! This rugged and reliable SUV is designed to tackle any terrain and handle any situation, making it the perfect vehicle for patrolling the streets and keeping communities safe.

Equipped with a powerful 3.7 V6 engine

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Features

Air Conditioning

- Air filtration
- Front air conditioning
- Front air conditioning zones - single

Airbags

Quick Connect

Ask About Specials

Request Price Drop Alert

Make an Offer

First Name * Last Name *

Email * Phone

Do you have a trade-in?

Could you provide more information about this 2017 Ford Explorer?

Send Message

By clicking "Send Message", I consent to be contacted by Copcarsonline and Carsforsale.com at any email address or telephone number I provide, including, without limitation, communications sent via text message to my cell phone or communications sent using an autodialer or prerecorded message.

Dealership Info

Copca

Hi! Anything I can help with today?

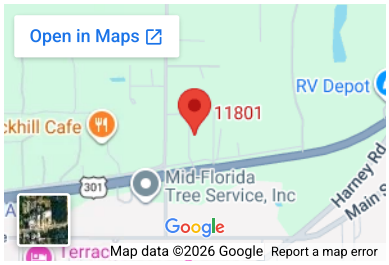
Stock#	92
VIN	1FM5K8AR5HGA35868
Seating Rows	2
Vehicle Type	SUV
Size	Large
MPG / Max Range	16 City - 23 Hwy / 427 mi

- Airbag deactivation - occupant sensing passenger
- Front airbags - dual
- Side airbags - front

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11801 Elyssa RD
Thonotosassa FL, 33592

Open Now 10:00 am - 5:00 pm



(727) 513-5840

Schedule Test Drive

Fuel Economy

City 16 Hwy 23

Engine

3.7L V6 Gasoline 304hp

- Bore: 3.76
- Compression: 10.5
- Displacement: 3.7
- Stroke: 3.4
- Cylinders: 6
- Max HP: 304
- Max HP At: 6500
- Max Torque: 279
- Max Torque At: 4000
- Valves: 24
- Aspiration Code: N/A
- Aspiration Description: Naturally Aspirated
- Block Type Code: V
- Block Type Description: Two Banks Of Cylinders, Opposing
- Cam Type: DOHC

Show More

Installed Optional Features

Total Cost
$7,100

- **Remote Keyless Entry Key Fob** (Factory Code: 595) - Invoice: **$248**
- **Enhanced Power Transfer Unit Cooler** (Factory Code: 52B) - Invoice: **$2,779**
- **100 Watt Siren / Speaker** (Factory Code: 18X) - Invoice: **$285**
- **Badge Delete (Police Interceptor Badge Only)** (Factory Code: 16D) - Invoice: **$0**
- **Pre-Wiring For Grille, Siren and Speaker** (Factory Code: 60A) - Invoice: **$49**
- **Electrochromic Rear View Mirror w/ Rear View Camera Display** (Factory Code: 87R) - Invoice: $0
- **Dome Lamp** (Factory Code: 17T) - Invoice: **$49**
- **Hidden Door Lock Plunger** (Factory Code: 52H) - Invoice: **$132**
- **Hidden Door Lock Plunger and Rear Door Handles Inoperable** (Factory Code: 52P) - Invoice: $153
- **Noise Suppression Bonds** (Factory Code: 60R) - Invoice: **$95**

Estimate Loan & Payment Calculator

Vehicle Price	Trade-In Value
9,995	0
Interest Rate (APR)	**Down Payment**
5.85	999

Est. Monthly Payment	Total Loan Amount
$273	$8,996

Estimated Credit Score

Rebuilding	Fair	Good	Excellent
0 - 620	621 - 699	700 - 759	760 - 850

Term Length (months)

36	48	60	72	84

Disclaimer: This interactive calculator and all information within are provided for illustrative purposes only, and the accuracy and ability to secure financing is not guaranteed.

- **Rear Door Handles Inoperable With Locks Inoperable** (Factory Code: 68G) - Invoice: **$33**
- **Rear Door Handles Inoperable With Locks Operable** (Factory Code: 68L) - Invoice: **$33**
- **Police Interceptor 25 - Ready for the Road Package** (Factory Code: 67H) - Invoice: **$3,244**

Standard Specifications

Engine

- Bore: 3.76 inch
- Compression: 10.5
- Displacement: 3.7 Liter
- Stroke: 3.4 inch
- Cylinders: 6
- Max HP: 304 hp
- Max HP At: 6500 rpm
- Max Torque: 279 ft-lb
- Max Torque At: 4000 rpm
- Valves: 24
- Aspiration Code: N/A
- Aspiration Description: Naturally Aspirated
- Block Type Code: V
- Block Type Description: Two Banks Of Cylinders, Opposing
- Cam Type: DOHC

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NHTSA Crash Test Ratings

Front: Driver ★★★★☆

Front: Overall ★★★★☆

Front: Passenger ★★★★☆

Barrier: Driver ★★★★★

Barrier: Overall ★★★★★

Barrier: Passenger ★★★★★

Combined: Front ★★★★★

Combined: Rear ★★★★★

Side: Overall ★★★★★

Pole: Driver ★★★★★

Awards

Most Ideal Popular Brand
Auto Pacific

Best Full-Size SUVs
Automotive Science Group

Most Distinguished Brand
Automotive Science Group

Best Three-Row SUVs
Cars.com

Best CPO Value in America: SUV and Crossover Brand
Vincentric

Safety Equipment

- ABS Four Wheel
- Airbags Front Driver
- Airbags Front Passenger
- Airbags Side Curtain
- Airbags Side Impact
- Brake Assist
- Daytime Running Lights (Optional)
- Electronic Stability Control
- Electronic Traction Control
- Rollover Stability Control
- Tire Pressure Monitoring System

EPA Green Scores

Bin 5

- Air Pollution Score: 5
- Greenhouse EPA ID: HFMXT03.73E8
- Greenhouse Gas Score: 4
- Fuel type: Gasoline

LEV-II ULEV

- Air Pollution Score: 6
- Greenhouse EPA ID: HFMXT03.73E8
- Greenhouse Gas Score: 4
- Fuel type: Gasoline

Copcarsonline

11801 Elyssa RD | Thonotosassa, FL 33592

(727) 513-5840

copcarsonline@msn.com

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SITEMAP
TERMS & CONDITIONS
ACCOUNT LOGIN

RESOLUTION 27-R-01

A RESOLUTION OF THE CITY OF CRYSTAL RIVER, FLORIDA, APPROVING A TRANSFER FROM FIRE DEPARTMENT RENEWAL & REPLACEMENT TO REASSIGN THE FIRE CHIEF'S CURRENT COMMAND VEHICLE, A 2022 FORD F-250, AS A REPLACEMENT BRUSH TRUCK, APPROVE THE PUCHASE OF A 2017 FORD EXPLORER TO UTILIZE AS THE NEW FIRE CHIEF COMMAND VEHICLE AND PURCHASE AND INSTALLATION OF A SKID UNIT FOR THE EXISTIING 2022 FORD F-250 TO BE USED AS THE REPLACEMENT BRUSH TRUCK FOR THE TOTAL AMOUNT NOT TO EXEED $30,000.

WHEREAS, the City Council of the City of Crystal River, Florida is responsible for the oversight of the budget of the City; and,

WHEREAS, On September 18th, CRFD Brush 1, a 2011 Ford F-550, responded to a brush fire when the vehicle experienced a brake failure, followed by a loss of steering. Fortunately, the driver was able to safely maneuver the truck into the grass median. Once in the median, the truck stalled and was unable to restart. GS Towing subsequently towed the vehicle to the local Ford dealership for diagnosis and repair; and,

Since the incident, the Fire Chief has been in communication with the dealership's service manager regarding the truck's condition. He was recently advised that the engine is seized, most likely because of an oil pump failure. The truck did have oil in the engine, and it had been serviced by Public Works prior to the incident; and,

Upon review of the Fire Department Renewal & Replacement schedule, Brush 1 was scheduled for replacement in 2026, with an allocated budget of approximately $150,000; and,

Preliminary figures provided for engine replacement indicate the repair could cost up to $20,000. Given the age of the vehicle, its recent brake and steering failures, the seized engine, and the fact that it was already scheduled for replacement this year, Management does not believe investing a significant amount of money into an engine replacement would be the most practical use of those funds; and,

Additionally, repairing the engine would address only the current engine failure and would not eliminate the concerns associated with continuing to operate a 15-year-old emergency response vehicle. Considering the truck's age, overall condition, recent mechanical failures, and planned replacement schedule, Management believes moving forward with the replacement process would provide a more reliable and fiscally responsible solution for the Fire Department; and,

Management has proposed the idea of reassigning the 2022 Ford F-250 as the replacement Brush Truck and purchasing a pre-owned 2017 Ford Explorer for the Fire Chief command vehicle for the cost of $9,995. Converting the 2022 Ford F-250 into a

brush truck will require the purchase and installation of a skid unit. Current quotes received range from approximately $12,000 to $24,363, depending on the unit and configuration. The $30,000 represents a worse-case scenario, and it is anticipated that the final cost will be below that amount as the Department continues to search for a suitable pre-owed skid unit; this cost also includes any graphics needed; and,.

Funding for the purchase of the pre-owned vehicle and any associated costs to convert the 2022 Ford F-250 as a replacement Brush Truck not to exceed $30,000 will come from Fire Department Renewal & Replacement. The Department will also list the 2011 Ford F-550 on GovDeals; any proceeds received from the sale will be placed back into the Fire R&R account; and,

This approach will allow the Fire Department to replace the capabilities of the aging brush truck while also addressing the need for a command vehicle, all while utilizing existing budgeted funds and avoiding the cost of purchasing a new emergency vehicle; and,

WHEREAS, the City Council wishes to appropriate the funds required to move forward with the budget amendment;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Crystal River, Florida at a regular meeting held on the 12th day of October 2026 that the Budget Amendment be made as shown in Exhibit A .

EFFECTIVE DATE: This Resolution shall be effective upon adoption by the City Council of the City of Crystal River, Florida.

PASSED AND ADOPTED BY THE City Council of the City of Crystal River, Florida, this _____ day of _____, 2026.

Attest:_____
Mia Fink, City Clerk

By:_____
Joe Meek, Mayor

Approved as to form and content
For the reliance of the City of
Crystal River only:

_____

VOTE OF COUNCIL:
Meek _____
Ensing _____
Satchell _____
Hastings _____
Holmes

CRYSTAL RIVER CITY
JOURNAL ENTRY
JE: 0000024424

Post Date: 10/12/2026 Entered By: MRUSSELL
Entry Date: 10/07/2026 Journal: BA
Description: RES#27-R-01 R&R TRFR-FIRE VEHICLE REASGN

GL #	Description	DR	CR
001-01522-66000	EQUIPMENT/VEHICLES	0.00	10,000.00
001-01522-64000	CAPITAL-OTHER EQUIPMENT	0.00	20,000.00
001-00000-38101-0FIRE	TRANSFER - DEPT R&R FUNDING	30,000.00	0.00
	Journal Total:	30,000.00	30,000.00

APPROVED BY: _____

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 6.D.**

Requested Motion: CRHS Homecoming Parade and Scarecrow Fest Road Closure Rescheduled

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Summary:
Crystal River High School has submitted an application for the 2026 Homecoming Parade. The parade was rescheduled and will now take place on Wednesday, Oct. 14, 2026. The closure will be on Crystal Street from Citrus Avenue to NE 8th Avenue.

The community engagement department is seeking approval to close roads for the rescheduled 2026 Crystal River Scarecrow Fest on Saturday, October 31, 2026. The roads will include North Citrus Avenue from Highway 19 to Crystal Street and NW 7th Street from Citrus Avenue to NW 1st Avenue, starting at 6 a.m.

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 7.A.**

Requested Motion: Consideration of Ordinance 26-O-11 amending Chapter 11, Licenses and Business Regulations of the Code of Ordinances to create a new Article V, Waterway Rental Vessel Vendor Safety, establish a local permitting and safety program for livery vessel rental vendors and operators, and providing for amendments to Section 11, hold a public hearing on October 12, 2026, at 5:30 p.m, and if approved, authorize the Mayor to execute the Ordinance.

Summary:
In an effort to improve the administration, enforcement, and accountability of the City's Business Tax Receipt (BTR) program, staff is recommending amendments to the Code of Ordinances. The proposed revisions codify the requirements for obtaining and maintaining a Business Tax Receipt; revise the requirements and fees applicable to businesses located outside the City that conduct business within the City; clarify business demarcation requirements; establish requirements for City-issued commercial water-based business decals; and update notice requirements related to local business taxes and violations. Collectively, these amendments will provide the City with clearer requirements and improved tools to identify, track, and regulate both traditional land-based businesses and commercial water-based businesses operating within the City.
Additionally, the proposed amendments establish a new commercial waterway vessel program through Article V to provide regulatory oversight of livery vessel rental businesses and other commercial waterway operations. The program establishes requirements related to permitting, licensing, insurance, training, customer information, and operational standards, with the goal of promoting responsible commercial activity, protecting the public, and preserving the unique environmental and recreational character of Kings Bay and the Crystal River waterways.

Staff Recommendation:
Consideration of Ordinance 26-O-11, hold a public hearing on October 12, 2026, at 5:30 p.m, and if approved, authorize the Mayor to execute the Ordinance.

Ordinance:
AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA; AMENDING CHAPTER 11, LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL RIVER TO CREATE A NEW ARTICLE V, WATERWAY RENTAL VESSEL VENDOR SAFETY, ESTABLISHING A LOCAL PERMITTING AND SAFETY PROGRAM FOR LIVERY VESSEL RENTAL VENDORS AND OPERATORS; MAKING FINDINGS OF FACT; PROVIDING FOR A CONFORMING AMENDMENT TO SECTION 11-2; ADOPTING A REVISED CHAPTER 11 AS EXHIBIT A; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR THE ESTABLISHMENT OF FEES BY RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

ATTACHMENTS:
Description
Ordinance Waterway Rental Vendor Safety

Chapter_11_Clean REVISED.pdf
Chapter_11_Strike Through Underline REVISED.pdf

ORDINANCE NO. 26-O-11

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA; AMENDING CHAPTER 11, LICENSES AND BUSINESS REGULATIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL RIVER TO CREATE A NEW ARTICLE V, WATERWAY RENTAL VESSEL VENDOR SAFETY, ESTABLISHING A LOCAL PERMITTING AND SAFETY PROGRAM FOR LIVERY VESSEL RENTAL VENDORS AND OPERATORS; MAKING FINDINGS OF FACT; PROVIDING FOR A CONFORMING AMENDMENT TO SECTION 11-2; ADOPTING A REVISED CHAPTER 11 AS EXHIBIT A; PROVIDING FOR ENFORCEMENT AND PENALTIES; PROVIDING FOR THE ESTABLISHMENT OF FEES BY RESOLUTION; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the City of Crystal River (the "City") is a duly constituted municipal corporation of the State of Florida with home rule powers under Article VIII, Section 2(b), of the Florida Constitution and Chapter 166, Florida Statutes, and is authorized under Chapter 205, Florida Statutes, and Chapter 11 of the City Code to license and regulate businesses operating within the city limits; and

WHEREAS, the corporate limits of the City include waters of Kings Bay, and in 2022 the City annexed approximately 325 acres of Kings Bay, bringing those waters within the City's regulatory jurisdiction; and

WHEREAS, Chapters 327 and 328, Florida Statutes, establish the boating laws of the State of Florida, and Section 327.60, Florida Statutes, while limiting the authority of local governments to regulate certain matters relating to the operation and equipment of vessels, does not prevent a local government from licensing and regulating the land-based operations of vessel rental businesses within its jurisdiction; and

WHEREAS, Kings Bay is the spring-fed headwaters of the Crystal River and is designated habitat for the West Indian manatee, and is subject to manatee protection zones established by the Florida Fish and Wildlife Conservation Commission ("FWC") under Chapter 68C-22, Florida Administrative Code, and to the federal Kings Bay Manatee Refuge and manatee sanctuaries established by the U.S. Fish and Wildlife Service under 50 C.F.R. Part 17; and

WHEREAS, Kings Bay and the Crystal River experience intensive commercial use by livery (rental) vessel vendors, personal watercraft rental operators, and guided tour operators, much of it by visitors unfamiliar with local waters, boating safety requirements, and manatee protection rules; and

WHEREAS, the City Council finds that the rental of personal watercraft and other livery vessels, when conducted without adequate licensing, insurance, training, and safety practices, presents risks to the boating public, to the City's residents and visitors, and to the sensitive natural resources of Kings Bay; and

WHEREAS, the City Council finds that the regulations set forth herein, establishing safety and operating standards for livery vessel rental vendors, are directed at the land-based conduct of rental vessel businesses and their operators, are intended to be applied consistently with the limitations of Sections 327.60 and 327.75, Florida Statutes, and are necessary and appropriate to promote the public health, safety, and welfare and to protect the natural resources of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA:

Section 1. Findings of Fact. The foregoing recitals are true and correct and are hereby adopted by the City Council as legislative findings of fact and incorporated herein by reference.

Section 2. Creation of Article V of Chapter 11; Conforming Amendment. Chapter 11, Licenses and Business Regulations, of the Code of Ordinances of the City of Crystal River is hereby amended to create a new Article V, Waterway Rental Vessel Vendor Safety, consisting of Sections 11-128 through 11-140 and reserved Sections 11-141 through 11-149, to amend Section 11-1 to add a definition of "livery vessel," and to amend Section 11-2.2 to add a conforming cross-reference to Article V, all as set forth in the revised Chapter 11 attached hereto and incorporated herein as **Exhibit A**. New text is shown in **Exhibit A** in the form in which it is to be codified; a redlined version showing the changes against the current Chapter 11 is attached as **Exhibit B** for the convenience of the reader.

Section 3. Adoption of Revised Chapter 11. The revised Chapter 11 attached hereto as **Exhibit A** is hereby adopted and enacted as part of the Code of Ordinances of the City of Crystal River. In the event of any inconsistency between the descriptive summary in Section 2 and the text of **Exhibit A**, the text of **Exhibit A** shall control.

Section 4. Fees. The City Council may, by resolution, establish a reasonable waterway rental vessel vendor permit fee and a separate per-vessel fee to defray the costs directly associated with the administration and enforcement of Article V. Such fees are regulatory in nature and are in addition to, and not in lieu of, the local business tax imposed under Article I of Chapter 11.

Section 5. Conflicts. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed to the extent of such conflict. To the extent any provision of Article V is or becomes inconsistent with Chapter 327 or Chapter 328, Florida Statutes, or with applicable federal law, the state or federal law shall control and the remaining provisions of Article V shall remain in full force and effect.

Section 6. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance or of **Exhibit A** is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 7. Codification. The provisions of this Ordinance and **Exhibit A** shall be incorporated into the Code of Ordinances of the City of Crystal River. The sections of Article V may be renumbered or re-lettered, and the word "ordinance" may be changed to "section," "article," or other appropriate word, to accomplish such codification.

Section 8. Effective Date. This Ordinance shall become effective immediately upon its adoption on second reading in accordance with Section 166.041, Florida Statutes. Each business lawfully operating within the city limits on the effective date shall have one hundred eighty (180) days from the effective date to obtain a permit and otherwise come into compliance with Article V, as provided in Section 11-140.

PASSED and ADOPTED on second reading this _____ day of _____, 2026.

CITY OF CRYSTAL RIVER, FLORIDA

_____

Joe Meek, Mayor

ATTEST:

_____
Mia Fink, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Robert W. Batsel, Jr., City Attorney

Chapter 11 LICENSES AND BUSINESS REGULATIONS

ARTICLE I. IN GENERAL[1]

Sec. 11-1. Definitions.

The following words used in this article shall have the meanings indicated except where the context clearly indicates otherwise:

Business, profession and *occupation* do not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

(1) *Charitable institutions* shall mean only nonprofit corporations operating physical facilities in Florida at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

(2) *Educational institutions* shall mean state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

(3) *Religious institutions* shall mean churches and ecclesiastical or denominational organizations, or established physical places for worship in this city at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.

Classification means the method by which a business or group of businesses is identified by size or type, or both.

Livery vessel means a vessel leased, rented, or chartered to another for consideration, including a motorized vessel, a personal watercraft, and a non-motorized vessel such as a paddleboard, kayak, or canoe, but does not mean a vessel under the control at all times of a United States Coast Guard licensed captain. A personal watercraft, as defined in Section 327.02, Florida Statutes, is included within the definition of livery vessel. The rental of livery vessels is further regulated under Article V of this chapter.

Local business tax receipt means the method by which the city grants the privilege of engaging in or managing any business, profession or occupation within its jurisdiction. It shall not mean any fees or taxes paid to any board, commission or officer for permits, registration, examination or inspection which are hereby deemed to be regulatory and in addition to and not in lieu of any local business tax imposed under the provisions of this chapter unless otherwise provided by law.

[1]Editor's note(s)—Ord. No. 16-O-04, § 1(Exh. A), adopted June 13, 2016, amended Art. I in its entirety to read as herein set out. Former Art. I, §§ 11-1—11-13, pertained to similar subject matter. See the Code Comparative Table for a complete history of former Art. I.

Taxpayer means any person liable for taxes imposed under the provisions of this chapter, any agent required to file and pay taxes imposed hereunder, and the heirs, successors, assignees and transferees of any such person or agent.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-2. Business tax required.

No person or association of persons shall engage in or manage any business, profession, or occupation required to be taxed by this chapter without first having paid the amount of the local business tax required to the city manager for the use and benefit of the city, and obtained a local business tax receipt therefor, which local business tax receipt shall be issued to said person on receipt of the amount hereinafter provided and shall be signed by the city manager or designee, and the seal of the city shall be affixed.

Local business taxes vary depending on the nature of business. A receipt is required for each place of business and for each separate classification at the same location. Receipts are transferable when there is a change of ownership, business location or trade name.

As a condition of issuance of a Local Business Tax receipt under this section, the applicant shall provide evidence, satisfactory to the City, that the business possesses all applicable federal and state licenses, permits, registrations, certifications, and other approvals required by law for the type of business being conducted.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-2.1. Out-of-town businesses transacting business within the city.

Any person who does not maintain a permanent business or branch office within the City of Crystal River, but who desires to transact business or engage in any occupation hereinafter named within the city, shall on the form provided, register with the city manager of the City of Crystal River, or his representative. As a condition of issuance of a Local Business Tax receipt under this section, the applicant shall provide evidence, satisfactory to the City, that the business possesses all applicable federal and state licenses, permits, registrations, certifications, and other approvals required by law for the type of business being conducted. Applicants for registration may also be required to submit proof of insurance and a copy of the license of that municipality or governmental subdivision in which a permanent business location is maintained. Such registration shall be accomplished prior to commencement of any business, profession or occupation within the city , shall be subject to a registration fee of fifty dollars ($50.00), and shall be valid from date of issuance to the next succeeding October first.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-2.2. Demarcation of commercial vehicles and vessels that require business tax receipts.

All commercial vessels operating within the city limits shall have the name and phone number of the business, marked in a minimum of three (3) inch high block letters that are of contrasting color and easily visible from fifty (50) feet away. Every commercial motorized and nonmotorized vessel operating within City waters shall display a City-issued Commercial Water-Based Business decal. This decal shall be located near the Florida-required registration on motorized boats, and on the top surface of nonmotorized vessels (kayak and paddleboards). Livery vessels offered for rent or lease are additionally subject to the marking and identification requirements of Article V of this chapter.

(Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-3. City manager to keep records and report to city council.

The city manager or his representative shall keep a printed record of all local business tax receipts issued pursuant to this article showing the date of issuance and the amount of the fee paid, and for what purpose the local business tax receipt was issued. The local business tax receipt shall be consecutively numbered, and shall correspond with the numbers kept in the printed record.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-4. Notice of local business tax due, dates due, delinquencies and penalties.

(a) All local business tax receipts shall be sold by the city beginning on July first of each year and shall be due and payable on or before September thirtieth of each year and shall expire on September thirtieth of the succeeding year. Those business tax receipts not renewed by October first shall be considered delinquent and subject the business owner to a delinquency penalty of ten (10) percent for the month of October, plus an additional five (5) percent penalty for each subsequent month of delinquency thereafter until paid, provided that the total delinquency penalty may not exceed twenty-five (25) percent of the local business tax fee for the delinquent establishment.

(b) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required local business tax within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts, and penalty of up to two hundred fifty dollars ($250.00).

(c) It shall be the duty of the city manager or his or her designee to give notice to each and every person doing business within the city limits during the first ten (10) days of the month of October of each year and at any other time that he may have reason to believe that any person is doing business within the city without a local business tax receipt as required by this article. If the city manager, and Citrus County Sheriff's Deputy, or the code enforcement officer shall ascertain, or have reasonable cause to believe that any person as required by this article to obtain a city local business tax receipt is doing business without having obtained such tax receipt, it shall be his duty to notify the person of such violation, either in person or by mail.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-5. Term and duration; fractional period.

No local business tax receipt shall be issued for more than one (1) year, and all local business tax receipts shall expire on the thirtieth day of September of each year, but fractional local business tax receipts, except as hereinafter provided, may be issued to expire on that date at a proportionate rate estimated from the first of the month from which business taxes are issued.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-6. Transfer of local business tax receipt.

(a) Local business tax receipts issued pursuant to this article may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of three dollars ($3.00) and presentation of evidence of the sale and the original local business tax receipt to the city manager.

(b) Upon written request and presentation of the original business tax receipt to the city manager (or designee), and payment of a transfer fee of up to ten (10) percent of the annual business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00), a local business tax receipt issued under this article may be transferred from one (1) location in the city to another.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-7. Vehicles used for the sale and delivery of tangible personal property.

Vehicles used by any person for the delivery of personal tangible property from his place of business, taxed under this article, shall not be construed to be a separate place of business, and no local business tax may be levied on such vehicles or the operators thereof as salesmen or otherwise.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-8. Uniformity of tax.

The tax shall be uniform throughout any class.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-9. Amount of tax when not otherwise provided.

For any business, profession or occupation not listed in section 11-14, the business tax levied shall be the same as that which in the opinion of the city manager or his designee is most similar to the proposed business, profession, or occupation.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-10. Determination of classification.

In the event of a disagreement between the applicant and the city on the question of the proper classification of any business, occupation or profession for business tax purposes, the city manager shall decide the classification with the right of the applicant to appeal from such decision to the council, whose decision shall be final.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-11. Local business tax receipts.

A local business tax receipt for the privilege of engaging in or managing any business, profession or occupation within the city is hereby levied on:

(1) Any person who maintains a permanent business location or branch office within said municipality for the privilege of engaging in or managing any business within its jurisdiction; and

(2) Any person who maintains a permanent business location or branch office within said municipality for the privilege of engaging in or managing any profession or occupation within its jurisdiction; and

(3) Any person who does not qualify under the provisions of subsections (1) and (2) above and who transacts any business or engages in any occupation or profession in interstate commerce where such local business tax is not prohibited by Section 8 of Article 1 of the United States Constitution.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-12. Zoning compliance.

No local business tax receipt shall be issued, renewed or transferred unless the business, occupation or profession is in compliance with all applicable zoning regulations.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-13. Exemptions for disabled persons, the aged, certain widows, disabled veterans and their un-remarried spouses.

(a) All disabled persons physically incapable of manual labor, widows with minor dependents, and persons sixty-five (65) years of age or older with not more than one (1) employee or helper and who use their own capital only not in excess of one thousand dollars ($1,000.00) who live in this county shall be allowed to engage in any business or occupation in counties in this city without being required to pay for a local business tax receipt. The exemption provided by this section shall be allowed only upon the certificate of the county physician or other reputable physician that the applicant claiming the exemption is disabled, the nature and extent of the disability being specified therein; and in case the exemption is claimed by a widow with minor dependents, or a person over sixty-five (65) years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a license which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon. In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors or malt and vinous beverages.

(b) Any bona fide, permanent resident elector of the state who served as an officer or enlisted person during any of the periods specified in Florida Statutes, Section 1.01 (14) in the Armed Forces of the United States, National Guard or United States Coast Guard or Coast Guard Reserve or any temporary member thereof who has actually been or may hereafter be reassigned by the Air Force, Army, Navy, Coast Guard or Marines to active duty during any war, declared or undeclared, armed conflicts, crises, etc., who was honorably discharged from the service of the United States and who, at the time of his or her application for a local business tax receipt as hereinafter mentioned, shall be disabled from performing manual labor shall, upon sufficient identification, proof of being a permanent resident elector in the state and production of an honorable discharge from the service of the United States:

    (1) Be granted a local business tax receipt to engage in any business or occupation in the city which may be carried on mainly through the personal efforts of the business owner as a means of livelihood and for which the municipal tax does not exceed the sum of fifty dollars ($50.00) for each without payment of any business tax otherwise provided for by law; or

    (2) Be entitled to an exemption to the extent of fifty dollars ($50.00) on any business tax to engage in any business or occupation in the city which may be carried on mainly through the personal efforts of the business owner as a means of livelihood when the municipal tax for such business or occupation shall be more than fifty dollars ($50.00). The exemption heretofore referred to shall extend to and include the right of business owner to operate an automobile-for-hire of not exceeding five-passenger capacity, including the driver, when it shall be made to appear that such automobile is bona fide owned or contracted to be purchased by the business owner and is being operated by him or her as a means of livelihood and that the proper business tax for the operation of such motor vehicle for

private use has been applied for and attached to such motor vehicle and the proper fees therefor paid by the business owner.

(c) When any such person applies for a local business tax receipt to conduct any business or occupation for which the municipal tax as fixed by law shall exceed the sum of fifty dollars ($50.00), the remainder of such business tax in excess of fifty dollars ($50.00) shall be paid by him in cash.

(d) The tax collecting authority of this municipality shall issue to such persons as may be entitled hereunder a local business tax receipt pursuant to the foregoing provision and subject to the conditions thereof. Such local business tax receipt when issued shall be marked across the face thereof "Veterans Exempt Local Business Tax Receipt Not Transferable." Before issuing the same, proof shall be duly made in each case that the applicant is entitled under the conditions of this law to receive the exemption herein provided for. The proof may be made by establishing to the satisfaction of such tax collecting authority by means of certificate of honorable discharge or certified copy thereof that the applicant is a veteran within the purview of this section and by exhibiting:

(1) A certificate of government-rated disability to an extent of ten (10) percent or more;

(2) The affidavit or testimony of a reputable physician who personally knows the applicant and who makes oath that the applicant is disabled from performing manual labor as a means of livelihood.

(3) The certificate of the veteran's service officer of this county, duly executed under the hand and seal of the chief officer and secretary thereof, attesting the fact that the applicant is disabled and entitled to receive a local business tax receipt within the meaning and intent of this section.

(4) A pension certificate issued to him or her by the United States by reason of such disability; or

(5) Such other reasonable proof as may be required by the tax collecting authority to establish the fact that such applicant is so disabled.

All local business tax receipts issued under this section shall be in the same general form as other municipal taxes and shall expire at the same time as such other local business tax receipts are fixed by law to expire.

(e) All local business tax receipts obtained under the provisions of this section by the commission of fraud upon the issuing authority shall be deemed null and void. Any person who has fraudulently obtained any such local business tax receipt, or who has fraudulently received any transfer of a local business tax receipt issued to another, and has thereafter engaged in any business or occupation requiring a local business tax receipt under color thereof shall be subject to prosecution as for engaging in a business or occupation without having the required local business tax receipt under the laws of the state. Such local business tax receipt shall not be issued unless such veteran is a bona fide resident citizen elector of this county, unless such veteran applying therefor shall produce to the tax collecting authority of this city a certificate of the tax collector of his or her home county to the effect that no exemption from local business tax receipt has been granted to such veteran in his or her home county under the authority of this section.

(f) In no event, under this or any other law, shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors or malt and vinous beverages.

(g) The un-remarried spouse of the deceased disabled veteran of any war in which the United States Armed Forces participated will be entitled to the same exemptions as the disabled veteran.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-14. Fees enumerated.

The following enumerated business taxes shall be paid to the city, by the persons engaging in or managing or transacting the several businesses, occupations, or professions listed below, on a yearly basis, unless otherwise specified:

A

(1) ABSTRACT AND TITLE COMPANIES, preparing abstracts and charging a fee therefor$100.00

(2) ACCOUNTANTS50.00

(3) ADMINISTRATIVE OFFICE50.00

(4) AGENTS AND AGENCIES:

a. Advertising. Agents or solicitors50.00

(See Canvassing)

b. Foreign firms or corporations. Soliciting business for foreign firms or corporations, the principal paying no license tax in the town50.00

c. Linens. Leasing linens50.00

d. Motorboats50.00

e. Nursery stock25.00

f. Oriental goods25.00

g. Packinghouses50.00

h. Real estate. Brokers50.00

i. Safes. Dealers in safes or for the exchange of safes50.00

j. Soft water. Service agents50.00

k. Stamps for sales promotion. Selling stamps to merchants for sales promotion100.00

l. Steamship. For each steamship company represented250.00

m. Stocks and bonds100.00

n. Miscellaneous. Businesses not specifically mentioned50.00

(5) AIRPLANES, for hire200.00

(6) ANIMAL HOSPITALS50.00

(7) ANIMALS:

a. Dealers25.00

b. Exhibitions25.00

(8) AQUARIUMS50.00

(9) ARCHITECTSSee administrative office

(10) ASPHALT, dealers and terminals250.00

(11) ASTROLOGERS100.00

(12) ASTRONOMERS, on streets, charging fee25.00

(13) ATTORNEYSSee administrative office

(14) AUDITING COMPANIES and auditorsSee administrative office

(15) AUCTIONEERS100.00

No business tax receipt shall be issued to a firm or corporation but to one (1) person named who shall personally do the auctioneering.

(16) AUTOMOTIVE:

a. Advertising. For profit, with or without any noise-making device200.00

b. Body and fender shops50.00

c. For hire. Automobiles or trucks50.00

d. Garages50.00

Not selling automobiles or trucks and not selling automobile or truck parts at retail or wholesale except as replacement on automobiles and trucks50.00

e. Greasing. Not operated in connection with other business50.00

f. (Reserved)

g. Mechanical adjusters. Not paying regular garage or service station license50.00

h. Motorcycle repairs. (See: Bicycle and motorcycle repairs)

i. Moving van companies50.00

j. New car dealers50.00

k. Parking lots, outdoor50.00

l. Painting50.00

m. Storage. Places for rent50.00

n. Taxicabs and other vehicles for hire. Operators and drivers of any taxicab, taxi buses, automobile trucks or other motor vehicles carrying passengers for hire—first three (3) cars50.00

o. Tire repairers. Not paying regular garage or service station tax50.00

p. U-Drive-It cars50.00

q. Used car dealers50.00

r. Washing. Not operated in connection with other business50.00

s. Wrecking service for dismantling50.00

(17) AWNINGS, manufacturers or erectors50.00

B

(18) BAKERY50.00

(19) BALL MACHINES, MARBLE MACHINES, PINBALL MACHINES and similar games and machines not specifically covered by this chapter. Local business tax receipts shall be bought for each machine by serial number and is not transferable to another machine. Per machine25.00

(20) BANKS200.00

(21) BARBERSHOPS, up to three (3) chairs50.00

(22) BARREL FACTORIES50.00

(23) BATTERY STATIONS, not paying other licenses50.00

(24) BEAUTY PARLORS:

a. Up to three (3) operators50.00

b. Each operator, over three (3), additional25.00

(25) (Reserved)

(26) BICYCLE AND MOTORCYCLE REPAIRS. Only one (1) business tax receipt for both occupations50.00

(27) BICYCLE RINKS (See: Rinks)

(28) BILL POSTING. Signs off premises where business is located:

a. Less than ten (10) square feet25.00

b. More than ten (10) square feet, but less than twenty (20) square feet25.00

c. Twenty (20) square feet or more 50.00

(29) BILLIARD PARLORS: Pool, bagatelle and Jenny Lind tables, whether operated or not, up to three (3) tables50.00

(30) BLACKSMITH SHOPS50.00

(31) BOARDINGHOUSES (See: Hotels)

(32) BOATS:

a. Builders:

Employing 2—10 persons50.00

Employing 11—100 persons100.00

Employing 101—500 persons200.00

b. Marinas, storage, etc.50.00

(33) BONDED WAREHOUSES50.00

(34) BONDING COMPANIES. Persons in the business of making bonds for profit200.00

(35) BONDS and stocks:

a. Agents50.00

b. Dealers50.00

(36) BOOT AND SHOEMAKERS or repairers50.00

(37) BOWLING ALLEYS50.00

(38) BOX FACTORIES50.00

(39) BRICK, STONE OR CEMENT: Dealers, manufacturers or agents for the sale of brick or stone or cement products, including those soliciting orders for, or having an office in the city and who deliver brick or stone inside or outside the city50.00

(40) BROADCASTING STATIONS, for sales of advertising within the city100.00

(41) BROKERS: Fruits and vegetables. Selling fruits, vegetables or merchandise exclusively from railroad cars, trucks or boats, from each car, truck or boat50.00

(42) BUILDINGS AND LOAN ASSOCIATIONS or agents, domestic150.00

(43) BUILDING SUPERINTENDENTS50.00

(44) BURIAL VAULTS or other concrete products manufactured for sale, other than building units50.00

(45) BUSINESS COLLEGES50.00

(46) BUTCHERS selling meats at wholesale or retail50.00

C

(47) CABINET SHOPS50.00

(48) CAFES (See: Restaurants)

(49) CANDY:

a. Manufacturers50.00

b. Sales, wholesale or retail50.00

(50) CANE RACKS, knife racks, lifting machines, striking machines, merry-go-rounds and similar amusement devices25.00

(51) CANVASSERS:

a. Book agents or canvassers for sales of books, maps, periodicals, magazines, stationery and similar materials50.00

b. Circulars, pamphlets, etc. Persons distributing circulars, pamphlets or other advertising matter for persons not taxed by the city to carry on the business thus advertised, per day25.00

c. Building materials, hardware, roofing, paints, etc. 200.00

d. For card writers. (See: Card writers)

e. Mail order houses, soliciting for50.00

f. Representing foreign firms or corporations soliciting orders for or selling furniture, household goods, musical instruments, etc., at retail50.00

(52) CARD WRITERS and engravers or canvassers for50.00

(53) CARPENTER SHOPS employing two (2) or more persons50.00

(54) CASH REGISTERS, agents or dealers50.00

(55) CASKETS. Dealers, when not taxed as undertaking establishment50.00

(56) CIGAR manufacturers50.00

(57) CIRCUSES1,000.00

(58) CIVIL ENGINEERS50.00

(59) CLAIM AND COLLECTION AGENCIES (See: Agents and agencies)

(60) CLAIRVOYANTS, fortunetellers, mind readers and similar occupations100.00

(61) CLEANERS of clothes and dyeing establishments:

a. Employing five (5) persons or less50.00

b. Employing more than five (5) persons100.00

(62) CLEANERS of swimming pools50.00

(63) CLOTHING:

a. Sales from samples. (See: Agents and agencies)

b. Secondhand dealers (subject to same regulations as pawnbrokers)50.00

(64) COFFEE ROASTERS, in connection with other business paying tax25.00

(65) COFFINS. Dealers, when not taxed as undertaking establishments50.00

(66) COLD STORAGE PLANTS50.00

(67) CONCERTS for which admission is charged except for church purposes or charity affairs, each performance25.00

(68) CONTEST COMPANIES. Persons conducting contests by offering premiums or other inducements for advertising purposes or for the purpose of stimulating or increasing trade100.00

(69) CONTRACTORS:

a. Including general construction, either on a fee basis, contract basis or salary basis100.00

b. Contractor, defined. As used in this section, contractor shall mean any person contracting to furnish labor, materials or both in connection with specified work.

c. Electrical50.00

d. Plumbing50.00

e. Street and road200.00

f. Subcontractors50.00

(70) CRATE FACTORIES50.00

(71) CREDIT RATING. Persons giving information as to. (See: Agents and agencies)

D

(72) DANCE HALLS. Operated in connection with place where food and/or drinks are sold, where admission is charged or where customer pays for music 50.00

(73) DANCING SCHOOLS50.00

(74) DEALERS:

a. Animals50.00

b. Merchants. (See: Merchants)

c. Stocks and bonds. Dealers and/or brokers50.00

(75) DECORATORS, interior50.00

(76) DENTISTS100.00

(77) DIRECTORIES, city, county or state; each person making or offering for sale50.00

(78) DIVINE HEALERS400.00

(79) DOCTORS100.00

(80) DOG EXHIBITIONS25.00

(81) DRIVING RANGES50.00

(82) DRY DOCKS100.00

(83) DYERS and cleaners of clothes:

a. Employing five (5) persons or less50.00

b. Employing more than five (5) persons100.00

E

(84) ELECTRIC LIGHT COMPANIES or persons furnishing electric lights or power250.00

(85) ELECTROTHERAPISTS100.00

(86) ENTERTAINERS for which admission is charged except for church purposes or charity affairs25.00

(87) EQUIPMENT RENTAL50.00

(88) EXHIBITIONS for which admission is charged except for church purposes or charity affairs 25.00

a. Animals. (See: Animals)

b. Freaks. (See: Freak exhibitions)

(89) EXPRESS COMPANIES50.00

(90) EXTERMINATORS50.00

F

(91) FACTORIES50.00

(92) FAITH HEALERS100.00

(93) FERRIS WHEEL25.00

(94) FERTILIZER, factory and/or mixing plant400.00

(95) FILLING STATIONS50.00

(96) FINANCE COMPANIES and persons other than banks lending money or purchasing, selling or collecting, as a business, notes, mortgages or other evidences of indebtedness100.00

(97) FIRE SALES:

a. Handling stock of goods valued at over $1,000.00, but not exceeding $5,000.0050.00

b. Handling stock of goods valued at over $5,000.00100.00

(98) FISHING POLES, manufacturing cured fishing poles50.00

(99) FLOOR SANDERS50.00

(100) FLORISTS:

a. Employing not more than five (5) persons50.00

b. Employing more than five (5) persons100.00

(101) FOREIGN FIRMS OR CORPORATIONS: Principal not paying city license. (See: Agents and agencies)

(102) FORTUNETELLERS100.00

(103) FOUNDRIES50.00

(104) FREAK EXHIBITIONS50.00

(105) FURNITURE:

a. Packers, shippers and/or storage50.00

b. Solicitors for foreign firms selling. (See: Canvassers)

G

(106) GAMES, such as shuffleboard, throwing balls at figures and the like for profit, per game25.00

(107) GASOLINE:

a. Retail dealers50.00

b. Wholesale50.00

c. Companies selling fuel and/or heating and/or cooking gas or oil and kerosene50.00

(108) GOLDSMITHS50.00

(109) GOLF:

a. Driving ranges50.00

b. Miniature50.00

(110) GRAVEL AND SAND, dealers, agents and salesmen, two (2) trucks allowed50.00

Each additional truck25.00

(111) GUARANTY COMPANIES. Persons in the business of making bonds for profit200.00

H

(112) HATS, cleaning and blocking50.00

(113) HAWKERS or vendors of medicines, drugs or patent medicines or other preparations purporting to possess medicinal virtues (other than licensed pharmacists); and hawkers or peddlers who occupy any part of the street or sidewalk by displaying or crying their wares or who, by music or other entertainment or harangue, endeavor to attract crowds for the purpose of selling their wares, per day (no exceptions)100.00

(114) HERBALISTS and others (except licensed physicians) professing to cure disease, injuries or deformities by drugs, ointments, expedients or devices of any kind50.00

(115) HOSPITALS, private200.00

(116) HOTELS (and motels):

a. Hotels/motels providing sleeping accommodations for persons:

For accommodations for 5—19 persons50.00

For accommodations for 20—29 persons100.00

b. If meals are served, a restaurant license must be procured in addition to the license for accommodations.

c. House/condominium/apartment rentals >2 rentals

(117) HOUSE MOVERS50.00

(118) HOUSEHOLD GOODS, soliciting for foreign firms selling. (See: Canvassers)

(119) HOUSES: Builders of, for resale100.00

(120) ICE:

a. Delivery service, each transportation unit25.00

b. Factories and wholesale dealers, each place of business50.00

c. Retail dealers50.00

(121) ICE CREAM:

a. Retail, if not in conjunction with another business25.00

b. Sold from pushcarts25.00

(122) INSURANCE:

a. Agencies50.00

Each additional broker or solicitor25.00

b. Adjusters, resident50.00

c. Title insurance100.00

d. All other types of insurance companies doing business in the city50.00

(123) INTERIOR DECORATORS50.00

J

(124) JEWELRY REPAIR50.00

(125) JOB PRINTERS50.00

(126) JUNK, shops or dealers, dealing in junk, old iron, rags, etc., including those gathering around the city in wagons or trucks50.00

K

(127) KNIFE AND SCISSORS GRINDERS25.00

L

(128) LABOR BROKERS (See: Brokers)

(129) LAND AND DEVELOPMENT COMPANIES when not paying real estate broker, contractor or builder license50.00

(130) LAUNDERETTES50.00

(131) LIBRARIES, private, renting books25.00

(132) LIGHTNING RODS, selling or erecting:

a. Agents. (See: Agents and agencies)

b. Dealers50.00

(133) LOCKSMITHS50.00

(134) LUBRICATING OIL, kerosene, distillate; delivered by truck where no gasoline pump license is paid, per truck50.00

M

(135) MACHINE SHOPS:

a. Three (3) to five (5) employees50.00

b. Six (6) or more employees100.00

(136) MANUFACTURERS:

a. Employing:

Ten (10) to thirty (30) persons50.00

More than thirty (30) persons100.00

b. Cloth goods100.00

(137) MASSEURS50.00

(138) MATTRESSES, repairing and/or manufacturing50.00

(139) MEDIUMS100.00

(140) MERCHANTS, other than those specifically mentioned in this chapter, having a stock of merchandise, the cost of which is:

a. $1.00 to $1,00025.00

b. More than $1,000.00 and less than $10,000.0050.00

c. More than $10,000.00 and less than $25,000.00100.00

d. More than $25,000.00150.00

(141) MIND READERS100.00

(142) MINIATURE GOLF50.00

(143) MOTORBOATS, dealers and/or agents50.00

(144) MOTORS, winding50.00

(145) MUSIC MACHINES or electric phonographs run by depositing a coin, per machine25.00

N

(146) NEWSPAPERS:

a. Two (2) issues or less per week50.00

b. More than two (2) issues per week200.00

(147) NIGHTCLUBS100.00

(148) NURSERY STOCK, agents or dealers50.00

O

(149) OPTICIANS50.00

(150) OPTOMETRISTS50.00

(151) ORCHESTRAS, string or otherwise50.00

(152) ORIENTAL GOODS, dealers and/or agents50.00

(153) OSTEOPATHS100.00

P

(154) PACKINGHOUSES and agents and/or dealers50.00

(155) PAWNBROKERS. All persons (except banks or bankers) whose business includes or consists of the taking, buying or selling, assignments of or contracts for the purchase, sale, transfer or assignment of wages or salaries earned or to be earned in the future by any persons employed by any other persons200.00

(156) PEANUTS:

a. And popcorn roasters25.00

Selling from pushcarts or stands on streets, each cart or stand50.00

b. Distributors. (See: Distributors)

(157) PEDDLERS50.00

(158) PET SHOPS50.00

(159) PETROLEUM PRODUCTS:

a. Retail dealers50.00

b. Wholesale50.00

c. Companies selling fuel and/or heating and/or cooking gas or oil and kerosene50.00

(160) PHOTOGRAPHERS50.00

(161) PHYSICIANS100.00

(162) PHYSIOTHERAPISTS100.00

(163) PIANO TUNERS50.00

(164) PILE DRIVERS50.00

(165) PIPE FITTERS50.00

(166) PLANING MILLS50.00

(167) POPCORN:

a. And peanut roasters25.00

Selling from pushcarts or stands on streets, each cart or stand50.00

b. Distributors. (See: Distributors)

(168) PRINTERS50.00

(169) PRIVATE HOSPITALS200.00

(170) PROFESSIONS—See specific subject. Local business tax receipts shall be issued in individual names only and are required for each person practicing a profession.

R

(171) RADIO:

a. Broadcasting stations, for selling advertising in the city100.00

b. Installation and repairs50.00

(172) RAILROAD COMPANIES doing business in the city100.00

(173) REAL ESTATE:

a. Brokers, agents and/or dealers50.00

b. Each solicitor or employee handling sales. This local business tax receipt is required irrespective of whether the agency is selling its own real estate. No exceptions will be granted25.00

(174) RENT-A-CAR, per vehicle25.00

(174.1) RENTALS (See: Tour guides/charter boats and watercraft)

(175) REPAIR SHOPS50.00

(176) RESTAURANTS, lunch stands and similar establishments:

a. 1—25 seats25.00

b. More than 25 seats50.00

(177) RETREADING (tires), vulcanizing, exclusive of other local business tax receipts100.00

(178) RINKS:

a. *Permanent.* Skating, bicycle, etc. This paragraph applies only to rinks located in permanent installations, and the rink shall be in operation a minimum of one (1) year to qualify for a permanent local business tax receipt. No local business tax receipt under this paragraph shall be issued without approval of the city council, and the closing time of 11:00 p.m. shall be stated in the local business tax receipt50.00

b. *Portable, temporary.* Transient amusement businesses (including, but not limited to, skating rinks, bicycle rinks, shows and other amusement businesses) that are not permanent and that will not be housed in a permanent building and will not be in operation within the city a minimum of one (1) year at date of issuance with council approval50.00

S

(179) SAFES, agents and/or dealers, sale or exchange50.00

(180) SAND AND GRAVEL, dealers, agents and salesmen, two (2) trucks allowed50.00

Each additional truck25.00

(181) SAUSAGE MANUFACTURERS, when not in connection with another business50.00

(182) SAW MILLS50.00

(183) SCALES: Weighing machines. (See: Machines)

(184) SCISSORS AND KNIFE GRINDERS25.00

(185) SEANCES for profit100.00

(186) SEPTIC TANKS, builders50.00

(187) SERVICE STATIONS50.00

(188) SHEET METAL SHOPS50.00

(189) SHIPBUILDING COMPANIES:

a. Employing 2—10 persons50.00

b. Employing 11—100 persons100.00

c. Employing 101—500 persons200.00

(190) SHOES:

a. Secondhand dealers in25.00

b. Shoemakers or repair25.00

(191) SHOOTING GALLERIES:

a. Permanent200.00

b. Per month100.00

Shooting galleries must be located in permanent buildings.

(192) SHOWS:

a. Circuses. (See: Circuses)

b. Exhibitions of paintings, statues, charts and the like, except when conducted not for profit25.00

(193) SHUFFLEBOARD for profit, per game or device25.00

(194) SIGNS:

a. Electrical, neon, etc., operated in connection with another taxed business, including sheet metal shops, which a business tax receipt is necessary for the issuance of this local business tax receipt50.00

b. Electrical, neon, etc., operated as a separate business. Sheet metal local business tax receipt as required by (a)50.00

c. Sign painters50.00

(195) SNOWBALLS25.00

Stands and the like shall not be operated within the fire zones of the city except in permanent buildings where other businesses are carried on.

(196) SODA FOUNTAINS, serving lunches or sandwiches in addition; not in conjunction with other business:

a. 1—25 seats25.00

b. More than 25 seats50.00

(197) SOFT WATER, service agents50.00

(198) SOLICITORS50.00

Canvassers. (See: Canvassers)

(199) SPIRIT MEDIUMS100.00

(200) STEAMSHIPS:

a. Agents, for each company represented100.00

b. Owners or operators, for each company100.00

(201) STEVEDORING COMPANIES100.00

(202) STOCKS AND BONDS:

a. Agents50.00

b. Dealers and/or brokers50.00

(203) STONE QUARRIES or yards50.00

(204) STORAGE:

a. Automobiles. (See: Automotive)

b. Cold storage. (See: Cold storage plants)

c. Warehouses50.00

(205) [Reserved.]

(206) SURETY COMPANIES. Persons in the business of making bonds for profit200.00

(207) SURGEONS100.00

(208) SURVEYORS50.00

T

(209) TAILORS, merchant or agent, selling suits to measure50.00

(210) TAR PLANTS50.00

(211) TATTOOING100.00

(212) TAXICABS, first three (3) cars50.00

(213) TAXIDERMISTS50.00

(214) TELEGRAPH COMPANIES50.00

(215) TELEPHONE COMPANIES300.00

(216) TERMINALS for storing and shipping gasoline and petroleum products1,200.00

(217) THEATERS50.00

(218) TOUR GUIDES/CHARTER BOATS50.00

(219) TRADING STAMPS. Selling stamps to merchants for sales promotion100.00

(220) TRAILER PARKS50.00

(221) TREE SURGEONS50.00

(222) TURPENTINE STILLS50.00

U

(223) U-DRIVE-IT CARS (See: Automotive)

(224) UNDERTAKERS50.00

(225) UPHOLSTERERS, furniture or antiques, when not in connection with another taxed business50.00

(226) USED CAR DEALERS (See: Automotive)

V

(227) VAULTS50.00

(228) VEGETABLES:

a. Stores and stands where no merchant's tax is paid50.00

(229) VEHICLES FOR HIRE (See: Automotive)

(230) VETERINARIANS50.00

(231) VULCANIZING, retreading exclusive of other local business tax receipts100.00

W

(232) WATERCRAFT RENTALS50.00

(233) WATCH REPAIR50.00

(234) WELDING, electric or acetylene, when not in connection with another taxed business50.00

(235) WELL DRILLERS, with power equipment50.00

(236) WINE (See: Beer)

(237) WOODWORKERS, employing two (2) or more persons50.00

(238) WOOD YARDS25.00

(239) WOODWORKING FACTORIES50.00

(240) WRECK SALES50.00

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Secs. 11-15—11-20. Reserved.

ARTICLE II. ADULT ENTERTAINMENT ESTABLISHMENTS[2]

DIVISION 1. GENERALLY

Sec. 11-21. Purpose.

The intent of the city council in adopting these adult entertainment licensing provisions is to establish reasonable and uniform regulations that will protect the health, safety, morals and general welfare of the people of the city.

(Ord. No. 90-O-6, § 1, 7-23-90)

[2]Editor's note(s)—Ord. No. 90-O-6, § 1, adopted July 23, 1990, added Art. II, Divs. 1—6, §§ 11-50—11-98. In order to allow for subsequent amendatory provisions however, the editor has renumbered said article and added reserved sections between each division.

Cross reference(s)—Alcoholic beverages, Ch. 3; exposure of private parts in establishments offering alcoholic beverages, § 3-11; buildings, Ch. 6; fire prevention and protection, § 6-31 et seq.; fire department, Ch. 8; health, sanitation and public welfare, Ch. 10; offenses and miscellaneous provisions, Ch. 12; police department, Ch. 13; zoning, App. A; adult entertainment establishment permitted in M-2 general industrial district, App. A, § 4.34(a)(4); signs, App. A, § 6.50 et seq.

Sec. 11-22. Construction.

This adult entertainment ordinance licensing provision shall be liberally construed to accomplish its purpose of licensing, regulating and dispersing adult entertainment and related activities. Unless otherwise indicated, all provisions of this article shall apply equally to all persons regardless of sex. Masculine pronouns, such as *he, his* and *him* as employed in this article shall also be construed to apply to feminine pronouns and neutral pronouns unless the context suggests otherwise. Words used in the singular number shall include the plural number unless the context suggest otherwise.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-23. Definitions.

The terms used in this article are defined as follows unless the context suggests otherwise:

Adult bookstore: An establishment which sells or rents adult material unless the adult material is accessible only by employees and either the gross income from the sale or rental of adult material comprises less than ten (10) percent of the gross income from the sale or rental of goods or services at the establishment or the individual items of adult material offered for sale or rental comprises less than twenty-five (25) percent of the individual items publicly displayed at the establishment as stock in trade. It is an affirmative defense to an alleged violation of this article regarding operating an adult bookstore without an adult entertainment license if the alleged violator shows that the adult material is accessible only by employees and either the gross income from the sale or rental of adult material comprises less than ten (10) percent of the gross income from the sale or rental of goods or services at the establishment or the individual items of adult material offered for sale or rental comprise less than twenty-five (25) percent of the individual items publicly displayed at the establishment as stock in trade.

Adult booth: A small enclosure inside an adult entertainment establishment accessible to any person regardless of whether a fee is charged for access. The term *adult booth* includes but is not limited to a *peep show* booth or other booth used to view *adult material.* The term *adult booth* does not include a foyer through which any person can enter or exit the establishment or a rest-room.

Adult dancing establishment: An establishment where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing.

Adult entertainment establishment: An adult theater, and adult bookstore or an adult dancing establishment operated for commercial or pecuniary gain. (*Operated for commercial or pecuniary gain* shall not depend upon actual profit or loss. Also, *operated for commercial or pecuniary gain* shall be presumed where the establishment has an occupational license). An establishment with an adult entertainment license is presumed to be an adult entertainment establishment.

Adult material: Any one (1) or more of the following regardless of whether it is new or used:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides or other visual representations or recordings or other audio matter which have as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult motel: Any motel, hotel, boardinghouse, roominghouse or other place of temporary lodging which includes the word *adult* in any name it uses or otherwise advertises the presentation of films, motion pictures, videocassettes, slides or other photographic reproductions which have as their primary or dominant theme

matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. The term *adult motel* is included within the definition of *adult theater.*

Adult theater: An establishment which, except as set forth in the final sentence of this paragraph, consists of an enclosed building or a portion or part of an enclosed building or an open-air area used for viewing by persons of films, motion pictures, videocassettes, slides or other photographic reproductions which have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. *Adult motels* are included within the definition of *adult theater.* An establishment which has *adult booths* is considered to be an *adult theater.*

Alcoholic beverage: A beverage containing more than one (1) percent of alcohol by weight.

(1) It shall be prima facie evidence that a beverage is an alcoholic beverage if there is proof that the beverage in question was or is known as whiskey, moonshine rum, gin, tequila, vodka, scotch, scotch whiskey, brandy, beer, malt liquor, port, sherry and/or wine or by any similar name or names or was contained in a bottle or can labeled as any of the above names or a name similar thereto and the bottle or can bears the manufacturer's insignia, name or trademark.

(2) Any person who, by experience in the handling of alcoholic beverages, or who, by taste, smell or drinking of such alcoholic beverages, has knowledge of the alcoholic nature thereof may testify as to his opinion about whether such beverage is an alcoholic beverage.

City: The city council of the City of Crystal River, Florida.

City manager: The chief administrative officer or his designee.

Conviction: A determination of guilt resulting from plea or trial regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

Department: The building and zoning department, fire prevention division, health department or police department, including the respective director, employees and agents thereof.

Educational institution: A premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes and/or courses of study required for eligibility to certification by, accreditation to or membership in the state department of education of Florida, Southern Association of Colleges and Secondary Schools or the Florida Council of Independent Schools. The term *educational institution* includes but is not limited to a premises or site upon which there is a nursery school, kindergarten, elementary school, middle school, senior high school, vocational institution or any special institution of learning. However, the term *educational institution* does not include a premises or site upon which there is a professional institution or an institution of higher education, including a community college, junior college, four-year college or university.

Employee: A person who works or performs in an adult establishment irrespective of whether said person is paid a salary or wage by the owner or manager of the premises.

Establishment: A site or premises or portion thereof upon which certain activities or operations are being conducted for commercial or pecuniary gain. (*Operated for commercial or pecuniary gain* shall not depend upon actual profit or loss. Also, *operated for commercial or pecuniary gain* shall be presumed where the establishment has an occupational license).

Inspector: A respective employee of the health department, building and zoning department, police department or fire prevention division or code inspector who inspects premises licensed under these provisions and takes or requires the actions authorized by these provisions in case of violations being found on licensed premises and who also inspects premises seeking to be licensed under these provisions and takes or requires corrections of unsatisfactory conditions found on the premises.

Licensee: Any person whose application for an adult entertainment establishment has been granted and who owns, operates or controls the establishment.

Operator: Any person who engages in or performs any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bartender, disc jockey, sales clerk, ticket taker, movie projectionist or supervisor.

Park: A tract of land within a municipality or unincorporated area which is kept for ornament and/or recreation and which is maintained as public property.

Permittee: A person who has obtained an adult entertainment permit pursuant to division 3, section 11-51 et seq., of these provisions.

Person includes but is not limited to an individual, associations, joint ventures, partnerships estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other or any other similar entity.

Private performance: The display or exposure of any specified anatomical area by an employee at an adult entertainment establishment to a person other than another employee while the person is in an area not accessible during such display to all other persons in the establishment or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

Religious institution: A premises or site which is used primarily or exclusively for religious worship and related activities.

Specified anatomical areas:

(1) Less than completely and opaquely covered:

a. Human genitals or pubic region; or

b. Cleavage of the human buttocks; or

c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not so exposed.

(2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified criminal act:

(1) A criminal violation as specified in division 5, § 11-80 et seq., hereof;

(2) Any felony;

(3) An offense under Chapter 794, Florida Statutes (Sexual Battery);

(4) An offense under Chapter 796, Florida Statutes (Prostitution);

(5) An offense under Chapter 800, Florida Statutes (Lewdness; Indecent Exposure);

(6) An offense under Chapter 826, Florida Statutes (Bigamy; Incest);

(7) An offense under Chapter 847, Florida Statutes (Obscene Literature; Profanity); or

(8) An offense under an analogous statute of a state other than Florida or under an analogous ordinance of another county or city.

Specified sexual activities:

(1) Human genitals in a state of sexual stimulation, arousal or tumescence; or

(2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zooerasty; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast or excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3).

Straddle dance, lap dance or *face dance:* The use by an employee of any part of his or her body to touch the genital or pubic area of a person while at the establishment or the touching of the genital or pubic area of any employee with a person while at the establishment. It shall be a *straddle dance* regardless of whether the *touch* or *touching* occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a *straddle dance* regardless of whether the *touch* or *touching* is direct or through a medium.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-24. Subject to state law—Regulation of obscenity.

It is not the intent of the city council to legislate with respect to matters of obscenity herein. These matters are regulated by state law.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-25. Same—Regulation of massage establishments.

It is not the intent of the city council to legislate with respect to matters of massage establishments herein. These matters are regulated by a state agency, the department of professional regulation, board of massage, and by state law, Chapter 480, Florida Statutes.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-26. Severability.

If any section of these provisions or any application thereof is declared to be void, unconstitutional or invalid for any reason, such portion or provision or the application thereof shall be severable from the other provisions hereof. The remaining portions and provisions hereof and all applications thereof shall remain in full force and effect. No void, unconstitutional or invalid portion or proscribed provision or application thereof was an inducement to the enactment of any other provision hereof.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-27—11-30. Reserved.

DIVISION 2. LICENSING PROVISIONS

Sec. 11-31. Responsibility of city council, city manager and departments.

Ultimate responsibility for the administration of this article is vested in the city council. The city manager or his designee is responsible for granting, denying, revoking, renewing, suspending and canceling adult entertainment licenses for proposed or existing adult entertainment establishments. The chief of police of the city

police department is responsible for verifying information contained on an application pursuant to subsections 11-33(b)(1) through (5) of this article; for inspecting any proposed, licensed or nonlicensed establishment in order to ascertain whether it is in compliance with applicable criminal statutes and ordinance and for enforcing applicable criminal statutes and ordinances, including those set forth in division 5, section 11-80 et seq., of this article. In addition, the chief of police is responsible for reviewing permit applications as provided in division 3, section 11-51 et seq. The building and zoning department is responsible for inspecting any proposed establishment for which a license is being applied for or any licensed establishment in order to ascertain whether it complies with or is complying with this article and all applicable building codes, statutes, ordinances and regulations in effect in the city. The division of fire prevention is responsible for inspecting any proposed establishment for which a license is being applied for or any licensed establishment in order to ascertain whether it complies with or is complying with division 4, section 11-71 et seq., of this article and all applicable fire codes, statutes, ordinances and regulations in the city. The health department is responsible for any proposed establishment for which a license is being applied for or any licensed establishment in order to ascertain whether it complies with or is complying with division 4 of this article and all applicable health codes, statutes, ordinances and regulations in effect in the city. In addition, the health department is responsible for reviewing permit applications as provided in division 3. The building and zoning department is responsible for ascertaining whether a proposed establishment for which a license is being applied for complies with all locational requirements of this article, applicable portions of this article, all applicable zoning regulations in effect in the city and whether a licensed establishment is complying with division 5 of this article and all applicable zoning regulations and land use laws in effect in the city. The city manager is responsible for granting, denying, renewing, cancelling, suspending and revoking permits for proposed or current permittees in accordance with division 3 of this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-32. Adult entertainment license required—Classifications of.

(a) *Requirement.* No adult entertainment establishment shall be permitted to operate without having been first granted an adult entertainment license by the city manager under this article.

(b) *Classifications.* Adult entertainment establishment licenses referred to in this article shall be classified as follows:

(1) Adult bookstore;

(2) Adult theater; and

(3) Adult dancing establishment.

(c) *Single classification of license.* Any adult entertainment license for a particular adult entertainment establishment shall be limited to the classification of license.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-33. Same—Application; contents of; application fee; rejection of incomplete application; consent by applicant.

(a) *Required.* Any person desiring to operate an adult entertainment establishment shall file with the city manager a sworn license application on a standard application form supplied by the city manager.

(b) *Contents of application.* The completed application shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

a. An individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is eighteen (18) years of age; or

b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited and, if in existence, a copy of the partnership agreement; or

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing, the names and capacity of all officers, directors and principal stockholders and, if applicable, the name of the registered corporate agent and the address of the registered office for service of process;

(2) If the applicant intends to conduct the establishment under a name other than that of the applicant, the establishment's fictitious name and the county of registration under Section 865.09, Florida Statutes (1987);

(3) Whether the applicant or any of the other individuals listed pursuant to subparagraph (1) has, within the ten-year period immediately proceeding the date of the application, been convicted of a specific criminal act and, if so, the specified criminal act involved, the date of conviction and the place of conviction;

(4) Whether the applicant or any of the other individuals listed pursuant to subparagraph (1) has had a previous license under this article suspended or revoked as well as the date of the suspension or revocation and whether the applicant or any other individuals listed pursuant to subparagraph (1) has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this article has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked as well as the date of the suspension or revocation;

(5) Whether the applicant or any other individuals listed pursuant to subparagraph (1) holds any other licenses under this article and, if so, the names and locations of such other licensed establishments;

(6) The single classification of license for which the applicant is filing;

(7) The location of the proposed establishment, including a legal description of the property site, and a legal street address;

(8) The names of the employees for the proposed establishment if known or, if presently unknown, a statement to that effect;

(9) The applicant's mailing address; and

(10) A site plan drawn to appropriate scale of the proposed establishment, including but not limited to:

a. All property lines, rights-of-way and the location of the buildings, parking areas and spaces, curb cuts and driveways;

b. All windows, doors, entrances and exits, fixed structural features, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures;

c. All proposed improvements or enlargements to be made which shall be indicated and calculated in terms of percentage of increase in floor size.

(c) *Application fee.* Each application shall be accompanied by a nonrefundable fee of two hundred dollars ($200.00). If the application for a license is approved and a license is granted, the fee shall be applied as a credit towards the annual license fee required for the first year pursuant to section 11-37 of this article.

(d) *Rejection of incomplete application.* In the event the city manager determines or learns at any time that the applicant has not properly completed the application for a proposed establishment, he shall promptly notify the applicant of such fact and shall automatically reject the application.

(e) *Consent.* By applying for a license under this article, the applicant shall be deemed to have consented to the provisions of this article and to the exercise by the city manager and the departments of their respective responsibilities under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-34. Investigation of application.

(a) Upon receipt of the application properly filed with the city manager and upon payment of the nonrefundable application fee, the city manager shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the chief of police, fire prevention, the health department and the building and zoning department. Each department shall promptly conduct an investigation of the applicant, application and the proposed establishment in accordance with its responsibilities summarized in section 11-31 of this article. At the conclusion of its investigation, each department shall indicate on the photocopy of the application its approval or disapproval of the application, date it and sign it; and in the event it disapproves, it shall so state its reasons.

(b) A department shall disapprove of an application if it finds that the proposed establishment will be in violation of any provision of this article or of any building, fire, health, or zoning statute, code, ordinance or regulation. After its indication of approval or disapproval, each department shall immediately return the photocopy for the application to the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-35. Grant; denial.

(a) *Time period for granting or denying license.*

(1) The city manager shall grant or deny an application for an adult dancing establishment within forty-five (45) days from the date of its proper filing. Upon the expiration of the forty-five-day period, the applicant may begin—and shall be allowed at its discretion to begin—operating the establishment for which a license is sought, unless and until the city manager notifies the applicant of a denial of the application and states the reason(s) for the denial.

(2) The city manager shall grant or deny an application for an adult bookstore or adult theater within fourteen (14) days from the date of proper filing. Upon the expiration of the fourteenth day, the applicant may begin—and shall be allowed at its discretion to begin—operating the establishment for which a license is sought, unless and until the city manager notifies the applicant of a denial of the application and states the reason(s) for that denial.

(b) *Granting of application for license.* If each of the departments has approved the application, the city manager shall grant the application, notify the applicant of the granting and issue the license to the applicant upon payment of the appropriate annual license fee as provided in sections 11-36 and 11-37 with credit as provided in subsection 11-33(c).

(c) *Denying of application for license.*

(1) The city manager shall deny the application for any of the following reasons:

a. Any of the departments, excluding the police department, has disapproved of the application.

b. The application contains material false information.

c. The applicant or any of the other individuals listed pursuant to subsection 11-33(b)(1) has a license under this article which has been suspended or revoked.

d. The granting of the application would violate a statute or ordinance or an order from a court of law which effectively prohibits the applicant from obtaining an adult entertainment establishment license.

e. Any person or legal entity who is required by this article to possess a license for engaging in any business enterprise, profession or other activity included and regulated within this article who, as a licensee or as an agent or employee of such licensee, is convicted, or has been within a period of ten (10) years before the date of application, convicted of a felony or a first degree misdemeanor directly related to the specific licensed business activity, upon due and proper record of such conviction presented to the city manager, shall be subject to denial of a license application. The applicant shall have the right to request a public hearing before the city council and present evidence and testimony why such license application should not be denied. Nothing herein shall be construed to prevent the city council, upon a showing of good cause, from issuing a license to any person or entity whose license application has been previously denied. Such issuance, upon approval by the city council, shall be pursuant to the procedures heretofore established in this article.

(2) If the city manager denies the application, he shall notify the applicant of the denial and state the reason(s) for the denial.

(3) If a person applies for a license at a particular location within a period of nine (9) months from the date of denial of a previous application for a license at the location and there has not been an intervening change in the circumstances which will probably lead to a different decision regarding the former reason(s) for denial, the application shall be rejected.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-3, §§ 1, 2, 7-22-96)

Sec. 11-36. Contents and terms of license; renewals; expiration; cancellation.

(a) *Contents.* An adult entertainment license shall state on its face the name of the licensee, the name of the establishment, the street address of the establishment, the classification(s) of the license, the date of issuance and the date of expiration.

(b) *Terms.* All licenses issued under this article shall be annual licenses which shall commence running on October 1, on which date they shall be paid for and shall expire on September 30 of the following year. If a license is issued after October 1 but by March 31 of the following year, the applicant shall pay the appropriate license fee. If a license is issued after March 31 but by October 1 of the same year, the applicant shall pay one-half (½) of the appropriate license fee.

(c) *Renewals.* Licenses shall be renewed annually. Subject to other provisions of this article, a licensee under this article shall be entitled to a renewal of his annual license from year to year as a matter of course by October 1 by presenting the license for the previous year and by paying the appropriate license fee.

(d) *Expiration.* A license that is not renewed under this article by October 1 of each year shall expire. An expired license may be renewed by November 30 of the same year upon presentation of an affidavit stating that no adult entertainment activity has taken place at the establishment subsequent to expiration, upon payment of the appropriate license fee and upon payment of a penalty of ten (10) percent of the appropriate license fee for the month of October or fraction thereof and an additional penalty of five (5) percent of the appropriate license fee for the month of November or fraction thereof.

(e) *Cancellation.* All expired licenses not renewed by November 30 shall be canceled summarily by the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-37. Annual license fees; levy of; regulatory in nature.

(a) *Levy of license fees.* There are hereby levied the following annual license fees under this article for an adult entertainment establishment:

(1) An establishment having a license for only an adult bookstore: Seven hundred fifty dollars ($750.00).

(2) An establishment having a license for only an adult theater as follows:

a. Having only adult booths: Thirty-five dollars ($35.00) for each booth; or

b. Having only a hall or auditorium: Three dollars and fifty cents ($3.50) for each seat; or

c. Having only an area outdoors designed to permit viewing by customers seated in vehicles: Three dollars and fifty cents ($3.50) for each parking space; or

d. Having a combination of subsections a., b. and/or c. above: The cumulative license fee applicable to each under subsections 2. through c.;

e. Adult motel: Seven hundred fifty dollars ($750.00);

(3) An establishment having a license for only an adult dancing establishment: Seven hundred fifty dollars ($750.00);

(4) An establishment having a license for two (2) classifications: Eight hundred dollars ($800.00);

(5) An establishment having a license for three (3) classifications: Nine hundred dollars ($900.00);

(b) *License fees regulatory in nature.* The annual license fees collected under this article are declared to be regulatory fees which are collected for the purpose of the examination and inspection of adult entertainment establishments under this article and the administration thereof. The regulatory fees are in addition to and not in lieu of the occupational license taxes imposed by other ordinances of the city.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-38. Records and reports; consent by licensee.

(a) *Records and reports.* Each licensee shall keep such records and make such reports as may be required by the city manager and the departments to implement this article and to carry out its purpose.

(b) *Consent.* By holding a license under this article, the licensee shall be deemed to have consented to the provisions of this article and to the exercise by the city manager and the departments of their respective responsibilities under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-39. Transfer of license.

(a) *Requirements for transfer.* A licensee shall not transfer his license to another person and thereby surrender possession, control and operation of the licensed establishment to such other person unless and until such other person satisfies the following requirements:

(1) Obtains an amendment to the license from the article which provides that he is now the licensee, which amendment may be obtained only if he has completed and properly filed an application with the city manager setting forth the information called for under subsections 11-33(b)(1) through (5) and (9) and the application has been granted by the city manager after approval by the chief of police; and

(2) In the event he has purchased the licensed establishment from the licensee, adduces satisfactory proof that the sale was bona fide; and

(3) Pays a transfer fee of ten (10) percent of the appropriate annual license fee.

(b) *Effect of suspension or revocation procedures.* No license may be transferred pursuant to subsection (a) when the city manager has notified the licensee that suspension or revocation proceedings have been or will be brought against the licensee.

(c) *Transfer to different location prohibited.* A licensee shall not transfer his license to another location.

(d) *Attempted improper transfer void; license abandoned.* Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void, and the license shall be deemed abandoned and shall revert to the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-40. Changing name of establishment.

No licensee may change the name of an adult entertainment establishment unless and until he satisfies each of the following requirements:

(1) Gives the city manager thirty (30) days' notice in writing of the proposed name change;

(2) Pays the city manager a three-dollar change-of-name fee; and

(3) Complies with Section 865.09, Florida Statutes (1987).

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-41. Suspension of license.

(a) *Violation of a building, fire, health or zoning statute, code, ordinance or regulation.* In the event a department learns or finds upon sufficient cause that a licensed adult entertainment establishment is operating in violation of a building, fire, health or zoning statute, code, ordinance or regulation, whether federal, state or local, contrary to the respective general requirements of subsection 11-71(1), (2), (3) or (4), the department shall promptly notify the licensee of the violation and shall allow the licensee a seven-day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the seven-day period, the department shall notify the city manager who shall forthwith suspend the license and shall notify the licensee of the suspension. The suspension shall remain in effect until the department notifies the city manager in writing that the violation of the provision in question has been corrected.

(b) *Illegal transfer.* In the event the city manager learns or finds upon sufficient cause that a licensee engaged in a license transfer contrary to section 11-39, he shall forthwith suspend the license and notify the licensee of the suspension. The suspension shall remain in effect until the city manager is satisfied that the requirements of subsection 11-39(a) have been met.

(c) *Convictions for violations of division 5 of this article.*

(1) In the event that three (3) or more violations of division 5, section 11-80 et seq., of this article occur at an adult entertainment establishment within a two-year period and convictions result from at least

three (3) of the violations, the city manager shall, upon the date of the third conviction, suspend the license and notify the licensee of the suspension. The suspension shall remain in effect for a period of thirty (30) days.

(2) In the event one (1) or more violations of division 5 of this article occur at the establishment within a period of two (2) years from the date of the violation from which the conviction resulted for which the license was suspended for thirty (30) days under subsection (c)(1), but not including any time during which the license was suspended for thirty (30) days, and a conviction results from one (1) or more of the violations, the city manager shall, upon the date of the first conviction, suspend the license again and notify the licensee of the suspension. The suspension shall remain in effect for a period of ninety (90) days.

(3) In the event one (1) or more violations of division 5 of this article occur within a period of two (2) years from the date of the violation from which the conviction resulted for which the license was suspended for ninety (90) days under subsection (c)(2), but not including any time during which the license was suspended for ninety (90), days and a conviction results from one (1) or more of the violations, the city manager shall, upon the date of the first conviction, suspend the license again and notify the licensee of the suspension. The suspension shall remain in effect for a period of one hundred eighty (180) days.

(4) The transfer or renewal of a license pursuant to this article shall not defeat the terms of subsections (c)(1) through (3).

(d) *Effective date of suspension.* All periods of suspension shall begin sixteen (16) days after the date the city manager mails the notice of suspension to the licensee or on the date the licensee delivers his license to the city manager, whichever occurs first.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-42. Revocation of license.

(a) *False information.* In the event the city manager learns or finds upon sufficient cause that a license was granted based upon false information, misrepresentation of fact or mistake of fact, he shall forthwith revoke the license and notify the licensee of the revocation.

(b) *Convictions for violation of division 5 of this article.*

(1) In the event that one (1) or more violations of division 5 of this article occur at an adult entertainment establishment which has had a license suspended for a period of one hundred eighty (180) days pursuant to subsection 11-41(c)(3) and the violation(s) occur within a period of two (2) years from the date of the violation from which the conviction resulted for which the license was suspended for one hundred eighty (180) days, but not including any time during which the license was suspended for one hundred eighty (180) days, the city manager shall forthwith revoke the license and notify the licensee of the revocation.

(2) The transfer or renewal of a license pursuant to this article shall not defeat the terms of subsection (b)(1).

(c) *Revocation of license.* Any person or legal entity who is required by this article to possess a license for engaging in any business enterprise, profession or other activity included and regulated within this article who, as a licensee or as an agent or employee of such licensee, under this article is convicted, or has been within a period of ten (10) years before the date of the application, convicted of a felony or a first-degree misdemeanor directly related to the specific licensed business activity, upon due and proper record of such conviction presented to the city council, shall be subject to said license being revoked upon a resolution of the city council. Written notice of the effective date of such revocation shall be forwarded to the licensee

with a copy of such revocation filed with the police department and with the office of the city manager. The licensee shall have the right to request a public hearing before the city council and present evidence and testimony why such license should not be revoked. Nothing herein shall be construed to prevent the city council, upon showing of good cause, from reissuing a license to any person or entity whose license has been previously revoked. Such reinstatement, upon approval by the city council, shall be pursuant to the procedures heretofore established in this article. Notification of such reinstatement shall be furnished to the police department and the office of the city manager. Revocation of license under this section shall be in addition to any other penalties provided by law.

(d) *Effect of revocation.* If a license is revoked, the licensee shall not be allowed to obtain another adult entertainment license for a period of ten (10) years, and no license shall be issued again to any other person for the location upon which the adult entertainment establishment was situated.

(e) *Effective date of revocation.* The revocation shall take effect sixteen (16) days after the date the city manager mails the notice of revocation to the licensee or on the date the licensee delivers his license to the city manager, whichever happens first.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-3, § 3, 7-2-96)

Secs. 11-43—11-50. Reserved.

DIVISION 3. PERMITTING PROVISIONS

Sec. 11-51. Adult entertainment permit—Required.

(a) Subject to subsection (b), no individual may work in an adult entertainment establishment without having applied for and having been granted a temporary or permanent adult entertainment permit from the city manager under this article.

(b) An individual who is to engage exclusively in performing janitorial or maintenance services at an adult entertainment establishment or an individual who is to engage exclusively in performing barbering or cosmetology pursuant to a license issued under, respectively, Chapters 476 or 477, Florida Statutes (1987), is exempt from subsection (a).

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-52. Same—Application; contents of; application fee; rejection of incomplete application; consent by applicant.

(a) *Required.* Any individual desiring to work in an adult entertainment establishment shall file with the city manager a sworn permit application on a standard application form supplied by the city manager.

(b) *Contents of application.* The completed application shall contain the following information and shall be accompanied by the following documents:

(1) The applicant shall state his legal name and any aliases;

(2) The applicant shall submit satisfactory proof that he is at least eighteen (18) years of age, and a photocopy of such proof shall be retained by the city manager;

(3) The applicant shall furnish a set of his fingerprints which have been taken by the police department;

(4) The applicant shall present three (3) recent color photographs of himself which have been taken by the city manager: One (1) photograph to be attached to the temporary permit; one (1) photograph to be attached to the two-year permit; one (1) photograph to be attached to the application and retained on file with the city;

(5) The applicant shall state his mailing address and, if different, his address of residence;

(6) The applicant shall reveal his driver's license number;

(7) The applicant shall state whether he has, within the ten-year period immediately proceeding the date of the application, been convicted of a specified criminal act and, if so, the specified criminal act involved, the date of conviction and the place of conviction;

(8) The applicant shall indicate whether he or she has had a previous permit under this article which has been suspended or revoked and, if so, the date of the suspension or revocation;

(9) Any additional information which the city manager deems necessary to effectuate the language and purpose of this article.

(c) *Application fee.* Each application for a permit shall be accompanied by a nonrefundable fee of fifty dollars ($50.00). If the application for a permit is approved and a permit is granted, the fee shall be applied as a credit towards the permit fee required pursuant to section 11-57 of this article.

(d) *Rejection of incomplete application.* In the event the city manager determines or learns at any time that the applicant has not properly completed the application for a permit, he shall promptly notify the applicant of such fact and shall automatically reject the application.

(e) *Consent.* By applying for a permit under this article, the applicant shall be deemed to have consented to the provisions of this article and to the exercise by the city manager, the police department and, if applicable, the health department of their respective responsibilities under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-53. Temporary permit.

The city manager shall issue a temporary permit to an applicant on the date that the applicant properly files an application. The temporary permit shall automatically expire after fourteen (14) days.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-54. Investigation of application.

Upon receipt of an application properly filed with the city manager and upon payment of the nonrefundable application fee, the city manager shall immediately stamp the application as received and shall immediately thereafter send a fingerprint card to the police department and, if the applicant has indicated an intention to work in an adult dancing establishment, notify the health department of the applicant's name and address. The city manager and, if applicable, the health department shall promptly conduct an investigation of the applicant in accordance with their respective responsibilities under section 11-31 of this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-55. Grant; denial.

(a) *Time period for granting or denying permit.* The city manager shall grant or deny any application within fourteen (14) days from the date of its proper filing.

(b) *Granting of permit.* If the chief of police,the city manager and, if applicable, the health department have each approved of the application, the city manager shall grant the application, notify the applicant of the granting and issue a permit to the applicant.

(c) *Denying of permit.*

(1) The city manager shall deny the application for any of the following reasons:

a. The applicant is less than eighteen (18) years of age;

b. The application contains material false information;

c. The applicant has had a previous permit under this article which has been suspended or revoked; or

d. The granting of the application would violate a statute or ordinance or an order from a court of law which prohibits the applicant from obtaining an adult entertainment permit.

(2) If the city manager denies the application, he shall notify the applicant of the denial and state the reason(s) for the denial.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-56. Contents, scope and term of permit; renewals; expiration; cancellation.

(a) *Contents.* The permit which shall be laminated shall contain the following:

(1) The permittee's legal name and any aliases;

(2) The permittee's residential address;

(3) The permittee's sex;

(4) The permittee's birth date;

(5) The permittee's signature;

(6) A color photograph of the permittee which was taken by the city manager;

(7) The expiration date of the permit; and

(8) The signature of the city manager.

(b) *Scope.* The permit shall entitle the permittee to work in any adult entertainment establishment.

(c) *Term.* All permits issued under this article shall remain valid for two (2) years from the date of issuance.

(d) *Renewal.* Permits shall be renewed on or before two (2) years from the date of issuance. A permittee shall be entitled to a renewal of his or her permit as a matter of course upon payment of a fifty-dollar fee.

(e) *Expiration.* A permit that is not renewed on or before two (2) years from the date of issuance shall expire. An expired permit may be renewed within thirty (30) days upon presentment of an affidavit by the permittee stating that he has not engaged in any adult entertainment establishment subsequent to expiration, upon payment of the permit fee of fifty dollars ($50.00) and upon payment of a penalty fee of ten dollars ($10.00).

(f) *Cancellation.* All expired permits not renewed within thirty (30) days shall be canceled summarily by the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-57. Permit fee.

The fee for a permit under this division shall be fifty dollars ($50.00).

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-58. Suspension of permit.

(a) *Conviction for violation of division 5 of this article.* In the event a permittee commits one (1) or more violations of division 5 of this article and a conviction results from at least one (1) of the violations, the city manager shall, upon the date of conviction, suspend the permit and notify the permittee of the suspension. The suspension shall remain in effect for a period of ninety (90) days.

(b) *Effective date of suspension.* The period of suspension shall begin sixteen (16) days after the date the city manager mails the notice of suspension to the permittee or on the date the permittee delivers his permit to the city manager, whichever happens first.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-59. Revocation of permit.

(a) *Conviction for violation of this article.* In the event a permittee commits one (1) or more violations of division 5 of this article within a period of two (2) years from the date of the violation from which the conviction resulted for which the permit was suspended under section 11-58, but not including any time during which the permit was suspended, and a conviction results from one (1) or more of the violations, the city manager shall, upon the date of the first conviction, revoke the permit and notify the permittee of the revocation.

(b) *Effect of revocation.* If a permit is revoked, the permittee shall not be allowed to obtain another adult entertainment permit for a period of five (5) years.

(c) *Effective date of revocation.* The revocation shall take effect sixteen (16) days after the date the city manager mails the notice of revocation to the permittee or on the date the permittee delivers his license to the city manager, whichever happens first.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-60—11-70. Reserved.

DIVISION 4. REGULATIONS

Sec. 11-71. General requirements.

Each adult entertainment establishment shall, regardless of whether it is licensed, observe the following general requirements:

(1) Conform to all applicable building statutes, codes, ordinances and regulations, whether federal, state or local;

(2) Conform to all applicable fire statutes, codes, ordinances and regulations, whether federal, state or local;

(3) Conform to all applicable health statutes, codes, ordinances and regulations, whether federal, state or local;

(4) Conform to all applicable zoning regulations and land-use laws, whether state or local;

(5) Keep the adult entertainment license posted in a conspicuous place at the establishment at all times, which license shall be available for inspection upon request at all times by the public;

(6) Opaquely cover each nonopaque area through which a person outside the establishment may otherwise see inside the establishment;

(7) On the first Monday of every month, provide the city manager with a listing of all persons who are or have been employees at the establishment since the first Monday of the previous month and their positions.

(8) Adult entertainment establishments may be located in the following areas:

a. Adult entertainment establishments may be operated or enlarged on property within the highway commercial district (C-1A) in the following corridor:

1. Beginning a southerly boundary of the City of Crystal River along U.S. Highway 19 north to the City of Crystal River city limits having a width of four hundred (400) feet west and four hundred (400) feet east of the U.S. Highway 19 right-of-way; and

2. Beginning at the intersection of U.S. Highway 19 and State Road 44 along State Road 44 easterly to the City of Crystal River city limits having a width of four hundred (400) feet south and four hundred (400) feet north of the State Road 44 right-of-way.

b. No person shall, unless he has first obtained a variance under Appendix A—Zoning, Article 7, Board of Adjustments and Appeals, Section 7.33 Variances, cause or permit the operation of, or enlargement of, an adult entertainment establishment which, while in operation or after enlargement, would or will be located within seven hundred fifty (750) feet of a pre-existing adult entertainment establishment, within one thousand (1,000) feet of a pre-existing religious institution, within one thousand (1,000) feet of a pre-existing educational institution, within two hundred (200) feet of an area zoned within the county or a municipality for residential use, within one thousand (1,000) feet of a pre-existing park, or within three hundred (300) feet of a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption. The term "enlargement," as used in this subsection, includes, but is not limited to, increasing the floor sizes of the establishment by more than ten (10) percent.

c. The distance requirements of subsection a. are independent of, and do not supersede the distance requirements of the Code of Ordinances of the City of Crystal River.

d. Distance from a proposed or existing adult entertainment establishment to a pre-existing adult entertainment establishment, a pre-existing religious institution, a pre-existing educational institution, an area zoned for residential use, a pre-existing park, or a pre-existing commercial establishment that sells or dispenses alcohol for on-premises consumption shall be measured by drawing a straight line between the closest property lines of the proposed or existing adult entertainment establishment and the pre-existing religious institution, pre-existing educational institution, area zoned for residential use, pre-existing park, or pre-existing commercial establishment that sells or dispenses alcohol for on-premises consumption.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-05, § 1, 7-22-96; Ord. No. 96-O-06, § 1, 9-9-96)

Sec. 11-72. Adult theater.

In addition to the general requirements for an adult entertainment establishment contained in section 11-71, an adult theater shall, regardless of whether it is licensed, observe the following special requirements:

(1) If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

a. Have individual, separate seats, not couches, benches or the like, to accommodate the maximum number of persons who may occupy the area;

b. Have a continuous main aisle alongside the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and

c. Have a sign posted in a conspicuous place at or near each entranceway to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.

(2) If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:

a. Have a sign posted in a conspicuous place at or near the entranceway which states the maximum number of persons who may occupy the booth, which number shall correlate with the number of seats in the booth;

b. Have a permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, not capable of being closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the booth;

c. Have individual, separate seats, not couches, benches or the like, which correlate with the maximum number of persons who may occupy the booth;

d. Have a continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and

e. Have, except for the entranceway, walls or partitions of solid construction without any holes or openings in such walls or partitions.

(3) If the adult theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated or the perimeter of the establishment so fenced that the material to be seen by those persons may not be seen from any public right-of-way, property zoned for residential use, religious institution, educational institution or park.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-73. Adult dancing establishment.

In addition to the general requirements for an adult entertainment establishment contained in section 11-71, an adult dancing establishment shall, regardless of whether it is licensed, observe the following special requirements:

(1) It shall have a stage provided for the display or exposure of any specified anatomical area by an employee to a person other than another employee consisting of a permanent platform (or other

similar permanent structure) raised a minimum of eighteen (18) inches above the surrounding floor and encompassing an area of at least one hundred (100) square feet; and

(2) Any area in which a private performance occurs shall have:

a. A permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, which entranceway is not capable of being closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the area; and

b. A wall-to-wall, floor-to-ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent and which partition separates the employee from the person viewing the display.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-74—11-79. Reserved.

DIVISION 5. CRIMINAL PROVISIONS

Sec. 11-80. Operation of establishment—Without valid adult entertainment license.

It shall be unlawful for any person to be an operator of an adult entertainment establishment where the person knows or should know that the establishment:

(1) Does not have an adult entertainment license for any applicable classification;

(2) Has a license which is under suspension;

(3) Has a license which has been revoked or canceled; or

(4) Has a license which has expired.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-81. Same—Contrary to certain requirements.

(a) It shall be unlawful for any person to be an operator of an adult entertainment establishment which does not satisfy all of the general requirements of section 11-71.

(b) It shall be unlawful for any person to be an operator of an adult theater which does not satisfy all of the special requirements of section 11-72.

(c) It shall be unlawful for any person to be an operator of an adult dancing establishment which does not satisfy all of the special requirements of section 11-73.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-82. Allowing employee to engage in prohibited acts.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this article, to knowingly or with reason to know, permit, suffer or allow any employee:

(1) To engage in a straddle dance with a person at the establishment;

(2) To contract or otherwise agree with a person to engage in a straddle dance with a person at the establishment;

(3) To engage in any specified sexual activity at the establishment;

(4) To, where alcoholic beverages are sold, offered for sale or consumed, display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered;

(5) To display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered unless such employee is continuously positioned away from any person other than another employee and unless such employee is in an area as described in section 11-73;

(6) To display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee;

(7) To engage in a private performance unless such employee is in an area which complies with the special requirements of subsections 11-73(2)a. and b.;

(8) To, while engaged in the display or exposure of any specified anatomical area, intentionally touch any person at the adult entertainment establishment, excluding another employee;

(9) To intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the waist and above the knee of the person or to intentionally touch the clothed or unclothed breast of any female person; or

(10) Subject to subsection 11-51(b), to work who has not applied for and obtained a permit under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-83. Advertising prohibited activity.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this article, to advertise the presentation of any activity prohibited by any applicable state statute or local ordinance.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-84. Minors prohibited.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this article, to knowingly or with reason to know, permit, suffer or allow:

(1) Admittance to the establishment of a person under eighteen (18) years of age;

(2) A person under eighteen (18) years of age to remain at the establishment;

(3) A person under eighteen (18) years of age to purchase goods or services at the establishment; or

(4) A person to work at the establishment as an employee who is under eighteen (18) years of age.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-85. Working at establishment without valid adult entertainment license.

It shall be unlawful for any person to work in an adult entertainment establishment that he knows or should know is not licensed under this article or which has a license which is under suspension, has been revoked or canceled or has expired regardless of whether he has applied for and obtained a temporary or permanent permit under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-86. Working without permit prohibited.

(a) Subject to subsection 11-51(b), it shall be unlawful for any person to work in an adult entertainment establishment, regardless of whether it is licensed under this article, if the person has not applied for and obtained a temporary or permanent permit under this article.

(b) Subject to subsection 11-51(b), it shall be unlawful for any person to work in an adult entertainment establishment, regardless of whether it is licensed under this article, unless the person has a temporary or permanent permit in his possession while working at the establishment.

(c) Subject to subsection 11-51(b), it shall be unlawful for any person working in an adult entertainment establishment, regardless of whether it is licensed under this article, to fail to produce a temporary or permanent permit upon demand for inspection by any law enforcement officer.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-87. Engaging in prohibited activity.

It shall be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this article, to:

(1) Engage in a straddle dance with a person at the establishment;

(2) Contract or otherwise agree with a person to engage in a straddle dance with a person at the establishment;

(3) Engage in any specified sexual activity at the establishment;

(4) Where the employee knows or should know that alcoholic beverages are sold, offered for sale or consumed, display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered;

(5) Display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered unless such employee is continuously positioned away from any person other than another employee and unless such employee is in an area as described in subsection 11-73(1);

(6) Engage in the display or exposure of any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee;

(7) Engage in a private performance unless such employee is in an area which complies with the special requirements set forth at subsection 11-73(2)a, and b.;

(8) While engaged in the display or exposure of any specified anatomical area, intentionally touch any person at the adult entertainment establishment, excluding another employee; or

(9) Touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the waist and above the knee of the person or to touch the clothed or unclothed breast of any female person.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-88. Touching of employee by person.

(a) It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch an employee who is displaying or exposing any specified anatomical area at the adult entertainment establishment.

(b) It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch the clothed or unclothed breast of any employee or to touch the clothed body of any employee at any point below the waist and above the knee of the employee.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-89. Exceeding occupancy limit of adult booth.

It shall be unlawful for any person to occupy an adult booth in which booth there are more people than that specified on the posted sign required by section 11-72.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-90. Use of restrooms or dressing rooms.

Notwithstanding any provision indicating to the contrary, it shall not be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this article, to expose any specified anatomical area during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room which is accessible only to employees.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-91. Hours of operation.

(a) It shall be unlawful for any operator of an adult entertainment establishment to allow such establishment to remain open for business or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

(b) It shall be unlawful for any employee of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

(c) Hours stated herein shall mean standard time or daylight saving time as may be in current use in this city.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-92. Alteration of license or permit.

(a) It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment license without the written permission of the City Manager.

(b) It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment permit without the written permission of the City Manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-93. False statement or false information in applying for license or permit.

(a) It shall be unlawful for any person applying for an adult entertainment license to make a false statement which is intended to facilitate the issuance of a license or to provide false information which is intended to facilitate the issuance of a license.

(b) It shall be unlawful for any person applying for an adult entertainment permit to make a false statement which is intended to facilitate the issuance of a permit or to provide false information which is intended to facilitate the issuance of a permit.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-94. Violations subject to criminal prosecution.

Whoever violates any section of this division of this article shall be deemed guilty of a second degree misdemeanor which may be prosecuted and punished pursuant to section 1-8, city Code.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-95—11-100. Reserved.

DIVISION 6. MISCELLANEOUS PROVISIONS

Sec. 11-101. Appeals.

(a) Within fifteen (15) days of the mailing of a notice of denial of an application for a license or permit or a notice of suspension or revocation of a license or permit, the aggrieved party may—and shall be entitled at its discretion to—file a notice of appeal with the city council.

(b) The notice of appeal shall be filed with the clerk of the city. The notice of appeal shall be accompanied by payment of a filing fee of fifty dollars ($50.00) to cover administrative costs. Upon receipt of the notice of appeal and upon payment of the accompanying fifty-dollar filing fee, the clerk shall schedule a hearing for as soon as the council's calendar will allow, but in no event more than thirty (30) days after receipt of the notice of appeal and payment of the filing fee. The clerk shall provide the appellant with at least ten (10) days' notice of the time and place of the hearing.

(c) If, at the conclusion of the hearing, the city council finds that the license or permit should not have been denied, suspended, revoked or canceled, it shall so notify the city manager who shall immediately grant or reissue the license or permit.

(d) This article, and decisions made in accordance with, and pursuant to it—whether by the city manager or by the city council, on appeal from a decision by the city manager—shall be reviewable in the courts of the state and the United States, under the general jurisdictional provisions of state and federal law, available to any aggrieved party.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-3, §§ 4—6, 7-22-96)

Sec. 11-102. Notice.

Any notice required under this article shall be accomplished by sending a written notification by certified mail to the mailing address set forth on the application for the license or a permit. This mailing address shall be considered the correct mailing address unless the city manager has been otherwise notified in writing by certified mail, return receipt requested.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-103. Immunity from prosecution.

The city or any department shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon an adult entertainment establishment while acting within the scope of its authority under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-104. Powers of the city council.

The city council may bring suit in the circuit court to restrain, enjoin or otherwise prevent the violation of this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-105—11-119. Reserved.

ARTICLE III. FORTUNETELLERS, CLAIRVOYANTS, ETC.

Sec. 11-120. Permit—Prerequisite to issuance of license.

No occupational license issued pursuant to this chapter, as amended or its successor in function shall be issued to engage in the occupation of fortunetelling or to persons holding themselves out to be clairvoyants, palmists, astrologers, phrenologists, character readers, spirit mediums, absent treatment healers, or mental healers or engaged in any occupation of a similar nature until such person shall have been issued a permit therefor given by the city.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-121. Same—Conditions for issuance.

No permit shall be issued until after the following conditions have been met:

(1) The applicant shall have been a resident of the State of Florida for at least two (2) years;

(2) The applicant shall establish good moral character by not less than five (5) reputable citizens of Crystal River, and if the applicant has not resided in Crystal River for at least four (4) years, by not less than an additional five (5) reputable citizens from outside Crystal River within or without the State of Florida.

(3) The application, in such form as shall be determined by the city manager, with a recent photograph of the applicant, shall be presented to the city manager who shall make an investigation of the applicant and provide a recommendation to the city council as to the issuance of the permit. The Crystal River Police Department shall aid and assist the city manager in conducting the investigation of any applicant for the permit required by this article.

(4) The applicant shall not have been convicted of any crime involving moral turpitude, fraud, deceit, or any other act of dishonesty. For purposes of this section a withholding of adjudication of guilt or a plea of nolo contendere to such a charge shall constitute a conviction.

(5) The applicant's primary place of business is conducted within a structure located not less than one thousand two hundred (1,200) feet from another structure within which it is conducted a business for which a permit is required by this article.

(6) An administrative fee in the amount of one hundred dollars ($100.00) shall be paid by applicant to partially defray the costs of processing the application. This fee may be revised from time to time by a resolution adopted by the city council in a regularly scheduled city council meeting.

(7) The applicant's primary place of business is conducted within a structure located not less than one thousand two hundred (1,200) feet from a structure used for religion or education.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-122. Same—Display.

Any permittee shall, at all times while engaging in the occupation for which this permit is issued, display at his or her place of business both all occupational license and the permit required herein. Failure or refusal to do so shall be prima facie evidence of engaging in such occupation without a license or permit.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-123. Expiration and renewal.

Every permit issued pursuant to this article shall be valid for a period of not to exceed two (2) years and shall be deemed to expire at the same time as the applicant's most recent occupational license. The permit shall be renewed by reapplying and fulfilling all the conditions required in section 11-121 of this article.

Sec. 11-124. Revocation of permit.

A permit issued pursuant to this article may be revoked by the city manager upon a determination that:

(1) A permittee has misrepresented or concealed facts on the application material to the applicant's entitlement to a permit; or

(2) A permittee has been convicted of a crime involving moral turpitude, fraud, deceit or any other act of dishonesty or a similar crime.

(3) The permittee shall be given notice in writing of intention to revoke the permit, the reasons therefore, and the time, date and place of the hearing required herein. No sooner than fifteen (15) days thereafter and no longer than thirty (30) days following the foregoing notice, a hearing shall be held before the city manager for the purpose of rendering a final decision regarding revocation. Any appeal taken with respect to the revocation shall be by certiorari to the circuit court of the Fifth Judicial Circuit in and for Crystal River. Any such appeal shall be made within thirty (30) days of the final decision of the city manager.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-125. Penalties for violations.

Any person, firm, corporation, association or agent thereof who shall violate the provisions of this article shall be subject, upon conviction, to a fine not to exceed the sum of five hundred dollars ($500.00) and/or imprisonment in the county jail for a period not exceeding sixty (60) days or by both such fine and imprisonment. Each day of violation of the provisions of this article shall constitute a separate offense.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-126. Exceptions.

This article shall not apply to Christian churches who heal the sick by prayers or regularly ordained ministers of churches who are members of the Florida State Spiritualist Ministerial Association whose charter is filed in the Library of Congress and is on record in the State Capitol in Tallahassee, Florida.

(Ord. No. 93-O-9, § 1, 8-9-93)

ARTICLE IV. GARAGE SALES

Sec. 11-127. Regulation of garage sales.

(a) *Intent.* Residents accumulate many items which often are no longer desired to be retained by them. One (1) method of disposing of surplus items is through a sale method known as garage, carport, patio or yard sales and the like or by whatever name designated, all of which are heretofore and hereafter referred to as "garage sales" which shall not be considered as a home occupation or as a home business, but are subject to the following regulations.

(b) *Standards.* In residential land-use districts, garage sales are permitted to be held for a period not to exceed three (3) days, on the basis of three (3) such activities per residence per year.

(Ord. No. 08-O-07, 2-25-2008; Ord. No. 22-O-24, § 1, 10-10-2022)

ARTICLE V. WATERWAY RENTAL VESSEL VENDOR SAFETY

Sec. 11-128. Short title.

This article shall be known and may be cited as the "Waterway Rental Vessel Vendor Safety Ordinance."

Sec. 11-129. Findings of fact, purpose and authority.

(a) The recitals set forth in the ordinance adopting this article are incorporated herein by reference and adopted as findings of fact.

(b) The purpose of this article is to regulate livery vessel rental vendors and operators in order to promote the safety of the boating public and the City's residents and visitors, encourage responsible tourism, support responsible marine businesses, and protect the City's natural resources, including the sensitive spring systems and manatee habitat of Kings Bay.

(c) The City finds that the public health, safety and welfare of the residents and visitors of the City require the regulation of the rental of personal watercraft and livery vessels within the city limits, including the waters of Kings Bay lying within the City's jurisdiction.

(d) This article is enacted pursuant to the City's home rule powers under Article VIII, Section 2(b), Florida Constitution, and Chapters 166 and 205, Florida Statutes. This article regulates the land-based conduct of rental vessel businesses and their operators and is not intended to regulate any matter reserved to the State under Section 327.60, Florida Statutes, or preempted by federal law.

Sec. 11-130. Applicability; construction; conflict with state or federal law.

(a) This article applies to all livery businesses that offer livery vessels for rent or lease for consideration within the city limits, including the waters of Kings Bay lying within the corporate limits of the City.

(b) This article shall be construed in a manner consistent with Chapters 327 and 328, Florida Statutes, and applicable federal law. Nothing in this article shall be construed to: establish a vessel or associated equipment performance or other safety standard, or impose any equipment requirement; regulate the design, manufacture, or installation of any marine sanitation device; regulate any vessel upon the Florida Intracoastal Waterway; regulate the anchoring of vessels outside the marked boundaries of a mooring field; regulate engine or exhaust noise; discriminate against personal watercraft or airboats; or restrict the sale or use of any vessel based on its energy source. This article shall be applied consistently with the limitations on local regulation set forth in Sections 327.60 and 327.75, Florida Statutes.

(c) In the event of any conflict between this article and state or federal law, state or federal law shall control, and the remaining provisions of this article shall continue in full force and effect.

Sec. 11-131. Definitions.

The following words, when used in this article, shall have the meanings indicated, except where the context clearly indicates otherwise. A term not defined in this article but defined in Chapter 327, Florida Statutes, shall have the meaning given in that chapter.

Business location means a site or location that is zoned commercial or other non-residential zoning that otherwise permits livery vessel rentals under the City's Land Development Code, and that has the dockage, parking, and restroom facilities and meets all other site standards required to operate such a business.

City manager means the City Manager of the City of Crystal River or his or her designee.

Idle speed means the lowest speed at which a livery vessel can operate and maintain steering control.

Livery business or *business* means any person or entity engaged in the rental or leasing for consideration of one or more livery vessels.

Livery vessel means a vessel leased, rented, or chartered to another for consideration, including a motorized livery vessel, a personal watercraft, and a non-motorized livery vessel such as a paddleboard, kayak, or canoe, but does not mean a vessel under the control at all times of a United States Coast Guard licensed captain. A personal

watercraft, as defined in Section 327.02, Florida Statutes, is included within the definition of livery vessel for purposes of this article.

Motorized livery vessel means a livery vessel that is propelled by a motor, including a personal watercraft.

Non-motorized livery vessel means a livery vessel that is not propelled by a motor, including a paddleboard, kayak, or canoe.

Operate means to be in charge of, in command of, or in actual physical control of a vessel upon the waters of the state.

Owner means a person, other than a lienholder, having the property in or title to a vessel, including a person entitled to the use or possession of a vessel subject to a security interest in another person.

Permit means the waterway rental vessel vendor permit issued by the City under this article, which is a regulatory permit in addition to, and not in lieu of, the local business tax receipt required under Article I of this chapter.

Person means any individual, partnership, firm, association, corporation, or other entity.

Personal watercraft or *PWC* means a vessel as defined in Section 327.02, Florida Statutes.

Response vessel means a motorized vessel with an operable marine radio, maintained in good running condition and meeting United States Coast Guard safety requirements, reserved for use in responding to emergencies involving rented livery vessels. A response vessel may be a personal watercraft reserved for that purpose.

Sec. 11-132. Local business tax receipt and waterway rental vessel vendor permit required.

(a) In addition to the local business tax receipt required under Article I of this chapter, no person shall offer for rent or lease for consideration a livery vessel within the city limits except from a business location that holds a valid waterway rental vessel vendor permit issued under this article and that fully complies with this article.

(b) No person shall rent or lease a livery vessel from any business within the city limits except from a business holding a valid permit under this article.

(c) No person shall offer for rent or lease for consideration a motorized livery vessel that is not registered in the name of the business and that does not have a valid Florida vessel registration number affixed thereto. A non-motorized livery vessel that is exempt from vessel registration under state law is not subject to the registration requirement of this subsection but remains subject to the other applicable requirements of this article.

Sec. 11-133. Permit application; fees; term; display.

(a) *Application.* Application for a waterway rental vessel vendor permit shall be made to the city manager on a form provided by the City. The application shall include, at a minimum:

(1) the business location, including the local business tax receipt number and street address (a post office box is not sufficient), and, if the applicant is not the owner of the property, a notarized letter of authorization from the property owner;

(2) the business owner's and manager's name, home and local address, and telephone number;

(3) a certificate of good standing from the Florida Department of State, Division of Corporations, demonstrating that the business is authorized to conduct business in the State of Florida;

(4) the state sales tax number;

(5) a copy of any sovereignty submerged lands lease or easement required by the State of Florida for the business's operations;

(6) the number and description of the livery vessels to be used, including, for each motorized livery vessel, the model, year, manufacturer, color, and Florida vessel registration number, and, for non-motorized livery vessels, the number and type of such vessels; and a description of any response vessel and its Florida vessel registration number;

(7) proof of insurance as required by Section 11-136 of this article and Section 327.54(5), Florida Statutes; and

(8) the application signed by the owner attesting, under penalty of perjury, to the accuracy and truthfulness of the information provided, and acknowledging that the applicant has read and understands this article and all applicable regulations. An applicant who misrepresents information provided under this section may be denied a permit or, if a permit is issued, may have the permit suspended or revoked.

(b) *Fees.* The City Council may establish by resolution a reasonable permit fee, and a separate per-vessel fee, to defray the costs directly associated with the administration and enforcement of this article. Such fees are regulatory in nature and are in addition to, and not in lieu of, the local business tax imposed under Article I of this chapter.

(c) *Term.* The permit shall be issued on an annual basis coinciding with the local business tax receipt year established in Sections 11-4 and 11-5 of this chapter, and shall be renewed together with the local business tax receipt. Applications may be made at any time during the year.

(d) *Display.* Each business shall display the permit certificate in plain sight at the business location from which rentals are offered.

Sec. 11-134. Business and operating standards.

Each business holding a permit under this article shall comply with the following standards:

(a) *Zoning and business location.* The business and its vessels shall be situated upon a site authorized by the City's Land Development Code and in compliance with Section 11-12 of this chapter. No business shall be located upon or utilize City or other public property for renting, vessel drop-off, passenger debarkation, or similar business activity without the written permission of the City or other property owner.

(b) *Site facilities.* The business location shall maintain vehicular parking in accordance with the Land Development Code; a physical structure sufficient to protect staff and records and to receive mail at the location; safe, code-compliant dockage for which all necessary state permits are maintained for the duration of the business; and on-site restroom facilities and business-owned trash and recycling receptacles.

(c) *Communication.* The business shall maintain a consistent telephone number and an operable marine radio at its land-based operations office during all hours of operation.

(d) *Response vessel.* A business that offers one or more motorized livery vessels for rent shall maintain a response vessel, and a person with an operable marine radio, at the launching site during all hours of operation. A business that offers only non-motorized livery vessels is not required to maintain a response vessel.

(e) *Safety equipment and refueling plan.* A business that fuels or offers motorized livery vessels shall, prior to operation, file with the City a refueling and spill-response plan approved, as appropriate, by the applicable fire department, the Florida Department of Environmental Protection, and the FWC, providing for on-site maintenance and inspection, spill prevention and response, and fire safety. Fueling of a livery vessel on or

within fifty (50) feet of the water shall require a spill-proof nozzle or other device designed to prevent fuel overflow. This subsection does not apply to a business that offers only non-motorized livery vessels.

(f) *Vessel and business identification marking.* Each livery vessel and the business shall be marked in accordance with Section 11-2.2 of this chapter. In addition, each rented livery vessel and each associated personal flotation device shall bear a unique identifying number or marking that distinguishes the business from other livery businesses. The letters and numbers required by Section 11-2.2 shall be displayed on both sides of the forward half of the vessel above the waterline.

(g) *Employee training.* Each employee who supervises, takes reservations, handles rental paperwork with customers, provides pre-rental instruction, or operates rental or response equipment shall complete, and provide documentation of upon request of the City, the following, as applicable to the vessels the business offers: the State of Florida Boating Safety Education Course; the FWC online livery course; a first aid and CPR course; equipment-specific training on the apparatus rented; and training on the business's emergency contingency plans and on the Kings Bay manatee protection and sanctuary requirements described in Section 11-137. At all times during business hours, an employee who has completed the training shall be present at the business location. A new employee shall have thirty (30) days from the start of employment to complete the training and may operate in the interim under the supervision of a trained employee.

(h) *Emergency contingency plans.* Each business shall maintain written contingency plans addressing, at a minimum, fuel or oil spills, fuel fires, rental vessel accidents, medical emergencies, and inclement weather, including contacts to call, immediate steps, and reporting.

Sec. 11-135. Rental customer operating requirements.

(a) *Training.* In addition to any training required by state law, each operator of a rented livery vessel shall, before operating the vessel, receive from the business: a briefing on the Kings Bay manatee protection zones, idle-speed and slow-speed zones, and federal manatee sanctuaries and no-entry areas described in Section 11-137; equipment-specific operating instruction on the vessel rented; and emergency contact information for law enforcement, the United States Coast Guard, 911, and the business.

(b) *Operator identification.* For each operator of a motorized livery vessel powered by ten (10) horsepower or more, the business shall issue an identification wristband indicating that the operator has met the applicable training requirements of this article and the boater safety education requirements of Section 327.395, Florida Statutes, using a color-coded system that distinguishes operators who are exempt from, and operators who are subject to, the Florida boater safety education requirement. This subsection does not apply to the rental of a non-motorized livery vessel.

(c) *Required documentation.* Each rental customer shall be provided, and shall keep aboard the vessel, a copy of the rental agreement; a means of contacting the business; safety and operational information for the vessel; a map of Kings Bay showing the location of the business, the manatee protection and idle-speed zones, the federal sanctuaries and no-entry areas, and any other boater-restricted areas; and emergency contact information together with an operable means of communication such as a cell phone or marine radio.

(d) *Documentation retained.* The business shall retain a copy of each operator's driver license or other identification and shall make it available to City or State authorities upon request.

Sec. 11-136. Insurance.

(a) No person shall operate a business under this article unless covered by a comprehensive general liability insurance policy insuring the public against bodily injury or property damage resulting from or incidental to the operation, use, or rental of livery vessels, in an amount not less than five hundred thousand dollars ($500,000.00) per occurrence and one million dollars ($1,000,000.00) in the aggregate, written through

insurers licensed and authorized to do business in the State of Florida and otherwise meeting the requirements of Section 327.54, Florida Statutes.

(b) The insurance coverage required by this article shall remain in full force during the entire term of the permit, and proof of coverage shall be provided to the City at the time of permitting and upon request. Failure to maintain such coverage shall render the permit void.

Sec. 11-137. Kings Bay manatee and natural resource protection.

(a) Kings Bay is designated as habitat for the West Indian manatee and is subject to manatee protection zones established by the FWC under Chapter 68C-22, Florida Administrative Code, and to the federal Kings Bay Manatee Refuge and manatee sanctuaries established by the U.S. Fish and Wildlife Service under 50 C.F.R. Part 17, including seasonal no-entry sanctuaries and year-round idle-speed and slow-speed zones.

(b) Each business shall, as a condition of its permit, inform every rental operator of, and provide written materials and a map depicting, the applicable manatee protection zones, idle-speed and slow-speed zones, and federal sanctuaries and no-entry areas, and shall instruct operators to comply with all such requirements.

(c) Nothing in this article authorizes any conduct prohibited by state or federal law, including the taking or harassment of manatees. This section is intended to promote compliance with, and not to supplant, applicable state and federal law.

Sec. 11-138. Enforcement.

The provisions of this article may be enforced by the City's code enforcement officers, by the Citrus County Sheriff's Office pursuant to any applicable interlocal agreement, by the FWC, and by any certified law enforcement officer of the State, through the code enforcement procedures of Chapter 162, Florida Statutes, and the City Code, through the issuance of civil citations, and by any other means provided by law.

Sec. 11-139. Penalties; denial, suspension, and revocation of permit.

(a) A violation of this article shall be punishable as provided in the general penalty section of Chapter 1 of this Code and may be enforced through Chapter 162, Florida Statutes. Each livery vessel offered for rent or rented in violation of this article shall constitute a separate violation.

(b) The City may deny, suspend, or revoke a permit issued under this article if the applicant or permit holder has misrepresented material information or has violated this article, after reasonable notice of the charges and an opportunity to be heard before the City's code enforcement special magistrate or board or other impartial party. The City's determination in writing shall constitute final action by the City and may be appealed to a court of competent jurisdiction.

(c) Nothing in this article shall prohibit the City from seeking enforcement by any other means provided by law, including an action for declaratory and injunctive relief in a court of competent jurisdiction.

Sec. 11-140. Compliance date for existing businesses.

Each business lawfully operating within the city limits on the effective date of this article shall have one hundred eighty (180) days from that effective date to obtain a permit and otherwise come into compliance with this article.

Secs. 11-141—11-149. Reserved.

(Ord. No. ____-O-____, § 2, ___-___-2026)

Chapter 11 LICENSES AND BUSINESS REGULATIONS

ARTICLE I. IN GENERAL[1]

Sec. 11-1. Definitions.

The following words used in this article shall have the meanings indicated except where the context clearly indicates otherwise:

Business, profession and *occupation* do not include the customary religious, charitable or educational activities of nonprofit religious, nonprofit charitable and nonprofit educational institutions in this state, which institutions are more particularly defined and limited as follows:

(1) *Charitable institutions* shall mean only nonprofit corporations operating physical facilities in Florida at which are provided charitable services, a reasonable percentage of which shall be without cost to those unable to pay.

(2) *Educational institutions* shall mean state tax-supported or parochial, church and nonprofit private schools, colleges, or universities conducting regular classes and courses of study required for accreditation by or membership in the Southern Association of Colleges and Secondary Schools, Department of Education or the Florida Council of Independent Schools. Nonprofit libraries, art galleries and museums open to the public are defined as educational institutions and eligible for exemption.

(3) *Religious institutions* shall mean churches and ecclesiastical or denominational organizations, or established physical places for worship in this city at which nonprofit religious services and activities are regularly conducted and carried on, and shall also mean church cemeteries.

Classification means the method by which a business or group of businesses is identified by size or type, or both.

Livery vessel means a vessel leased, rented, or chartered to another for consideration, including a motorized vessel, a personal watercraft, and a non-motorized vessel such as a paddleboard, kayak, or canoe, but does not mean a vessel under the control at all times of a United States Coast Guard licensed captain. A personal watercraft, as defined in Section 327.02, Florida Statutes, is included within the definition of livery vessel. The rental of livery vessels is further regulated under Article V of this chapter.

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Local business tax receipt means the method by which the city grants the privilege of engaging in or managing any business, profession or occupation within its jurisdiction. It shall not mean any fees or taxes paid to any board, commission or officer for permits, registration, examination or inspection which are hereby deemed to be regulatory and in addition to and not in lieu of any local business tax imposed under the provisions of this chapter unless otherwise provided by law.

[1]Editor's note(s)—Ord. No. 16-O-04, § 1(Exh. A), adopted June 13, 2016, amended Art. I in its entirety to read as herein set out. Former Art. I, §§ 11-1—11-13, pertained to similar subject matter. See the Code Comparative Table for a complete history of former Art. I.

Taxpayer means any person liable for taxes imposed under the provisions of this chapter, any agent required to file and pay taxes imposed hereunder, and the heirs, successors, assignees and transferees of any such person or agent.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-2. Business tax required.

No person or association of persons shall engage in or manage any business, profession, or occupation required to be taxed by this chapter without first having paid the amount of the local business tax required to the city manager for the use and benefit of the city, and obtained a local business tax receipt therefor, which local business tax receipt shall be issued to said person on receipt of the amount hereinafter provided and shall be signed by the city manager or designee, and the seal of the city shall be affixed.

Local business taxes vary depending on the nature of business. A receipt is required for each place of business and for each separate classification at the same location. Receipts are transferable when there is a change of ownership, business location or trade name.

As a condition of issuance of a Local Business Tax receipt under this section, the applicant shall provide evidence, satisfactory to the City, that the business possesses all applicable federal and state licenses, permits, registrations, certifications, and other approvals required by law for the type of business being conducted.

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(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-2.1. Out-of-town businesses transacting business within the city.

Any person who does not maintain a permanent business or branch office within the City of Crystal River, but who desires to transact business or engage in any occupation hereinafter named within the city, shall on the form provided, register with the city manager of the City of Crystal River, or his representative. ~~Those businesses, professions and occupations required to be licensed by the Florida Department of Professional Regulation shall submit a copy of their current Florida state license.~~ As a condition of issuance of a Local Business Tax receipt under this section, the applicant shall provide evidence, satisfactory to the City, that the business possesses all applicable federal and state licenses, permits, registrations, certifications, and other approvals required by law for the type of business being conducted. Applicants for registration may also be required to submit proof of insurance and a copy of the license of that municipality or governmental subdivision in which a permanent business location is maintained. Such registration shall be accomplished prior to commencement of any business, profession or occupation within the city ~~and~~, shall be subject to a registration fee of ~~twenty dollars ($20.00)~~ fifty dollars ($50.00) , and shall be valid from date of issuance to the next succeeding October first.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-2.2. Demarcation of commercial vehicles and vessels that require business tax receipts.

All commercial ~~vehicles and~~ vessels operating within the city limits shall have the name ~~of the business~~ and phone number of the business~~, the business tax receipt number~~, marked in a minimum of three (3) inch high block letters that are of contrasting color and easily visible from fifty (50) feet away. ~~Vehicles are allowed to affix magnetic signs that conform with the above requirements.~~ Every commercial motorized and nonmotorized vessel operating within City waters shall display a City-issued Commercial Water-Based Business decal. This decal shall be located near the Florida-required registration on motorized boats, and on the top surface of nonmotorized vessels

(kayak and paddleboards). Livery vessels offered for rent or lease are additionally subject to the marking and identification requirements of Article V of this chapter.

(Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-3. City manager to keep records and report to city council.

The city manager or his representative shall keep a printed record of all local business tax receipts issued pursuant to this article showing the date of issuance and the amount of the fee paid, and for what purpose the local business tax receipt was issued. The local business tax receipt shall be consecutively numbered, and shall correspond with the numbers kept in the printed record.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-4. Notice of local business tax due, dates due, delinquencies and penalties.

(a) All local business tax receipts shall be sold by the city beginning on July first of each year and shall be due and payable on or before September thirtieth of each year and shall expire on September thirtieth of the succeeding year. Those business tax receipts not renewed by October first shall be considered delinquent and subject the business owner to a delinquency penalty of ten (10) percent for the month of October, plus an additional five (5) percent penalty for each subsequent month of delinquency thereafter until paid, provided that the total delinquency penalty may not exceed twenty-five (25) percent of the local business tax fee for the delinquent establishment.

(b) Any person who engages in any business, occupation, or profession covered by this chapter, who does not pay the required local business tax within one hundred fifty (150) days after the initial notice of tax due, and who does not obtain the required local business tax receipt is subject to civil actions and penalties, including court costs, reasonable attorney's fees, additional administrative costs incurred as a result of collection efforts, and penalty of up to two hundred fifty dollars ($250.00).

(c) It shall be the duty of the city manager or his or her designee to give notice ~~by mail~~ to each and every person doing business within the city limits during the first ten (10) days of the month of October of each year and at any other time that he may have reason to believe that any person is doing business within the city without a local business tax receipt as required by this article. If the city manager, and Citrus County Sheriff's Deputy, or the code enforcement officer shall ascertain, or have reasonable cause to believe that any person as required by this article to obtain a city local business tax receipt is doing business without having obtained such tax receipt, it shall be his duty to notify the person of such violation, either in person or by mail.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-5. Term and duration; fractional period.

No local business tax receipt shall be issued for more than one (1) year, and all local business tax receipts shall expire on the thirtieth day of September of each year, but fractional local business tax receipts, except as hereinafter provided, may be issued to expire on that date at a proportionate rate estimated from the first of the month from which business taxes are issued.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-6. Transfer of local business tax receipt.

(a) Local business tax receipts issued pursuant to this article may be transferred to a new owner when there is a bona fide sale of the business upon payment of a transfer fee of three dollars ($3.00) and presentation of evidence of the sale and the original local business tax receipt to the city manager.

(b) Upon written request and presentation of the original business tax receipt to the city manager (or designee), and payment of a transfer fee of up to ten (10) percent of the annual business tax, but not less than three dollars ($3.00) nor more than twenty-five dollars ($25.00), a local business tax receipt issued under this article may be transferred from one (1) location in the city to another.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-7. Vehicles used for the sale and delivery of tangible personal property.

Vehicles used by any person for the delivery of personal tangible property from his place of business, taxed under this article, shall not be construed to be a separate place of business, and no local business tax may be levied on such vehicles or the operators thereof as salesmen or otherwise.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-8. Uniformity of tax.

The tax shall be uniform throughout any class.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-9. Amount of tax when not otherwise provided.

For any business, profession or occupation not listed in section 11-14, the business tax levied shall be the same as that which in the opinion of the city manager or his designee is most similar to the proposed business, profession, or occupation.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-10. Determination of classification.

In the event of a disagreement between the applicant and the city on the question of the proper classification of any business, occupation or profession for business tax purposes, the city manager shall decide the classification with the right of the applicant to appeal from such decision to the council, whose decision shall be final.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-11. Local business tax receipts.

A local business tax receipt for the privilege of engaging in or managing any business, profession or occupation within the city is hereby levied on:

(1) Any person who maintains a permanent business location or branch office within said municipality for the privilege of engaging in or managing any business within its jurisdiction; and

(2) Any person who maintains a permanent business location or branch office within said municipality for the privilege of engaging in or managing any profession or occupation within its jurisdiction; and

(3) Any person who does not qualify under the provisions of subsections (1) and (2) above and who transacts any business or engages in any occupation or profession in interstate commerce where such local business tax is not prohibited by Section 8 of Article 1 of the United States Constitution.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-12. Zoning compliance.

No local business tax receipt shall be issued, renewed or transferred unless the business, occupation or profession is in compliance with all applicable zoning regulations.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-13. Exemptions for disabled persons, the aged, certain widows, disabled veterans and their un-remarried spouses.

(a) All disabled persons physically incapable of manual labor, widows with minor dependents, and persons sixty-five (65) years of age or older with not more than one (1) employee or helper and who use their own capital only not in excess of one thousand dollars ($1,000.00) who live in this county shall be allowed to engage in any business or occupation in counties in this city without being required to pay for a local business tax receipt. The exemption provided by this section shall be allowed only upon the certificate of the county physician or other reputable physician that the applicant claiming the exemption is disabled, the nature and extent of the disability being specified therein; and in case the exemption is claimed by a widow with minor dependents, or a person over sixty-five (65) years of age, proof of the right to the exemption shall be made. Any person entitled to the exemption provided by this section shall, upon application and furnishing of the necessary proof as aforesaid, be issued a license which shall have plainly stamped or written across the face thereof the fact that it is issued under this section, and the reason for the exemption shall be written thereon. In no event under this or any other law shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors or malt and vinous beverages.

(b) Any bona fide, permanent resident elector of the state who served as an officer or enlisted person during any of the periods specified in Florida Statutes, Section 1.01 (14) in the Armed Forces of the United States, National Guard or United States Coast Guard or Coast Guard Reserve or any temporary member thereof who has actually been or may hereafter be reassigned by the Air Force, Army, Navy, Coast Guard or Marines to active duty during any war, declared or undeclared, armed conflicts, crises, etc., who was honorably discharged from the service of the United States and who, at the time of his or her application for a local business tax receipt as hereinafter mentioned, shall be disabled from performing manual labor shall, upon sufficient identification, proof of being a permanent resident elector in the state and production of an honorable discharge from the service of the United States:

(1) Be granted a local business tax receipt to engage in any business or occupation in the city which may be carried on mainly through the personal efforts of the business owner as a means of livelihood and for which the municipal tax does not exceed the sum of fifty dollars ($50.00) for each without payment of any business tax otherwise provided for by law; or

(2) Be entitled to an exemption to the extent of fifty dollars ($50.00) on any business tax to engage in any business or occupation in the city which may be carried on mainly through the personal efforts of the business owner as a means of livelihood when the municipal tax for such business or occupation shall be more than fifty dollars ($50.00). The exemption heretofore referred to shall extend to and include the right of business owner to operate an automobile-for-hire of not exceeding five-passenger capacity, including the driver, when it shall be made to appear that such automobile is bona fide owned or contracted to be purchased by the business owner and is being operated by him or her as a means of livelihood and that the proper business tax for the operation of such motor vehicle for private use has been applied for and attached to such motor vehicle and the proper fees therefor paid by the business owner.

(c) When any such person applies for a local business tax receipt to conduct any business or occupation for which the municipal tax as fixed by law shall exceed the sum of fifty dollars ($50.00), the remainder of such business tax in excess of fifty dollars ($50.00) shall be paid by him in cash.

(d) The tax collecting authority of this municipality shall issue to such persons as may be entitled hereunder a local business tax receipt pursuant to the foregoing provision and subject to the conditions thereof. Such local business tax receipt when issued shall be marked across the face thereof "Veterans Exempt Local Business Tax Receipt Not Transferable." Before issuing the same, proof shall be duly made in each case that the applicant is entitled under the conditions of this law to receive the exemption herein provided for. The proof may be made by establishing to the satisfaction of such tax collecting authority by means of certificate of honorable discharge or certified copy thereof that the applicant is a veteran within the purview of this section and by exhibiting:

(1) A certificate of government-rated disability to an extent of ten (10) percent or more;

(2) The affidavit or testimony of a reputable physician who personally knows the applicant and who makes oath that the applicant is disabled from performing manual labor as a means of livelihood.

(3) The certificate of the veteran's service officer of this county, duly executed under the hand and seal of the chief officer and secretary thereof, attesting the fact that the applicant is disabled and entitled to receive a local business tax receipt within the meaning and intent of this section.

(4) A pension certificate issued to him or her by the United States by reason of such disability; or

(5) Such other reasonable proof as may be required by the tax collecting authority to establish the fact that such applicant is so disabled.

All local business tax receipts issued under this section shall be in the same general form as other municipal taxes and shall expire at the same time as such other local business tax receipts are fixed by law to expire.

(e) All local business tax receipts obtained under the provisions of this section by the commission of fraud upon the issuing authority shall be deemed null and void. Any person who has fraudulently obtained any such local business tax receipt, or who has fraudulently received any transfer of a local business tax receipt issued to another, and has thereafter engaged in any business or occupation requiring a local business tax receipt under color thereof shall be subject to prosecution as for engaging in a business or occupation without having the required local business tax receipt under the laws of the state. Such local business tax receipt shall not be issued unless such veteran is a bona fide resident citizen elector of this county, unless such veteran applying therefor shall produce to the tax collecting authority of this city a certificate of the tax collector of his or her home county to the effect that no exemption from local business tax receipt has been granted to such veteran in his or her home county under the authority of this section.

(f) In no event, under this or any other law, shall any person, veteran or otherwise, be allowed any exemption whatsoever from the payment of any amount required by law for the issuance of a local business tax receipt to sell intoxicating liquors or malt and vinous beverages.

(g) The un-remarried spouse of the deceased disabled veteran of any war in which the United States Armed Forces participated will be entitled to the same exemptions as the disabled veteran.

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Sec. 11-14. Fees enumerated.

The following enumerated business taxes shall be paid to the city, by the persons engaging in or managing or transacting the several businesses, occupations, or professions listed below, on a yearly basis, unless otherwise specified:

A

(1) ABSTRACT AND TITLE COMPANIES, preparing abstracts and charging a fee therefor$100.00

(2) ACCOUNTANTS50.00

(3) ADMINISTRATIVE OFFICE50.00

(4) AGENTS AND AGENCIES:

a. Advertising. Agents or solicitors50.00

(See Canvassing)

b. Foreign firms or corporations. Soliciting business for foreign firms or corporations, the principal paying no license tax in the town50.00

c. Linens. Leasing linens50.00

d. Motorboats50.00

e. Nursery stock25.00

f. Oriental goods25.00

g. Packinghouses50.00

h. Real estate. Brokers50.00

i. Safes. Dealers in safes or for the exchange of safes50.00

j. Soft water. Service agents50.00

k. Stamps for sales promotion. Selling stamps to merchants for sales promotion100.00

l. Steamship. For each steamship company represented250.00

m. Stocks and bonds100.00

n. Miscellaneous. Businesses not specifically mentioned50.00

(5) AIRPLANES, for hire200.00

(6) ANIMAL HOSPITALS50.00

(7) ANIMALS:

a. Dealers25.00

b. Exhibitions25.00

(8) AQUARIUMS50.00

(9) ARCHITECTSSee administrative office

(10) ASPHALT, dealers and terminals250.00

(11) ASTROLOGERS100.00

(12) ASTRONOMERS, on streets, charging fee25.00

(13) ATTORNEYSSee administrative office

(14) AUDITING COMPANIES and auditorsSee administrative office

(15) AUCTIONEERS100.00

No business tax receipt shall be issued to a firm or corporation but to one (1) person named who shall personally do the auctioneering.

(16) AUTOMOTIVE:

a. Advertising. For profit, with or without any noise-making device200.00

b. Body and fender shops50.00

c. For hire. Automobiles or trucks50.00

d. Garages50.00

Not selling automobiles or trucks and not selling automobile or truck parts at retail or wholesale except as replacement on automobiles and trucks50.00

e. Greasing. Not operated in connection with other business50.00

f. (Reserved)

g. Mechanical adjusters. Not paying regular garage or service station license50.00

h. Motorcycle repairs. (See: Bicycle and motorcycle repairs)

i. Moving van companies50.00

j. New car dealers50.00

k. Parking lots, outdoor50.00

l. Painting50.00

m. Storage. Places for rent50.00

n. Taxicabs and other vehicles for hire. Operators and drivers of any taxicab, taxi buses, automobile trucks or other motor vehicles carrying passengers for hire—first three (3) cars50.00

o. Tire repairers. Not paying regular garage or service station tax50.00

p. U-Drive-It cars50.00

q. Used car dealers50.00

r. Washing. Not operated in connection with other business50.00

s. Wrecking service for dismantling50.00

(17) AWNINGS, manufacturers or erectors50.00

B

(18) BAKERY50.00

(19) BALL MACHINES, MARBLE MACHINES, PINBALL MACHINES and similar games and machines not specifically covered by this chapter. Local business tax receipts shall be bought for each machine by serial number and is not transferable to another machine. Per machine25.00

(20) BANKS200.00

(21) BARBERSHOPS, up to three (3) chairs50.00

(22) BARREL FACTORIES50.00

(23) BATTERY STATIONS, not paying other licenses50.00

(24) BEAUTY PARLORS:

a. Up to three (3) operators50.00

b. Each operator, over three (3), additional25.00

(25) (Reserved)

(26) BICYCLE AND MOTORCYCLE REPAIRS. Only one (1) business tax receipt for both occupations50.00

(27) BICYCLE RINKS (See: Rinks)

(28) BILL POSTING. Signs off premises where business is located:

a. Less than ten (10) square feet25.00

b. More than ten (10) square feet, but less than twenty (20) square feet25.00

c. Twenty (20) square feet or more 50.00

(29) BILLIARD PARLORS: Pool, bagatelle and Jenny Lind tables, whether operated or not, up to three (3) tables50.00

(30) BLACKSMITH SHOPS50.00

(31) BOARDINGHOUSES (See: Hotels)

(32) BOATS:

a. Builders:

Employing 2—10 persons50.00

Employing 11—100 persons100.00

Employing 101—500 persons200.00

b. Marinas, storage, etc.50.00

(33) BONDED WAREHOUSES50.00

(34) BONDING COMPANIES. Persons in the business of making bonds for profit200.00

(35) BONDS and stocks:

a. Agents50.00

b. Dealers50.00

(36) BOOT AND SHOEMAKERS or repairers50.00

(37) BOWLING ALLEYS50.00

(38) BOX FACTORIES50.00

(39) BRICK, STONE OR CEMENT: Dealers, manufacturers or agents for the sale of brick or stone or cement products, including those soliciting orders for, or having an office in the city and who deliver brick or stone inside or outside the city50.00

(40) BROADCASTING STATIONS, for sales of advertising within the city100.00

(41) BROKERS: Fruits and vegetables. Selling fruits, vegetables or merchandise exclusively from railroad cars, trucks or boats, from each car, truck or boat50.00

(42) BUILDINGS AND LOAN ASSOCIATIONS or agents, domestic150.00

(43) BUILDING SUPERINTENDENTS50.00

(44) BURIAL VAULTS or other concrete products manufactured for sale, other than building units50.00

(45) BUSINESS COLLEGES50.00

(46) BUTCHERS selling meats at wholesale or retail50.00

C

(47) CABINET SHOPS50.00

(48) CAFES (See: Restaurants)

(49) CANDY:

a. Manufacturers50.00

b. Sales, wholesale or retail50.00

(50) CANE RACKS, knife racks, lifting machines, striking machines, merry-go-rounds and similar amusement devices25.00

(51) CANVASSERS:

a. Book agents or canvassers for sales of books, maps, periodicals, magazines, stationery and similar materials50.00

b. Circulars, pamphlets, etc. Persons distributing circulars, pamphlets or other advertising matter for persons not taxed by the city to carry on the business thus advertised, per day25.00

c. Building materials, hardware, roofing, paints, etc. 200.00

d. For card writers. (See: Card writers)

e. Mail order houses, soliciting for50.00

f. Representing foreign firms or corporations soliciting orders for or selling furniture, household goods, musical instruments, etc., at retail50.00

(52) CARD WRITERS and engravers or canvassers for50.00

(53) CARPENTER SHOPS employing two (2) or more persons50.00

(54) CASH REGISTERS, agents or dealers50.00

(55) CASKETS. Dealers, when not taxed as undertaking establishment50.00

(56) CIGAR manufacturers50.00

(57) CIRCUSES1,000.00

(58) CIVIL ENGINEERS50.00

(59) CLAIM AND COLLECTION AGENCIES (See: Agents and agencies)

(60) CLAIRVOYANTS, fortunetellers, mind readers and similar occupations100.00

(61) CLEANERS of clothes and dyeing establishments:

a. Employing five (5) persons or less50.00

b. Employing more than five (5) persons100.00

(62) CLEANERS of swimming pools50.00

(63) CLOTHING:

a. Sales from samples. (See: Agents and agencies)

b. Secondhand dealers (subject to same regulations as pawnbrokers)50.00

(64) COFFEE ROASTERS, in connection with other business paying tax25.00

(65) COFFINS. Dealers, when not taxed as undertaking establishments50.00

(66) COLD STORAGE PLANTS50.00

(67) CONCERTS for which admission is charged except for church purposes or charity affairs, each performance25.00

(68) CONTEST COMPANIES. Persons conducting contests by offering premiums or other inducements for advertising purposes or for the purpose of stimulating or increasing trade100.00

(69) CONTRACTORS:

a. Including general construction, either on a fee basis, contract basis or salary basis100.00

b. Contractor, defined. As used in this section, contractor shall mean any person contracting to furnish labor, materials or both in connection with specified work.

c. Electrical50.00

d. Plumbing50.00

e. Street and road200.00

f. Subcontractors50.00

(70) CRATE FACTORIES50.00

(71) CREDIT RATING. Persons giving information as to. (See: Agents and agencies)

D

(72) DANCE HALLS. Operated in connection with place where food and/or drinks are sold, where admission is charged or where customer pays for music 50.00

(73) DANCING SCHOOLS50.00

(74) DEALERS:

a. Animals50.00

b. Merchants. (See: Merchants)

c. Stocks and bonds. Dealers and/or brokers50.00

(75) DECORATORS, interior50.00

(76) DENTISTS100.00

(77) DIRECTORIES, city, county or state; each person making or offering for sale50.00

(78) DIVINE HEALERS400.00

(79) DOCTORS100.00

(80) DOG EXHIBITIONS25.00

(81) DRIVING RANGES50.00

(82) DRY DOCKS100.00

(83) DYERS and cleaners of clothes:

a. Employing five (5) persons or less50.00

b. Employing more than five (5) persons100.00

E

(84) ELECTRIC LIGHT COMPANIES or persons furnishing electric lights or power250.00

(85) ELECTROTHERAPISTS100.00

(86) ENTERTAINERS for which admission is charged except for church purposes or charity affairs25.00

(87) EQUIPMENT RENTAL50.00

(88) EXHIBITIONS for which admission is charged except for church purposes or charity affairs 25.00

a. Animals. (See: Animals)

b. Freaks. (See: Freak exhibitions)

(89) EXPRESS COMPANIES50.00

(90) EXTERMINATORS50.00

F

(91) FACTORIES50.00

(92) FAITH HEALERS100.00

(93) FERRIS WHEEL25.00

(94) FERTILIZER, factory and/or mixing plant400.00

(95) FILLING STATIONS50.00

(96) FINANCE COMPANIES and persons other than banks lending money or purchasing, selling or collecting, as a business, notes, mortgages or other evidences of indebtedness100.00

(97) FIRE SALES:

a. Handling stock of goods valued at over $1,000.00, but not exceeding $5,000.0050.00

b. Handling stock of goods valued at over $5,000.00100.00

(98) FISHING POLES, manufacturing cured fishing poles50.00

(99) FLOOR SANDERS50.00

(100) FLORISTS:

a. Employing not more than five (5) persons50.00

b. Employing more than five (5) persons100.00

(101) FOREIGN FIRMS OR CORPORATIONS: Principal not paying city license. (See: Agents and agencies)

(102) FORTUNETELLERS100.00

(103) FOUNDRIES50.00

(104) FREAK EXHIBITIONS50.00

(105) FURNITURE:

a. Packers, shippers and/or storage50.00

b. Solicitors for foreign firms selling. (See: Canvassers)

G

(106) GAMES, such as shuffleboard, throwing balls at figures and the like for profit, per game25.00

(107) GASOLINE:

a. Retail dealers50.00

b. Wholesale50.00

c. Companies selling fuel and/or heating and/or cooking gas or oil and kerosene50.00

(108) GOLDSMITHS50.00

(109) GOLF:

a. Driving ranges50.00

b. Miniature50.00

(110) GRAVEL AND SAND, dealers, agents and salesmen, two (2) trucks allowed50.00

Each additional truck25.00

(111) GUARANTY COMPANIES. Persons in the business of making bonds for profit200.00

H

(112) HATS, cleaning and blocking50.00

(113) HAWKERS or vendors of medicines, drugs or patent medicines or other preparations purporting to possess medicinal virtues (other than licensed pharmacists); and hawkers or peddlers who occupy any part of the street or sidewalk by displaying or crying their wares or who, by music or other entertainment or harangue, endeavor to attract crowds for the purpose of selling their wares, per day (no exceptions)100.00

(114) HERBALISTS and others (except licensed physicians) professing to cure disease, injuries or deformities by drugs, ointments, expedients or devices of any kind50.00

(115) HOSPITALS, private200.00

(116) HOTELS (and motels):

a. Hotels/motels providing sleeping accommodations for persons:

For accommodations for 5—19 persons50.00

For accommodations for 20—29 persons100.00

b. If meals are served, a restaurant license must be procured in addition to the license for accommodations.

c. House/condominium/apartment rentals >2 rentals

(117) HOUSE MOVERS50.00

(118) HOUSEHOLD GOODS, soliciting for foreign firms selling. (See: Canvassers)

(119) HOUSES: Builders of, for resale100.00

(120) ICE:

a. Delivery service, each transportation unit25.00

b. Factories and wholesale dealers, each place of business50.00

c. Retail dealers50.00

(121) ICE CREAM:

a. Retail, if not in conjunction with another business25.00

b. Sold from pushcarts25.00

(122) INSURANCE:

a. Agencies50.00

Each additional broker or solicitor25.00

b. Adjusters, resident50.00

c. Title insurance100.00

d. All other types of insurance companies doing business in the city50.00

(123) INTERIOR DECORATORS50.00

J

(124) JEWELRY REPAIR50.00

(125) JOB PRINTERS50.00

(126) JUNK, shops or dealers, dealing in junk, old iron, rags, etc., including those gathering around the city in wagons or trucks50.00

K

(127) KNIFE AND SCISSORS GRINDERS25.00

L

(128) LABOR BROKERS (See: Brokers)

(129) LAND AND DEVELOPMENT COMPANIES when not paying real estate broker, contractor or builder license50.00

(130) LAUNDERETTES50.00

(131) LIBRARIES, private, renting books25.00

(132) LIGHTNING RODS, selling or erecting:

a. Agents. (See: Agents and agencies)

b. Dealers50.00

(133) LOCKSMITHS50.00

(134) LUBRICATING OIL, kerosene, distillate; delivered by truck where no gasoline pump license is paid, per truck50.00

M

(135) MACHINE SHOPS:

a. Three (3) to five (5) employees50.00

b. Six (6) or more employees100.00

(136) MANUFACTURERS:

a. Employing:

Ten (10) to thirty (30) persons50.00

More than thirty (30) persons100.00

b. Cloth goods100.00

(137) MASSEURS50.00

(138) MATTRESSES, repairing and/or manufacturing50.00

(139) MEDIUMS100.00

(140) MERCHANTS, other than those specifically mentioned in this chapter, having a stock of merchandise, the cost of which is:

a. $1.00 to $1,00025.00

b. More than $1,000.00 and less than $10,000.0050.00

c. More than $10,000.00 and less than $25,000.00100.00

d. More than $25,000.00150.00

(141) MIND READERS100.00

(142) MINIATURE GOLF50.00

(143) MOTORBOATS, dealers and/or agents50.00

(144) MOTORS, winding50.00

(145) MUSIC MACHINES or electric phonographs run by depositing a coin, per machine25.00

N

(146) NEWSPAPERS:

a. Two (2) issues or less per week50.00

b. More than two (2) issues per week200.00

(147) NIGHTCLUBS100.00

(148) NURSERY STOCK, agents or dealers50.00

O

(149) OPTICIANS50.00

(150) OPTOMETRISTS50.00

(151) ORCHESTRAS, string or otherwise50.00

(152) ORIENTAL GOODS, dealers and/or agents50.00

(153) OSTEOPATHS100.00

P

(154) PACKINGHOUSES and agents and/or dealers50.00

(155) PAWNBROKERS. All persons (except banks or bankers) whose business includes or consists of the taking, buying or selling, assignments of or contracts for the purchase, sale, transfer or assignment of wages or salaries earned or to be earned in the future by any persons employed by any other persons200.00

(156) PEANUTS:

a. And popcorn roasters25.00

Selling from pushcarts or stands on streets, each cart or stand50.00

b. Distributors. (See: Distributors)

(157) PEDDLERS50.00

(158) PET SHOPS50.00

(159) PETROLEUM PRODUCTS:

a. Retail dealers50.00

b. Wholesale50.00

c. Companies selling fuel and/or heating and/or cooking gas or oil and kerosene50.00

(160) PHOTOGRAPHERS50.00

(161) PHYSICIANS100.00

(162) PHYSIOTHERAPISTS100.00

(163) PIANO TUNERS50.00

(164) PILE DRIVERS50.00

(165) PIPE FITTERS50.00

(166) PLANING MILLS50.00

(167) POPCORN:

a. And peanut roasters25.00

Selling from pushcarts or stands on streets, each cart or stand50.00

b. Distributors. (See: Distributors)

(168) PRINTERS50.00

(169) PRIVATE HOSPITALS200.00

(170) PROFESSIONS—See specific subject. Local business tax receipts shall be issued in individual names only and are required for each person practicing a profession.

R

(171) RADIO:

a. Broadcasting stations, for selling advertising in the city100.00

b. Installation and repairs50.00

(172) RAILROAD COMPANIES doing business in the city100.00

(173) REAL ESTATE:

a. Brokers, agents and/or dealers50.00

b. Each solicitor or employee handling sales. This local business tax receipt is required irrespective of whether the agency is selling its own real estate. No exceptions will be granted25.00

(174) RENT-A-CAR, per vehicle25.00

(174.1) RENTALS (See: Tour guides/charter boats and watercraft)

(175) REPAIR SHOPS50.00

(176) RESTAURANTS, lunch stands and similar establishments:

a. 1—25 seats25.00

b. More than 25 seats50.00

(177) RETREADING (tires), vulcanizing, exclusive of other local business tax receipts100.00

(178) RINKS:

a. *Permanent.* Skating, bicycle, etc. This paragraph applies only to rinks located in permanent installations, and the rink shall be in operation a minimum of one (1) year to qualify for a permanent local business tax receipt. No local business tax receipt under this paragraph shall be issued without approval of the city council, and the closing time of 11:00 p.m. shall be stated in the local business tax receipt50.00

b. *Portable, temporary.* Transient amusement businesses (including, but not limited to, skating rinks, bicycle rinks, shows and other amusement businesses) that are not permanent and that will not be housed in a permanent building and will not be in operation within the city a minimum of one (1) year at date of issuance with council approval50.00

S

(179) SAFES, agents and/or dealers, sale or exchange50.00

(180) SAND AND GRAVEL, dealers, agents and salesmen, two (2) trucks allowed50.00

Each additional truck25.00

(181) SAUSAGE MANUFACTURERS, when not in connection with another business50.00

(182) SAW MILLS50.00

(183) SCALES: Weighing machines. (See: Machines)

(184) SCISSORS AND KNIFE GRINDERS25.00

(185) SEANCES for profit100.00

(186) SEPTIC TANKS, builders50.00

(187) SERVICE STATIONS50.00

(188) SHEET METAL SHOPS50.00

(189) SHIPBUILDING COMPANIES:

a. Employing 2—10 persons50.00

b. Employing 11—100 persons100.00

c. Employing 101—500 persons200.00

(190) SHOES:

a. Secondhand dealers in25.00

b. Shoemakers or repair25.00

(191) SHOOTING GALLERIES:

a. Permanent200.00

b. Per month100.00

Shooting galleries must be located in permanent buildings.

(192) SHOWS:

a. Circuses. (See: Circuses)

b. Exhibitions of paintings, statues, charts and the like, except when conducted not for profit25.00

(193) SHUFFLEBOARD for profit, per game or device25.00

(194) SIGNS:

a. Electrical, neon, etc., operated in connection with another taxed business, including sheet metal shops, which a business tax receipt is necessary for the issuance of this local business tax receipt50.00

b. Electrical, neon, etc., operated as a separate business. Sheet metal local business tax receipt as required by (a)50.00

c. Sign painters50.00

(195) SNOWBALLS25.00

Stands and the like shall not be operated within the fire zones of the city except in permanent buildings where other businesses are carried on.

(196) SODA FOUNTAINS, serving lunches or sandwiches in addition; not in conjunction with other business:

a. 1—25 seats25.00

b. More than 25 seats50.00

(197) SOFT WATER, service agents50.00

(198) SOLICITORS50.00

Canvassers. (See: Canvassers)

(199) SPIRIT MEDIUMS100.00

(200) STEAMSHIPS:

a. Agents, for each company represented100.00

b. Owners or operators, for each company100.00

(201) STEVEDORING COMPANIES100.00

(202) STOCKS AND BONDS:

a. Agents50.00

b. Dealers and/or brokers50.00

(203) STONE QUARRIES or yards50.00

(204) STORAGE:

a. Automobiles. (See: Automotive)

b. Cold storage. (See: Cold storage plants)

c. Warehouses50.00

(205) [Reserved.]

(206) SURETY COMPANIES. Persons in the business of making bonds for profit200.00

(207) SURGEONS100.00

(208) SURVEYORS50.00

T

(209) TAILORS, merchant or agent, selling suits to measure50.00

(210) TAR PLANTS50.00

(211) TATTOOING100.00

(212) TAXICABS, first three (3) cars50.00

(213) TAXIDERMISTS50.00

(214) TELEGRAPH COMPANIES50.00

(215) TELEPHONE COMPANIES300.00

(216) TERMINALS for storing and shipping gasoline and petroleum products1,200.00

(217) THEATERS50.00

(218) TOUR GUIDES/CHARTER BOATS50.00

(219) TRADING STAMPS. Selling stamps to merchants for sales promotion100.00

(220) TRAILER PARKS50.00

(221) TREE SURGEONS50.00

(222) TURPENTINE STILLS50.00

U

(223) U-DRIVE-IT CARS (See: Automotive)

(224) UNDERTAKERS50.00

(225) UPHOLSTERERS, furniture or antiques, when not in connection with another taxed business50.00

(226) USED CAR DEALERS (See: Automotive)

V

(227) VAULTS50.00

(228) VEGETABLES:

a. Stores and stands where no merchant's tax is paid50.00

(229) VEHICLES FOR HIRE (See: Automotive)

(230) VETERINARIANS50.00

(231) VULCANIZING, retreading exclusive of other local business tax receipts100.00

W

(232) WATERCRAFT RENTALS50.00

(233) WATCH REPAIR50.00

(234) WELDING, electric or acetylene, when not in connection with another taxed business50.00

(235) WELL DRILLERS, with power equipment50.00

(236) WINE (See: Beer)

(237) WOODWORKERS, employing two (2) or more persons50.00

(238) WOOD YARDS25.00

(239) WOODWORKING FACTORIES50.00

(240) WRECK SALES50.00

(Ord. No. 16-O-04, § 1(Exh. A), 6-13-2016; Ord. No. 17-O-11, Exh. A, 11-13-2017)

Secs. 11-15—11-20. Reserved.

ARTICLE II. ADULT ENTERTAINMENT ESTABLISHMENTS[2]

DIVISION 1. GENERALLY

[2]Editor's note(s)—Ord. No. 90-O-6, § 1, adopted July 23, 1990, added Art. II, Divs. 1—6, §§ 11-50—11-98. In order to allow for subsequent amendatory provisions however, the editor has renumbered said article and added reserved sections between each division.

Cross reference(s)—Alcoholic beverages, Ch. 3; exposure of private parts in establishments offering alcoholic beverages, § 3-11; buildings, Ch. 6; fire prevention and protection, § 6-31 et seq.; fire department, Ch. 8; health, sanitation and public welfare, Ch. 10; offenses and miscellaneous provisions, Ch. 12; police department, Ch. 13; zoning, App. A; adult entertainment establishment permitted in M-2 general industrial district, App. A, § 4.34(a)(4); signs, App. A, § 6.50 et seq.

Sec. 11-21. Purpose.

The intent of the city council in adopting these adult entertainment licensing provisions is to establish reasonable and uniform regulations that will protect the health, safety, morals and general welfare of the people of the city.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-22. Construction.

This adult entertainment ordinance licensing provision shall be liberally construed to accomplish its purpose of licensing, regulating and dispersing adult entertainment and related activities. Unless otherwise indicated, all provisions of this article shall apply equally to all persons regardless of sex. Masculine pronouns, such as *he, his* and *him* as employed in this article shall also be construed to apply to feminine pronouns and neutral pronouns unless the context suggests otherwise. Words used in the singular number shall include the plural number unless the context suggest otherwise.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-23. Definitions.

The terms used in this article are defined as follows unless the context suggests otherwise:

Adult bookstore: An establishment which sells or rents adult material unless the adult material is accessible only by employees and either the gross income from the sale or rental of adult material comprises less than ten (10) percent of the gross income from the sale or rental of goods or services at the establishment or the individual items of adult material offered for sale or rental comprises less than twenty-five (25) percent of the individual items publicly displayed at the establishment as stock in trade. It is an affirmative defense to an alleged violation of this article regarding operating an adult bookstore without an adult entertainment license if the alleged violator shows that the adult material is accessible only by employees and either the gross income from the sale or rental of adult material comprises less than ten (10) percent of the gross income from the sale or rental of goods or services at the establishment or the individual items of adult material offered for sale or rental comprise less than twenty-five (25) percent of the individual items publicly displayed at the establishment as stock in trade.

Adult booth: A small enclosure inside an adult entertainment establishment accessible to any person regardless of whether a fee is charged for access. The term *adult booth* includes but is not limited to a *peep show* booth or other booth used to view *adult material.* The term *adult booth* does not include a foyer through which any person can enter or exit the establishment or a rest-room.

Adult dancing establishment: An establishment where employees display or expose specified anatomical areas to others regardless of whether the employees actually engage in dancing.

Adult entertainment establishment: An adult theater, and adult bookstore or an adult dancing establishment operated for commercial or pecuniary gain. (*Operated for commercial or pecuniary gain* shall not depend upon actual profit or loss. Also, *operated for commercial or pecuniary gain* shall be presumed where the establishment has an occupational license). An establishment with an adult entertainment license is presumed to be an adult entertainment establishment.

Adult material: Any one (1) or more of the following regardless of whether it is new or used:

(1) Books, magazines, periodicals or other printed matter or photographs, films, motion pictures, videocassettes, slides or other visual representations or recordings or other audio matter which have

as their primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas; or

(2) Instruments, novelties, devices or paraphernalia which are designed for use in connection with specified sexual activities.

Adult motel: Any motel, hotel, boardinghouse, roominghouse or other place of temporary lodging which includes the word *adult* in any name it uses or otherwise advertises the presentation of films, motion pictures, videocassettes, slides or other photographic reproductions which have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. The term *adult motel* is included within the definition of *adult theater.*

Adult theater: An establishment which, except as set forth in the final sentence of this paragraph, consists of an enclosed building or a portion or part of an enclosed building or an open-air area used for viewing by persons of films, motion pictures, videocassettes, slides or other photographic reproductions which have as their primary or dominant theme matters depicting, illustrating or relating to specified sexual activities or specified anatomical areas. *Adult motels* are included within the definition of *adult theater.* An establishment which has *adult booths* is considered to be an *adult theater.*

Alcoholic beverage: A beverage containing more than one (1) percent of alcohol by weight.

(1) It shall be prima facie evidence that a beverage is an alcoholic beverage if there is proof that the beverage in question was or is known as whiskey, moonshine rum, gin, tequila, vodka, scotch, scotch whiskey, brandy, beer, malt liquor, port, sherry and/or wine or by any similar name or names or was contained in a bottle or can labeled as any of the above names or a name similar thereto and the bottle or can bears the manufacturer's insignia, name or trademark.

(2) Any person who, by experience in the handling of alcoholic beverages, or who, by taste, smell or drinking of such alcoholic beverages, has knowledge of the alcoholic nature thereof may testify as to his opinion about whether such beverage is an alcoholic beverage.

City: The city council of the City of Crystal River, Florida.

City manager: The chief administrative officer or his designee.

Conviction: A determination of guilt resulting from plea or trial regardless of whether adjudication was withheld or whether imposition of sentence was suspended.

Department: The building and zoning department, fire prevention division, health department or police department, including the respective director, employees and agents thereof.

Educational institution: A premises or site upon which there is an institution of learning for minors, whether public or private, which conducts regular classes and/or courses of study required for eligibility to certification by, accreditation to or membership in the state department of education of Florida, Southern Association of Colleges and Secondary Schools or the Florida Council of Independent Schools. The term *educational institution* includes but is not limited to a premises or site upon which there is a nursery school, kindergarten, elementary school, middle school, senior high school, vocational institution or any special institution of learning. However, the term *educational institution* does not include a premises or site upon which there is a professional institution or an institution of higher education, including a community college, junior college, four-year college or university.

Employee: A person who works or performs in an adult establishment irrespective of whether said person is paid a salary or wage by the owner or manager of the premises.

Establishment: A site or premises or portion thereof upon which certain activities or operations are being conducted for commercial or pecuniary gain. (*Operated for commercial or pecuniary gain* shall not depend upon actual profit or loss. Also, *operated for commercial or pecuniary gain* shall be presumed where the establishment has an occupational license).

Inspector: A respective employee of the health department, building and zoning department, police department or fire prevention division or code inspector who inspects premises licensed under these provisions and takes or requires the actions authorized by these provisions in case of violations being found on licensed premises and who also inspects premises seeking to be licensed under these provisions and takes or requires corrections of unsatisfactory conditions found on the premises.

Licensee: Any person whose application for an adult entertainment establishment has been granted and who owns, operates or controls the establishment.

Operator: Any person who engages in or performs any activity which is necessary to or which facilitates the operation of an adult entertainment establishment, including but not limited to the licensee, manager, owner, doorman, bartender, disc jockey, sales clerk, ticket taker, movie projectionist or supervisor.

Park: A tract of land within a municipality or unincorporated area which is kept for ornament and/or recreation and which is maintained as public property.

Permittee: A person who has obtained an adult entertainment permit pursuant to division 3, section 11-51 et seq., of these provisions.

Person includes but is not limited to an individual, associations, joint ventures, partnerships estates, trusts, business trusts, syndicates, fiduciaries, corporations and all other or any other similar entity.

Private performance: The display or exposure of any specified anatomical area by an employee at an adult entertainment establishment to a person other than another employee while the person is in an area not accessible during such display to all other persons in the establishment or while the person is in an area in which the person is totally or partially screened or partitioned during such display from the view of all persons outside the area.

Religious institution: A premises or site which is used primarily or exclusively for religious worship and related activities.

Specified anatomical areas:

(1) Less than completely and opaquely covered:

   a. Human genitals or pubic region; or

   b. Cleavage of the human buttocks; or

   c. That portion of the human female breast encompassed within an area falling below the horizontal line one would have to draw to intersect a point immediately above the top of the areola (the colored ring around the nipple). This definition shall include the entire lower portion of the human female breast but shall not include any portion of the cleavage of the human female breast exhibited by a dress, blouse, shirt, leotard, bathing suit or other wearing apparel provided the areola is not so exposed.

(2) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified criminal act:

(1) A criminal violation as specified in division 5, § 11-80 et seq., hereof;

(2) Any felony;

(3) An offense under Chapter 794, Florida Statutes (Sexual Battery);

(4) An offense under Chapter 796, Florida Statutes (Prostitution);

(5) An offense under Chapter 800, Florida Statutes (Lewdness; Indecent Exposure);

(6) An offense under Chapter 826, Florida Statutes (Bigamy; Incest);

(7) An offense under Chapter 847, Florida Statutes (Obscene Literature; Profanity); or

(8) An offense under an analogous statute of a state other than Florida or under an analogous ordinance of another county or city.

Specified sexual activities:

(1) Human genitals in a state of sexual stimulation, arousal or tumescence; or

(2) Acts of human anilingus, bestiality, buggery, cunnilingus, coprophagy, coprophilia, fellation, flagellation, masochism, masturbation, necrophilia, pederasty, pedophilia, sadism, sadomasochism, sapphism, sexual intercourse, sodomy, urolagnia or zooerasty; or

(3) Fondling or other erotic touching of human genitals, pubic region, buttock, anus or female breast or excretory functions as part of or in connection with any of the activities set forth in subsections (1) through (3).

Straddle dance, lap dance or *face dance:* The use by an employee of any part of his or her body to touch the genital or pubic area of a person while at the establishment or the touching of the genital or pubic area of any employee with a person while at the establishment. It shall be a *straddle dance* regardless of whether the *touch* or *touching* occurs while the employee is displaying or exposing any specified anatomical area. It shall also be a *straddle dance* regardless of whether the *touch* or *touching* is direct or through a medium.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-24. Subject to state law—Regulation of obscenity.

It is not the intent of the city council to legislate with respect to matters of obscenity herein. These matters are regulated by state law.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-25. Same—Regulation of massage establishments.

It is not the intent of the city council to legislate with respect to matters of massage establishments herein. These matters are regulated by a state agency, the department of professional regulation, board of massage, and by state law, Chapter 480, Florida Statutes.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-26. Severability.

If any section of these provisions or any application thereof is declared to be void, unconstitutional or invalid for any reason, such portion or provision or the application thereof shall be severable from the other provisions hereof. The remaining portions and provisions hereof and all applications thereof shall remain in full force and effect. No void, unconstitutional or invalid portion or proscribed provision or application thereof was an inducement to the enactment of any other provision hereof.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-27—11-30. Reserved.

DIVISION 2. LICENSING PROVISIONS

Sec. 11-31. Responsibility of city council, city manager and departments.

Ultimate responsibility for the administration of this article is vested in the city council. The city manager or his designee is responsible for granting, denying, revoking, renewing, suspending and canceling adult entertainment licenses for proposed or existing adult entertainment establishments. The chief of police of the city police department is responsible for verifying information contained on an application pursuant to subsections 11-33(b)(1) through (5) of this article; for inspecting any proposed, licensed or nonlicensed establishment in order to ascertain whether it is in compliance with applicable criminal statutes and ordinance and for enforcing applicable criminal statutes and ordinances, including those set forth in division 5, section 11-80 et seq., of this article. In addition, the chief of police is responsible for reviewing permit applications as provided in division 3, section 11-51 et seq. The building and zoning department is responsible for inspecting any proposed establishment for which a license is being applied for or any licensed establishment in order to ascertain whether it complies with or is complying with this article and all applicable building codes, statutes, ordinances and regulations in effect in the city. The division of fire prevention is responsible for inspecting any proposed establishment for which a license is being applied for or any licensed establishment in order to ascertain whether it complies with or is complying with division 4, section 11-71 et seq., of this article and all applicable fire codes, statutes, ordinances and regulations in the city. The health department is responsible for any proposed establishment for which a license is being applied for or any licensed establishment in order to ascertain whether it complies with or is complying with division 4 of this article and all applicable health codes, statutes, ordinances and regulations in effect in the city. In addition, the health department is responsible for reviewing permit applications as provided in division 3. The building and zoning department is responsible for ascertaining whether a proposed establishment for which a license is being applied for complies with all locational requirements of this article, applicable portions of this article, all applicable zoning regulations in effect in the city and whether a licensed establishment is complying with division 5 of this article and all applicable zoning regulations and land use laws in effect in the city. The city manager is responsible for granting, denying, renewing, cancelling, suspending and revoking permits for proposed or current permittees in accordance with division 3 of this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-32. Adult entertainment license required—Classifications of.

(a) *Requirement.* No adult entertainment establishment shall be permitted to operate without having been first granted an adult entertainment license by the city manager under this article.

(b) *Classifications.* Adult entertainment establishment licenses referred to in this article shall be classified as follows:

(1) Adult bookstore;

(2) Adult theater; and

(3) Adult dancing establishment.

(c) *Single classification of license.* Any adult entertainment license for a particular adult entertainment establishment shall be limited to the classification of license.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-33. Same—Application; contents of; application fee; rejection of incomplete application; consent by applicant.

(a) *Required.* Any person desiring to operate an adult entertainment establishment shall file with the city manager a sworn license application on a standard application form supplied by the city manager.

(b) *Contents of application.* The completed application shall contain the following information and shall be accompanied by the following documents:

(1) If the applicant is:

a. An individual, the individual shall state his legal name and any aliases and submit satisfactory proof that he is eighteen (18) years of age; or

b. A partnership, the partnership shall state its complete name and the names of all partners, whether the partnership is general or limited and, if in existence, a copy of the partnership agreement; or

c. A corporation, the corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing, the names and capacity of all officers, directors and principal stockholders and, if applicable, the name of the registered corporate agent and the address of the registered office for service of process;

(2) If the applicant intends to conduct the establishment under a name other than that of the applicant, the establishment's fictitious name and the county of registration under Section 865.09, Florida Statutes (1987);

(3) Whether the applicant or any of the other individuals listed pursuant to subparagraph (1) has, within the ten-year period immediately proceeding the date of the application, been convicted of a specific criminal act and, if so, the specified criminal act involved, the date of conviction and the place of conviction;

(4) Whether the applicant or any of the other individuals listed pursuant to subparagraph (1) has had a previous license under this article suspended or revoked as well as the date of the suspension or revocation and whether the applicant or any other individuals listed pursuant to subparagraph (1) has been a partner in a partnership or an officer, director or principal stockholder of a corporation whose license under this article has previously been suspended or revoked, including the name and location of the establishment for which the license was suspended or revoked as well as the date of the suspension or revocation;

(5) Whether the applicant or any other individuals listed pursuant to subparagraph (1) holds any other licenses under this article and, if so, the names and locations of such other licensed establishments;

(6) The single classification of license for which the applicant is filing;

(7) The location of the proposed establishment, including a legal description of the property site, and a legal street address;

(8) The names of the employees for the proposed establishment if known or, if presently unknown, a statement to that effect;

(9) The applicant's mailing address; and

(10) A site plan drawn to appropriate scale of the proposed establishment, including but not limited to:

a. All property lines, rights-of-way and the location of the buildings, parking areas and spaces, curb cuts and driveways;

b. All windows, doors, entrances and exits, fixed structural features, walls, stages, partitions, projection booths, admission booths, adult booths, concession booths, stands, counters and similar structures;

c. All proposed improvements or enlargements to be made which shall be indicated and calculated in terms of percentage of increase in floor size.

(c) *Application fee.* Each application shall be accompanied by a nonrefundable fee of two hundred dollars ($200.00). If the application for a license is approved and a license is granted, the fee shall be applied as a credit towards the annual license fee required for the first year pursuant to section 11-37 of this article.

(d) *Rejection of incomplete application.* In the event the city manager determines or learns at any time that the applicant has not properly completed the application for a proposed establishment, he shall promptly notify the applicant of such fact and shall automatically reject the application.

(e) *Consent.* By applying for a license under this article, the applicant shall be deemed to have consented to the provisions of this article and to the exercise by the city manager and the departments of their respective responsibilities under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-34. Investigation of application.

(a) Upon receipt of the application properly filed with the city manager and upon payment of the nonrefundable application fee, the city manager shall immediately stamp the application as received and shall immediately thereafter send photocopies of the application to the chief of police, fire prevention, the health department and the building and zoning department. Each department shall promptly conduct an investigation of the applicant, application and the proposed establishment in accordance with its responsibilities summarized in section 11-31 of this article. At the conclusion of its investigation, each department shall indicate on the photocopy of the application its approval or disapproval of the application, date it and sign it; and in the event it disapproves, it shall so state its reasons.

(b) A department shall disapprove of an application if it finds that the proposed establishment will be in violation of any provision of this article or of any building, fire, health, or zoning statute, code, ordinance or regulation. After its indication of approval or disapproval, each department shall immediately return the photocopy for the application to the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-35. Grant; denial.

(a) *Time period for granting or denying license.*

(1) The city manager shall grant or deny an application for an adult dancing establishment within forty-five (45) days from the date of its proper filing. Upon the expiration of the forty-five-day period, the applicant may begin—and shall be allowed at its discretion to begin—operating the establishment for which a license is sought, unless and until the city manager notifies the applicant of a denial of the application and states the reason(s) for the denial.

(2) The city manager shall grant or deny an application for an adult bookstore or adult theater within fourteen (14) days from the date of proper filing. Upon the expiration of the fourteenth day, the

applicant may begin—and shall be allowed at its discretion to begin—operating the establishment for which a license is sought, unless and until the city manager notifies the applicant of a denial of the application and states the reason(s) for that denial.

(b) *Granting of application for license.* If each of the departments has approved the application, the city manager shall grant the application, notify the applicant of the granting and issue the license to the applicant upon payment of the appropriate annual license fee as provided in sections 11-36 and 11-37 with credit as provided in subsection 11-33(c).

(c) *Denying of application for license.*

(1) The city manager shall deny the application for any of the following reasons:

a. Any of the departments, excluding the police department, has disapproved of the application.

b. The application contains material false information.

c. The applicant or any of the other individuals listed pursuant to subsection 11-33(b)(1) has a license under this article which has been suspended or revoked.

d. The granting of the application would violate a statute or ordinance or an order from a court of law which effectively prohibits the applicant from obtaining an adult entertainment establishment license.

e. Any person or legal entity who is required by this article to possess a license for engaging in any business enterprise, profession or other activity included and regulated within this article who, as a licensee or as an agent or employee of such licensee, is convicted, or has been within a period of ten (10) years before the date of application, convicted of a felony or a first degree misdemeanor directly related to the specific licensed business activity, upon due and proper record of such conviction presented to the city manager, shall be subject to denial of a license application. The applicant shall have the right to request a public hearing before the city council and present evidence and testimony why such license application should not be denied. Nothing herein shall be construed to prevent the city council, upon a showing of good cause, from issuing a license to any person or entity whose license application has been previously denied. Such issuance, upon approval by the city council, shall be pursuant to the procedures heretofore established in this article.

(2) If the city manager denies the application, he shall notify the applicant of the denial and state the reason(s) for the denial.

(3) If a person applies for a license at a particular location within a period of nine (9) months from the date of denial of a previous application for a license at the location and there has not been an intervening change in the circumstances which will probably lead to a different decision regarding the former reason(s) for denial, the application shall be rejected.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-3, §§ 1, 2, 7-22-96)

Sec. 11-36. Contents and terms of license; renewals; expiration; cancellation.

(a) *Contents.* An adult entertainment license shall state on its face the name of the licensee, the name of the establishment, the street address of the establishment, the classification(s) of the license, the date of issuance and the date of expiration.

(b) *Terms.* All licenses issued under this article shall be annual licenses which shall commence running on October 1, on which date they shall be paid for and shall expire on September 30 of the following year. If a license is issued after October 1 but by March 31 of the following year, the applicant shall pay the

appropriate license fee. If a license is issued after March 31 but by October 1 of the same year, the applicant shall pay one-half (½) of the appropriate license fee.

(c) *Renewals.* Licenses shall be renewed annually. Subject to other provisions of this article, a licensee under this article shall be entitled to a renewal of his annual license from year to year as a matter of course by October 1 by presenting the license for the previous year and by paying the appropriate license fee.

(d) *Expiration.* A license that is not renewed under this article by October 1 of each year shall expire. An expired license may be renewed by November 30 of the same year upon presentation of an affidavit stating that no adult entertainment activity has taken place at the establishment subsequent to expiration, upon payment of the appropriate license fee and upon payment of a penalty of ten (10) percent of the appropriate license fee for the month of October or fraction thereof and an additional penalty of five (5) percent of the appropriate license fee for the month of November or fraction thereof.

(e) *Cancellation.* All expired licenses not renewed by November 30 shall be canceled summarily by the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-37. Annual license fees; levy of; regulatory in nature.

(a) *Levy of license fees.* There are hereby levied the following annual license fees under this article for an adult entertainment establishment:

(1) An establishment having a license for only an adult bookstore: Seven hundred fifty dollars ($750.00).

(2) An establishment having a license for only an adult theater as follows:

a. Having only adult booths: Thirty-five dollars ($35.00) for each booth; or

b. Having only a hall or auditorium: Three dollars and fifty cents ($3.50) for each seat; or

c. Having only an area outdoors designed to permit viewing by customers seated in vehicles: Three dollars and fifty cents ($3.50) for each parking space; or

d. Having a combination of subsections a., b. and/or c. above: The cumulative license fee applicable to each under subsections 2. through c.;

e. Adult motel: Seven hundred fifty dollars ($750.00);

(3) An establishment having a license for only an adult dancing establishment: Seven hundred fifty dollars ($750.00);

(4) An establishment having a license for two (2) classifications: Eight hundred dollars ($800.00);

(5) An establishment having a license for three (3) classifications: Nine hundred dollars ($900.00);

(b) *License fees regulatory in nature.* The annual license fees collected under this article are declared to be regulatory fees which are collected for the purpose of the examination and inspection of adult entertainment establishments under this article and the administration thereof. The regulatory fees are in addition to and not in lieu of the occupational license taxes imposed by other ordinances of the city.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-38. Records and reports; consent by licensee.

(a) *Records and reports.* Each licensee shall keep such records and make such reports as may be required by the city manager and the departments to implement this article and to carry out its purpose.

(b) *Consent.* By holding a license under this article, the licensee shall be deemed to have consented to the provisions of this article and to the exercise by the city manager and the departments of their respective responsibilities under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-39. Transfer of license.

(a) *Requirements for transfer.* A licensee shall not transfer his license to another person and thereby surrender possession, control and operation of the licensed establishment to such other person unless and until such other person satisfies the following requirements:

(1) Obtains an amendment to the license from the article which provides that he is now the licensee, which amendment may be obtained only if he has completed and properly filed an application with the city manager setting forth the information called for under subsections 11-33(b)(1) through (5) and (9) and the application has been granted by the city manager after approval by the chief of police; and

(2) In the event he has purchased the licensed establishment from the licensee, adduces satisfactory proof that the sale was bona fide; and

(3) Pays a transfer fee of ten (10) percent of the appropriate annual license fee.

(b) *Effect of suspension or revocation procedures.* No license may be transferred pursuant to subsection (a) when the city manager has notified the licensee that suspension or revocation proceedings have been or will be brought against the licensee.

(c) *Transfer to different location prohibited.* A licensee shall not transfer his license to another location.

(d) *Attempted improper transfer void; license abandoned.* Any attempted transfer of a license either directly or indirectly in violation of this section is hereby declared void, and the license shall be deemed abandoned and shall revert to the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-40. Changing name of establishment.

No licensee may change the name of an adult entertainment establishment unless and until he satisfies each of the following requirements:

(1) Gives the city manager thirty (30) days' notice in writing of the proposed name change;

(2) Pays the city manager a three-dollar change-of-name fee; and

(3) Complies with Section 865.09, Florida Statutes (1987).

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-41. Suspension of license.

(a) *Violation of a building, fire, health or zoning statute, code, ordinance or regulation.* In the event a department learns or finds upon sufficient cause that a licensed adult entertainment establishment is operating in violation of a building, fire, health or zoning statute, code, ordinance or regulation, whether federal, state or local, contrary to the respective general requirements of subsection 11-71(1), (2), (3) or (4), the department shall promptly notify the licensee of the violation and shall allow the licensee a seven-day period in which to correct the violation. If the licensee fails to correct the violation before the expiration of the seven-day period, the department shall notify the city manager who shall forthwith suspend the license and shall notify the licensee of the suspension. The suspension shall remain in effect until the department notifies the city manager in writing that the violation of the provision in question has been corrected.

(b) *Illegal transfer.* In the event the city manager learns or finds upon sufficient cause that a licensee engaged in a license transfer contrary to section 11-39, he shall forthwith suspend the license and notify the licensee of the suspension. The suspension shall remain in effect until the city manager is satisfied that the requirements of subsection 11-39(a) have been met.

(c) *Convictions for violations of division 5 of this article.*

(1) In the event that three (3) or more violations of division 5, section 11-80 et seq., of this article occur at an adult entertainment establishment within a two-year period and convictions result from at least three (3) of the violations, the city manager shall, upon the date of the third conviction, suspend the license and notify the licensee of the suspension. The suspension shall remain in effect for a period of thirty (30) days.

(2) In the event one (1) or more violations of division 5 of this article occur at the establishment within a period of two (2) years from the date of the violation from which the conviction resulted for which the license was suspended for thirty (30) days under subsection (c)(1), but not including any time during which the license was suspended for thirty (30) days, and a conviction results from one (1) or more of the violations, the city manager shall, upon the date of the first conviction, suspend the license again and notify the licensee of the suspension. The suspension shall remain in effect for a period of ninety (90) days.

(3) In the event one (1) or more violations of division 5 of this article occur within a period of two (2) years from the date of the violation from which the conviction resulted for which the license was suspended for ninety (90) days under subsection (c)(2), but not including any time during which the license was suspended for ninety (90), days and a conviction results from one (1) or more of the violations, the city manager shall, upon the date of the first conviction, suspend the license again and notify the licensee of the suspension. The suspension shall remain in effect for a period of one hundred eighty (180) days.

(4) The transfer or renewal of a license pursuant to this article shall not defeat the terms of subsections (c)(1) through (3).

(d) *Effective date of suspension.* All periods of suspension shall begin sixteen (16) days after the date the city manager mails the notice of suspension to the licensee or on the date the licensee delivers his license to the city manager, whichever occurs first.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-42. Revocation of license.

(a) *False information.* In the event the city manager learns or finds upon sufficient cause that a license was granted based upon false information, misrepresentation of fact or mistake of fact, he shall forthwith revoke the license and notify the licensee of the revocation.

(b) *Convictions for violation of division 5 of this article.*

(1) In the event that one (1) or more violations of division 5 of this article occur at an adult entertainment establishment which has had a license suspended for a period of one hundred eighty (180) days pursuant to subsection 11-41(c)(3) and the violation(s) occur within a period of two (2) years from the date of the violation from which the conviction resulted for which the license was suspended for one hundred eighty (180) days, but not including any time during which the license was suspended for one hundred eighty (180) days, the city manager shall forthwith revoke the license and notify the licensee of the revocation.

(2) The transfer or renewal of a license pursuant to this article shall not defeat the terms of subsection (b)(1).

(c) *Revocation of license.* Any person or legal entity who is required by this article to possess a license for engaging in any business enterprise, profession or other activity included and regulated within this article who, as a licensee or as an agent or employee of such licensee, under this article is convicted, or has been within a period of ten (10) years before the date of the application, convicted of a felony or a first-degree misdemeanor directly related to the specific licensed business activity, upon due and proper record of such conviction presented to the city council, shall be subject to said license being revoked upon a resolution of the city council. Written notice of the effective date of such revocation shall be forwarded to the licensee with a copy of such revocation filed with the police department and with the office of the city manager. The licensee shall have the right to request a public hearing before the city council and present evidence and testimony why such license should not be revoked. Nothing herein shall be construed to prevent the city council, upon showing of good cause, from reissuing a license to any person or entity whose license has been previously revoked. Such reinstatement, upon approval by the city council, shall be pursuant to the procedures heretofore established in this article. Notification of such reinstatement shall be furnished to the police department and the office of the city manager. Revocation of license under this section shall be in addition to any other penalties provided by law.

(d) *Effect of revocation.* If a license is revoked, the licensee shall not be allowed to obtain another adult entertainment license for a period of ten (10) years, and no license shall be issued again to any other person for the location upon which the adult entertainment establishment was situated.

(e) *Effective date of revocation.* The revocation shall take effect sixteen (16) days after the date the city manager mails the notice of revocation to the licensee or on the date the licensee delivers his license to the city manager, whichever happens first.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-3, § 3, 7-2-96)

Secs. 11-43—11-50. Reserved.

DIVISION 3. PERMITTING PROVISIONS

Sec. 11-51. Adult entertainment permit—Required.

(a) Subject to subsection (b), no individual may work in an adult entertainment establishment without having applied for and having been granted a temporary or permanent adult entertainment permit from the city manager under this article.

(b) An individual who is to engage exclusively in performing janitorial or maintenance services at an adult entertainment establishment or an individual who is to engage exclusively in performing barbering or cosmetology pursuant to a license issued under, respectively, Chapters 476 or 477, Florida Statutes (1987), is exempt from subsection (a).

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-52. Same—Application; contents of; application fee; rejection of incomplete application; consent by applicant.

(a) *Required.* Any individual desiring to work in an adult entertainment establishment shall file with the city manager a sworn permit application on a standard application form supplied by the city manager.

(b) *Contents of application.* The completed application shall contain the following information and shall be accompanied by the following documents:

(1) The applicant shall state his legal name and any aliases;

(2) The applicant shall submit satisfactory proof that he is at least eighteen (18) years of age, and a photocopy of such proof shall be retained by the city manager;

(3) The applicant shall furnish a set of his fingerprints which have been taken by the police department;

(4) The applicant shall present three (3) recent color photographs of himself which have been taken by the city manager: One (1) photograph to be attached to the temporary permit; one (1) photograph to be attached to the two-year permit; one (1) photograph to be attached to the application and retained on file with the city;

(5) The applicant shall state his mailing address and, if different, his address of residence;

(6) The applicant shall reveal his driver's license number;

(7) The applicant shall state whether he has, within the ten-year period immediately proceeding the date of the application, been convicted of a specified criminal act and, if so, the specified criminal act involved, the date of conviction and the place of conviction;

(8) The applicant shall indicate whether he or she has had a previous permit under this article which has been suspended or revoked and, if so, the date of the suspension or revocation;

(9) Any additional information which the city manager deems necessary to effectuate the language and purpose of this article.

(c) *Application fee.* Each application for a permit shall be accompanied by a nonrefundable fee of fifty dollars ($50.00). If the application for a permit is approved and a permit is granted, the fee shall be applied as a credit towards the permit fee required pursuant to section 11-57 of this article.

(d) *Rejection of incomplete application.* In the event the city manager determines or learns at any time that the applicant has not properly completed the application for a permit, he shall promptly notify the applicant of such fact and shall automatically reject the application.

(e) *Consent.* By applying for a permit under this article, the applicant shall be deemed to have consented to the provisions of this article and to the exercise by the city manager, the police department and, if applicable, the health department of their respective responsibilities under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-53. Temporary permit.

The city manager shall issue a temporary permit to an applicant on the date that the applicant properly files an application. The temporary permit shall automatically expire after fourteen (14) days.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-54. Investigation of application.

Upon receipt of an application properly filed with the city manager and upon payment of the nonrefundable application fee, the city manager shall immediately stamp the application as received and shall immediately thereafter send a fingerprint card to the police department and, if the applicant has indicated an intention to work in an adult dancing establishment, notify the health department of the applicant's name and address. The city manager and, if applicable, the health department shall promptly conduct an investigation of the applicant in accordance with their respective responsibilities under section 11-31 of this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-55. Grant; denial.

(a) *Time period for granting or denying permit.* The city manager shall grant or deny any application within fourteen (14) days from the date of its proper filing.

(b) *Granting of permit.* If the chief of police,the city manager and, if applicable, the health department have each approved of the application, the city manager shall grant the application, notify the applicant of the granting and issue a permit to the applicant.

(c) *Denying of permit.*

(1) The city manager shall deny the application for any of the following reasons:

a. The applicant is less than eighteen (18) years of age;

b. The application contains material false information;

c. The applicant has had a previous permit under this article which has been suspended or revoked; or

d. The granting of the application would violate a statute or ordinance or an order from a court of law which prohibits the applicant from obtaining an adult entertainment permit.

(2) If the city manager denies the application, he shall notify the applicant of the denial and state the reason(s) for the denial.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-56. Contents, scope and term of permit; renewals; expiration; cancellation.

(a) *Contents.* The permit which shall be laminated shall contain the following:

(1) The permittee's legal name and any aliases;

(2) The permittee's residential address;

(3) The permittee's sex;

(4) The permittee's birth date;

(5) The permittee's signature;

(6) A color photograph of the permittee which was taken by the city manager;

(7) The expiration date of the permit; and

(8) The signature of the city manager.

(b) *Scope.* The permit shall entitle the permittee to work in any adult entertainment establishment.

(c) *Term.* All permits issued under this article shall remain valid for two (2) years from the date of issuance.

(d) *Renewal.* Permits shall be renewed on or before two (2) years from the date of issuance. A permittee shall be entitled to a renewal of his or her permit as a matter of course upon payment of a fifty-dollar fee.

(e) *Expiration.* A permit that is not renewed on or before two (2) years from the date of issuance shall expire. An expired permit may be renewed within thirty (30) days upon presentment of an affidavit by the permittee stating that he has not engaged in any adult entertainment establishment subsequent to expiration, upon payment of the permit fee of fifty dollars ($50.00) and upon payment of a penalty fee of ten dollars ($10.00).

(f) *Cancellation.* All expired permits not renewed within thirty (30) days shall be canceled summarily by the city manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-57. Permit fee.

The fee for a permit under this division shall be fifty dollars ($50.00).

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-58. Suspension of permit.

(a) *Conviction for violation of division 5 of this article.* In the event a permittee commits one (1) or more violations of division 5 of this article and a conviction results from at least one (1) of the violations, the city manager shall, upon the date of conviction, suspend the permit and notify the permittee of the suspension. The suspension shall remain in effect for a period of ninety (90) days.

(b) *Effective date of suspension.* The period of suspension shall begin sixteen (16) days after the date the city manager mails the notice of suspension to the permittee or on the date the permittee delivers his permit to the city manager, whichever happens first.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-59. Revocation of permit.

(a) *Conviction for violation of this article.* In the event a permittee commits one (1) or more violations of division 5 of this article within a period of two (2) years from the date of the violation from which the conviction resulted for which the permit was suspended under section 11-58, but not including any time during which the permit was suspended, and a conviction results from one (1) or more of the violations, the city manager shall, upon the date of the first conviction, revoke the permit and notify the permittee of the revocation.

(b) *Effect of revocation.* If a permit is revoked, the permittee shall not be allowed to obtain another adult entertainment permit for a period of five (5) years.

(c) *Effective date of revocation.* The revocation shall take effect sixteen (16) days after the date the city manager mails the notice of revocation to the permittee or on the date the permittee delivers his license to the city manager, whichever happens first.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-60—11-70. Reserved.

DIVISION 4. REGULATIONS

Sec. 11-71. General requirements.

Each adult entertainment establishment shall, regardless of whether it is licensed, observe the following general requirements:

(1) Conform to all applicable building statutes, codes, ordinances and regulations, whether federal, state or local;

(2) Conform to all applicable fire statutes, codes, ordinances and regulations, whether federal, state or local;

(3) Conform to all applicable health statutes, codes, ordinances and regulations, whether federal, state or local;

(4) Conform to all applicable zoning regulations and land-use laws, whether state or local;

(5) Keep the adult entertainment license posted in a conspicuous place at the establishment at all times, which license shall be available for inspection upon request at all times by the public;

(6) Opaquely cover each nonopaque area through which a person outside the establishment may otherwise see inside the establishment;

(7) On the first Monday of every month, provide the city manager with a listing of all persons who are or have been employees at the establishment since the first Monday of the previous month and their positions.

(8) Adult entertainment establishments may be located in the following areas:

a. Adult entertainment establishments may be operated or enlarged on property within the highway commercial district (C-1A) in the following corridor:

1. Beginning a southerly boundary of the City of Crystal River along U.S. Highway 19 north to the City of Crystal River city limits having a width of four hundred (400) feet west and four hundred (400) feet east of the U.S. Highway 19 right-of-way; and

2. Beginning at the intersection of U.S. Highway 19 and State Road 44 along State Road 44 easterly to the City of Crystal River city limits having a width of four hundred (400) feet south and four hundred (400) feet north of the State Road 44 right-of-way.

b. No person shall, unless he has first obtained a variance under Appendix A—Zoning, Article 7, Board of Adjustments and Appeals, Section 7.33 Variances, cause or permit the operation of, or enlargement of, an adult entertainment establishment which, while in operation or after enlargement, would or will be located within seven hundred fifty (750) feet of a pre-existing adult entertainment establishment, within one thousand (1,000) feet of a pre-existing religious institution, within one thousand (1,000) feet of a pre-existing educational institution, within two hundred (200) feet of an area zoned within the county or a municipality for residential use, within one thousand (1,000) feet of a pre-existing park, or within three hundred (300) feet of a pre-existing commercial establishment that in any manner sells or dispenses alcohol for on-premises consumption. The term "enlargement," as used in this subsection, includes, but is not limited to, increasing the floor sizes of the establishment by more than ten (10) percent.

c. The distance requirements of subsection a. are independent of, and do not supersede the distance requirements of the Code of Ordinances of the City of Crystal River.

d. Distance from a proposed or existing adult entertainment establishment to a pre-existing adult entertainment establishment, a pre-existing religious institution, a pre-existing educational institution, an area zoned for residential use, a pre-existing park, or a pre-existing commercial establishment that sells or dispenses alcohol for on-premises consumption shall be measured by drawing a straight line between the closest property lines of the proposed or existing adult entertainment establishment and the pre-existing religious institution, pre-existing educational institution, area zoned for residential use, pre-existing park, or pre-existing commercial establishment that sells or dispenses alcohol for on-premises consumption.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-05, § 1, 7-22-96; Ord. No. 96-O-06, § 1, 9-9-96)

Sec. 11-72. Adult theater.

In addition to the general requirements for an adult entertainment establishment contained in section 11-71, an adult theater shall, regardless of whether it is licensed, observe the following special requirements:

(1) If the adult theater contains a hall or auditorium area, the area shall comply with each of the following provisions:

a. Have individual, separate seats, not couches, benches or the like, to accommodate the maximum number of persons who may occupy the area;

b. Have a continuous main aisle alongside the seating areas in order that each person seated in the areas shall be visible from the aisle at all times; and

c. Have a sign posted in a conspicuous place at or near each entranceway to the hall or auditorium area which lists the maximum number of persons who may occupy the hall or auditorium area, which number shall not exceed the number of seats within the hall or auditorium area.

(2) If the adult theater contains adult booths, each adult booth shall comply with each of the following provisions:

a. Have a sign posted in a conspicuous place at or near the entranceway which states the maximum number of persons who may occupy the booth, which number shall correlate with the number of seats in the booth;

b. Have a permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, not capable of being closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the booth;

c. Have individual, separate seats, not couches, benches or the like, which correlate with the maximum number of persons who may occupy the booth;

d. Have a continuous main aisle alongside the booth in order that each person situated in the booth shall be visible from the aisle at all times; and

e. Have, except for the entranceway, walls or partitions of solid construction without any holes or openings in such walls or partitions.

(3) If the adult theater is designed to permit outdoor viewing by persons seated in automobiles, it shall have the motion picture screen so situated or the perimeter of the establishment so fenced that the material to be seen by those persons may not be seen from any public right-of-way, property zoned for residential use, religious institution, educational institution or park.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-73. Adult dancing establishment.

In addition to the general requirements for an adult entertainment establishment contained in section 11-71, an adult dancing establishment shall, regardless of whether it is licensed, observe the following special requirements:

(1) It shall have a stage provided for the display or exposure of any specified anatomical area by an employee to a person other than another employee consisting of a permanent platform (or other similar permanent structure) raised a minimum of eighteen (18) inches above the surrounding floor and encompassing an area of at least one hundred (100) square feet; and

(2) Any area in which a private performance occurs shall have:

a. A permanently open entranceway not less than two (2) feet wide and not less than six (6) feet high, which entranceway is not capable of being closed or partially closed by any curtain, door or other partition which would be capable of wholly or partially obscuring any person situated in the area; and

b. A wall-to-wall, floor-to-ceiling partition of solid construction without any holes or openings, which partition may be completely or partially transparent and which partition separates the employee from the person viewing the display.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-74—11-79. Reserved.

DIVISION 5. CRIMINAL PROVISIONS

Sec. 11-80. Operation of establishment—Without valid adult entertainment license.

It shall be unlawful for any person to be an operator of an adult entertainment establishment where the person knows or should know that the establishment:

(1) Does not have an adult entertainment license for any applicable classification;

(2) Has a license which is under suspension;

(3) Has a license which has been revoked or canceled; or

(4) Has a license which has expired.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-81. Same—Contrary to certain requirements.

(a) It shall be unlawful for any person to be an operator of an adult entertainment establishment which does not satisfy all of the general requirements of section 11-71.

(b) It shall be unlawful for any person to be an operator of an adult theater which does not satisfy all of the special requirements of section 11-72.

(c) It shall be unlawful for any person to be an operator of an adult dancing establishment which does not satisfy all of the special requirements of section 11-73.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-82. Allowing employee to engage in prohibited acts.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this article, to knowingly or with reason to know, permit, suffer or allow any employee:

(1) To engage in a straddle dance with a person at the establishment;

(2) To contract or otherwise agree with a person to engage in a straddle dance with a person at the establishment;

(3) To engage in any specified sexual activity at the establishment;

(4) To, where alcoholic beverages are sold, offered for sale or consumed, display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered;

(5) To display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered unless such employee is continuously positioned away from any person other than another employee and unless such employee is in an area as described in section 11-73;

(6) To display or expose any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee;

(7) To engage in a private performance unless such employee is in an area which complies with the special requirements of subsections 11-73(2)a. and b.;

(8) To, while engaged in the display or exposure of any specified anatomical area, intentionally touch any person at the adult entertainment establishment, excluding another employee;

(9) To intentionally touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the waist and above the knee of the person or to intentionally touch the clothed or unclothed breast of any female person; or

(10) Subject to subsection 11-51(b), to work who has not applied for and obtained a permit under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-83. Advertising prohibited activity.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this article, to advertise the presentation of any activity prohibited by any applicable state statute or local ordinance.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-84. Minors prohibited.

It shall be unlawful for an operator of an adult entertainment establishment, regardless of whether it is licensed under this article, to knowingly or with reason to know, permit, suffer or allow:

(1) Admittance to the establishment of a person under eighteen (18) years of age;

(2) A person under eighteen (18) years of age to remain at the establishment;

(3) A person under eighteen (18) years of age to purchase goods or services at the establishment; or

(4) A person to work at the establishment as an employee who is under eighteen (18) years of age.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-85. Working at establishment without valid adult entertainment license.

It shall be unlawful for any person to work in an adult entertainment establishment that he knows or should know is not licensed under this article or which has a license which is under suspension, has been revoked or canceled or has expired regardless of whether he has applied for and obtained a temporary or permanent permit under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-86. Working without permit prohibited.

(a) Subject to subsection 11-51(b), it shall be unlawful for any person to work in an adult entertainment establishment, regardless of whether it is licensed under this article, if the person has not applied for and obtained a temporary or permanent permit under this article.

(b) Subject to subsection 11-51(b), it shall be unlawful for any person to work in an adult entertainment establishment, regardless of whether it is licensed under this article, unless the person has a temporary or permanent permit in his possession while working at the establishment.

(c) Subject to subsection 11-51(b), it shall be unlawful for any person working in an adult entertainment establishment, regardless of whether it is licensed under this article, to fail to produce a temporary or permanent permit upon demand for inspection by any law enforcement officer.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-87. Engaging in prohibited activity.

It shall be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this article, to:

(1) Engage in a straddle dance with a person at the establishment;

(2) Contract or otherwise agree with a person to engage in a straddle dance with a person at the establishment;

(3) Engage in any specified sexual activity at the establishment;

(4) Where the employee knows or should know that alcoholic beverages are sold, offered for sale or consumed, display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered;

(5) Display or expose at the establishment less than completely and opaquely covered human genitals or pubic region, less than completely and opaquely covered cleavage of the human buttocks, less than completely and opaquely covered areola and nipple of the human female breast or human male genitals in a discernibly turgid state even if completely and opaquely covered unless such employee is continuously positioned away from any person other than another employee and unless such employee is in an area as described in subsection 11-73(1);

(6) Engage in the display or exposure of any specified anatomical area while simulating any specified sexual activity with any other person at the establishment, including with another employee;

(7) Engage in a private performance unless such employee is in an area which complies with the special requirements set forth at subsection 11-73(2)a, and b.;

(8) While engaged in the display or exposure of any specified anatomical area, intentionally touch any person at the adult entertainment establishment, excluding another employee; or

(9) Touch the clothed or unclothed body of any person at the adult entertainment establishment, excluding another employee, at any point below the waist and above the knee of the person or to touch the clothed or unclothed breast of any female person.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-88. Touching of employee by person.

(a) It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch an employee who is displaying or exposing any specified anatomical area at the adult entertainment establishment.

(b) It shall be unlawful for any person in an adult entertainment establishment, other than another employee, to intentionally touch the clothed or unclothed breast of any employee or to touch the clothed body of any employee at any point below the waist and above the knee of the employee.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-89. Exceeding occupancy limit of adult booth.

It shall be unlawful for any person to occupy an adult booth in which booth there are more people than that specified on the posted sign required by section 11-72.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-90. Use of restrooms or dressing rooms.

Notwithstanding any provision indicating to the contrary, it shall not be unlawful for any employee of an adult entertainment establishment, regardless of whether it is licensed under this article, to expose any specified anatomical area during the employee's bona fide use of a restroom or during the employee's bona fide use of a dressing room which is accessible only to employees.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-91. Hours of operation.

(a) It shall be unlawful for any operator of an adult entertainment establishment to allow such establishment to remain open for business or to permit any employee to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

(b) It shall be unlawful for any employee of an adult entertainment establishment to engage in a performance, solicit a performance, make a sale, solicit a sale, provide a service or solicit a service between the hours of 2:00 a.m. and 9:00 a.m. of any particular day.

(c) Hours stated herein shall mean standard time or daylight saving time as may be in current use in this city.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-92. Alteration of license or permit.

(a) It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment license without the written permission of the City Manager.

(b) It shall be unlawful for any person to alter or otherwise change the contents of an adult entertainment permit without the written permission of the City Manager.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-93. False statement or false information in applying for license or permit.

(a) It shall be unlawful for any person applying for an adult entertainment license to make a false statement which is intended to facilitate the issuance of a license or to provide false information which is intended to facilitate the issuance of a license.

(b) It shall be unlawful for any person applying for an adult entertainment permit to make a false statement which is intended to facilitate the issuance of a permit or to provide false information which is intended to facilitate the issuance of a permit.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-94. Violations subject to criminal prosecution.

Whoever violates any section of this division of this article shall be deemed guilty of a second degree misdemeanor which may be prosecuted and punished pursuant to section 1-8, city Code.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-95—11-100. Reserved.

DIVISION 6. MISCELLANEOUS PROVISIONS

Sec. 11-101. Appeals.

(a) Within fifteen (15) days of the mailing of a notice of denial of an application for a license or permit or a notice of suspension or revocation of a license or permit, the aggrieved party may—and shall be entitled at its discretion to—file a notice of appeal with the city council.

(b) The notice of appeal shall be filed with the clerk of the city. The notice of appeal shall be accompanied by payment of a filing fee of fifty dollars ($50.00) to cover administrative costs. Upon receipt of the notice of appeal and upon payment of the accompanying fifty-dollar filing fee, the clerk shall schedule a hearing for as soon as the council's calendar will allow, but in no event more than thirty (30) days after receipt of the notice of appeal and payment of the filing fee. The clerk shall provide the appellant with at least ten (10) days' notice of the time and place of the hearing.

(c) If, at the conclusion of the hearing, the city council finds that the license or permit should not have been denied, suspended, revoked or canceled, it shall so notify the city manager who shall immediately grant or reissue the license or permit.

(d) This article, and decisions made in accordance with, and pursuant to it—whether by the city manager or by the city council, on appeal from a decision by the city manager—shall be reviewable in the courts of the state and the United States, under the general jurisdictional provisions of state and federal law, available to any aggrieved party.

(Ord. No. 90-O-6, § 1, 7-23-90; Ord. No. 96-O-3, §§ 4—6, 7-22-96)

Sec. 11-102. Notice.

Any notice required under this article shall be accomplished by sending a written notification by certified mail to the mailing address set forth on the application for the license or a permit. This mailing address shall be considered the correct mailing address unless the city manager has been otherwise notified in writing by certified mail, return receipt requested.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-103. Immunity from prosecution.

The city or any department shall be immune from prosecution, civil or criminal, for reasonable, good-faith trespass upon an adult entertainment establishment while acting within the scope of its authority under this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Sec. 11-104. Powers of the city council.

The city council may bring suit in the circuit court to restrain, enjoin or otherwise prevent the violation of this article.

(Ord. No. 90-O-6, § 1, 7-23-90)

Secs. 11-105—11-119. Reserved.

ARTICLE III. FORTUNETELLERS, CLAIRVOYANTS, ETC.

Sec. 11-120. Permit—Prerequisite to issuance of license.

No occupational license issued pursuant to this chapter, as amended or its successor in function shall be issued to engage in the occupation of fortunetelling or to persons holding themselves out to be clairvoyants, palmists, astrologers, phrenologists, character readers, spirit mediums, absent treatment healers, or mental healers or engaged in any occupation of a similar nature until such person shall have been issued a permit therefor given by the city.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-121. Same—Conditions for issuance.

No permit shall be issued until after the following conditions have been met:

(1) The applicant shall have been a resident of the State of Florida for at least two (2) years;

(2) The applicant shall establish good moral character by not less than five (5) reputable citizens of Crystal River, and if the applicant has not resided in Crystal River for at least four (4) years, by not less than an additional five (5) reputable citizens from outside Crystal River within or without the State of Florida.

(3) The application, in such form as shall be determined by the city manager, with a recent photograph of the applicant, shall be presented to the city manager who shall make an investigation of the applicant and provide a recommendation to the city council as to the issuance of the permit. The Crystal River Police Department shall aid and assist the city manager in conducting the investigation of any applicant for the permit required by this article.

(4) The applicant shall not have been convicted of any crime involving moral turpitude, fraud, deceit, or any other act of dishonesty. For purposes of this section a withholding of adjudication of guilt or a plea of nolo contendere to such a charge shall constitute a conviction.

(5) The applicant's primary place of business is conducted within a structure located not less than one thousand two hundred (1,200) feet from another structure within which it is conducted a business for which a permit is required by this article.

(6) An administrative fee in the amount of one hundred dollars ($100.00) shall be paid by applicant to partially defray the costs of processing the application. This fee may be revised from time to time by a resolution adopted by the city council in a regularly scheduled city council meeting.

(7) The applicant's primary place of business is conducted within a structure located not less than one thousand two hundred (1,200) feet from a structure used for religion or education.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-122. Same—Display.

Any permittee shall, at all times while engaging in the occupation for which this permit is issued, display at his or her place of business both all occupational license and the permit required herein. Failure or refusal to do so shall be prima facie evidence of engaging in such occupation without a license or permit.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-123. Expiration and renewal.

Every permit issued pursuant to this article shall be valid for a period of not to exceed two (2) years and shall be deemed to expire at the same time as the applicant's most recent occupational license. The permit shall be renewed by reapplying and fulfilling all the conditions required in section 11-121 of this article.

Sec. 11-124. Revocation of permit.

A permit issued pursuant to this article may be revoked by the city manager upon a determination that:

(1) A permittee has misrepresented or concealed facts on the application material to the applicant's entitlement to a permit; or

(2) A permittee has been convicted of a crime involving moral turpitude, fraud, deceit or any other act of dishonesty or a similar crime.

(3) The permittee shall be given notice in writing of intention to revoke the permit, the reasons therefore, and the time, date and place of the hearing required herein. No sooner than fifteen (15) days thereafter and no longer than thirty (30) days following the foregoing notice, a hearing shall be held before the city manager for the purpose of rendering a final decision regarding revocation. Any appeal taken with respect to the revocation shall be by certiorari to the circuit court of the Fifth Judicial Circuit in and for Crystal River. Any such appeal shall be made within thirty (30) days of the final decision of the city manager.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-125. Penalties for violations.

Any person, firm, corporation, association or agent thereof who shall violate the provisions of this article shall be subject, upon conviction, to a fine not to exceed the sum of five hundred dollars ($500.00) and/or imprisonment in the county jail for a period not exceeding sixty (60) days or by both such fine and imprisonment. Each day of violation of the provisions of this article shall constitute a separate offense.

(Ord. No. 93-O-9, § 1, 8-9-93)

Sec. 11-126. Exceptions.

This article shall not apply to Christian churches who heal the sick by prayers or regularly ordained ministers of churches who are members of the Florida State Spiritualist Ministerial Association whose charter is filed in the Library of Congress and is on record in the State Capitol in Tallahassee, Florida.

(Ord. No. 93-O-9, § 1, 8-9-93)

ARTICLE IV. GARAGE SALES

Sec. 11-127. Regulation of garage sales.

(a) *Intent.* Residents accumulate many items which often are no longer desired to be retained by them. One (1) method of disposing of surplus items is through a sale method known as garage, carport, patio or yard sales and the like or by whatever name designated, all of which are heretofore and hereafter referred to as "garage sales" which shall not be considered as a home occupation or as a home business, but are subject to the following regulations.

(b) *Standards.* In residential land-use districts, garage sales are permitted to be held for a period not to exceed three (3) days, on the basis of three (3) such activities per residence per year.

(Ord. No. 08-O-07, 2-25-2008; Ord. No. 22-O-24, § 1, 10-10-2022)

ARTICLE V. WATERWAY RENTAL VESSEL VENDOR SAFETY

Sec. 11-128. Short title.

This article shall be known and may be cited as the "Waterway Rental Vessel Vendor Safety Ordinance."

Sec. 11-129. Findings of fact, purpose and authority.

(a) The recitals set forth in the ordinance adopting this article are incorporated herein by reference and adopted as findings of fact.

(b) The purpose of this article is to regulate livery vessel rental vendors and operators in order to promote the safety of the boating public and the City's residents and visitors, encourage responsible tourism, support responsible marine businesses, and protect the City's natural resources, including the sensitive spring systems and manatee habitat of Kings Bay.

(c) The City finds that the public health, safety and welfare of the residents and visitors of the City require the regulation of the rental of personal watercraft and livery vessels within the city limits, including the waters of Kings Bay lying within the City's jurisdiction.

(d) This article is enacted pursuant to the City's home rule powers under Article VIII, Section 2(b), Florida Constitution, and Chapters 166 and 205, Florida Statutes. This article regulates the land-based conduct of rental vessel businesses and their operators and is not intended to regulate any matter reserved to the State under Section 327.60, Florida Statutes, or preempted by federal law.

Sec. 11-130. Applicability; construction; conflict with state or federal law.

(a) This article applies to all livery businesses that offer livery vessels for rent or lease for consideration within the city limits, including the waters of Kings Bay lying within the corporate limits of the City.

(b) This article shall be construed in a manner consistent with Chapters 327 and 328, Florida Statutes, and applicable federal law. Nothing in this article shall be construed to: establish a vessel or associated equipment performance or other safety standard, or impose any equipment requirement; regulate the design, manufacture, or installation of any marine sanitation device; regulate any vessel upon the Florida Intracoastal Waterway; regulate the anchoring of vessels outside the marked boundaries of a mooring field; regulate engine or exhaust noise; discriminate against personal watercraft or airboats; or restrict the sale or use of any vessel based on its energy source. This article shall be applied consistently with the limitations on local regulation set forth in Sections 327.60 and 327.75, Florida Statutes.

(c) In the event of any conflict between this article and state or federal law, state or federal law shall control, and the remaining provisions of this article shall continue in full force and effect.

Sec. 11-131. Definitions.

The following words, when used in this article, shall have the meanings indicated, except where the context clearly indicates otherwise. A term not defined in this article but defined in Chapter 327, Florida Statutes, shall have the meaning given in that chapter.

Business location means a site or location that is zoned commercial or other non-residential zoning that otherwise permits livery vessel rentals under the City's Land Development Code, and that has the dockage, parking, and restroom facilities and meets all other site standards required to operate such a business.

City manager means the City Manager of the City of Crystal River or his or her designee.

Idle speed means the lowest speed at which a livery vessel can operate and maintain steering control.

Livery business or *business* means any person or entity engaged in the rental or leasing for consideration of one or more livery vessels.

Livery vessel means a vessel leased, rented, or chartered to another for consideration, including a motorized livery vessel, a personal watercraft, and a non-motorized livery vessel such as a paddleboard, kayak, or canoe, but does not mean a vessel under the control at all times of a United States Coast Guard licensed captain. A personal watercraft, as defined in Section 327.02, Florida Statutes, is included within the definition of livery vessel for purposes of this article.

Motorized livery vessel means a livery vessel that is propelled by a motor, including a personal watercraft.

Non-motorized livery vessel means a livery vessel that is not propelled by a motor, including a paddleboard, kayak, or canoe.

Operate means to be in charge of, in command of, or in actual physical control of a vessel upon the waters of the state.

Owner means a person, other than a lienholder, having the property in or title to a vessel, including a person entitled to the use or possession of a vessel subject to a security interest in another person.

Permit means the waterway rental vessel vendor permit issued by the City under this article, which is a regulatory permit in addition to, and not in lieu of, the local business tax receipt required under Article I of this chapter.

Person means any individual, partnership, firm, association, corporation, or other entity.

Personal watercraft or *PWC* means a vessel as defined in Section 327.02, Florida Statutes.

Response vessel means a motorized vessel with an operable marine radio, maintained in good running condition and meeting United States Coast Guard safety requirements, reserved for use in responding to emergencies involving rented livery vessels. A response vessel may be a personal watercraft reserved for that purpose.

Sec. 11-132. Local business tax receipt and waterway rental vessel vendor permit required.

(a) In addition to the local business tax receipt required under Article I of this chapter, no person shall offer for rent or lease for consideration a livery vessel within the city limits except from a business location that holds a valid waterway rental vessel vendor permit issued under this article and that fully complies with this article.

(b) No person shall rent or lease a livery vessel from any business within the city limits except from a business holding a valid permit under this article.

(c) No person shall offer for rent or lease for consideration a motorized livery vessel that is not registered in the name of the business and that does not have a valid Florida vessel registration number affixed thereto. A non-motorized livery vessel that is exempt from vessel registration under state law is not subject to the registration requirement of this subsection but remains subject to the other applicable requirements of this article.

Sec. 11-133. Permit application; fees; term; display.

(a) *Application.* Application for a waterway rental vessel vendor permit shall be made to the city manager on a form provided by the City. The application shall include, at a minimum:

(1) the business location, including the local business tax receipt number and street address (a post office box is not sufficient), and, if the applicant is not the owner of the property, a notarized letter of authorization from the property owner;

(2) the business owner's and manager's name, home and local address, and telephone number;

(3) a certificate of good standing from the Florida Department of State, Division of Corporations, demonstrating that the business is authorized to conduct business in the State of Florida;

(4) the state sales tax number;

(5) a copy of any sovereignty submerged lands lease or easement required by the State of Florida for the business's operations;

(6) the number and description of the livery vessels to be used, including, for each motorized livery vessel, the model, year, manufacturer, color, and Florida vessel registration number, and, for non-motorized livery vessels, the number and type of such vessels; and a description of any response vessel and its Florida vessel registration number;

(7) proof of insurance as required by Section 11-136 of this article and Section 327.54(5), Florida Statutes; and

(8) the application signed by the owner attesting, under penalty of perjury, to the accuracy and truthfulness of the information provided, and acknowledging that the applicant has read and understands this article and all applicable regulations. An applicant who misrepresents information provided under this section may be denied a permit or, if a permit is issued, may have the permit suspended or revoked.

(b) *Fees.* The City Council may establish by resolution a reasonable permit fee, and a separate per-vessel fee, to defray the costs directly associated with the administration and enforcement of this article. Such fees are regulatory in nature and are in addition to, and not in lieu of, the local business tax imposed under Article I of this chapter.

(c) *Term.* The permit shall be issued on an annual basis coinciding with the local business tax receipt year established in Sections 11-4 and 11-5 of this chapter, and shall be renewed together with the local business tax receipt. Applications may be made at any time during the year.

(d) *Display.* Each business shall display the permit certificate in plain sight at the business location from which rentals are offered.

Sec. 11-134. Business and operating standards.

Each business holding a permit under this article shall comply with the following standards:

(a) *Zoning and business location.* The business and its vessels shall be situated upon a site authorized by the City's Land Development Code and in compliance with Section 11-12 of this chapter. No business shall be located upon or utilize City or other public property for renting, vessel drop-off, passenger debarkation, or similar business activity without the written permission of the City or other property owner.

(b) *Site facilities.* The business location shall maintain vehicular parking in accordance with the Land Development Code; a physical structure sufficient to protect staff and records and to receive mail at the location; safe, code-compliant dockage for which all necessary state permits are maintained for the duration of the business; and on-site restroom facilities and business-owned trash and recycling receptacles.

(c) *Communication.* The business shall maintain a consistent telephone number and an operable marine radio at its land-based operations office during all hours of operation.

(d) *Response vessel.* A business that offers one or more motorized livery vessels for rent shall maintain a response vessel, and a person with an operable marine radio, at the launching site during all hours of operation. A business that offers only non-motorized livery vessels is not required to maintain a response vessel.

(e) *Safety equipment and refueling plan.* A business that fuels or offers motorized livery vessels shall, prior to operation, file with the City a refueling and spill-response plan approved, as appropriate, by the applicable fire department, the Florida Department of Environmental Protection, and the FWC, providing for on-site maintenance and inspection, spill prevention and response, and fire safety. Fueling of a livery vessel on or within fifty (50) feet of the water shall require a spill-proof nozzle or other device designed to prevent fuel overflow. This subsection does not apply to a business that offers only non-motorized livery vessels.

(f) *Vessel and business identification marking.* Each livery vessel and the business shall be marked in accordance with Section 11-2.2 of this chapter. In addition, each rented livery vessel and each associated personal flotation device shall bear a unique identifying number or marking that distinguishes the business from other livery businesses. The letters and numbers required by Section 11-2.2 shall be displayed on both sides of the forward half of the vessel above the waterline.

(g) *Employee training.* Each employee who supervises, takes reservations, handles rental paperwork with customers, provides pre-rental instruction, or operates rental or response equipment shall complete, and provide documentation of upon request of the City, the following, as applicable to the vessels the business offers: the State of Florida Boating Safety Education Course; the FWC online livery course; a first aid and CPR course; equipment-specific training on the apparatus rented; and training on the business's emergency contingency plans and on the Kings Bay manatee protection and sanctuary requirements described in Section 11-137. At all times during business hours, an employee who has completed the training shall be present at the business location. A new employee shall have thirty (30) days from the start of employment to complete the training and may operate in the interim under the supervision of a trained employee.

(h) *Emergency contingency plans.* Each business shall maintain written contingency plans addressing, at a minimum, fuel or oil spills, fuel fires, rental vessel accidents, medical emergencies, and inclement weather, including contacts to call, immediate steps, and reporting.

Sec. 11-135. Rental customer operating requirements.

(a) *Training.* In addition to any training required by state law, each operator of a rented livery vessel shall, before operating the vessel, receive from the business: a briefing on the Kings Bay manatee protection zones, idle-speed and slow-speed zones, and federal manatee sanctuaries and no-entry areas described in Section 11-137; equipment-specific operating instruction on the vessel rented; and emergency contact information for law enforcement, the United States Coast Guard, 911, and the business.

(b) *Operator identification.* For each operator of a motorized livery vessel powered by ten (10) horsepower or more, the business shall issue an identification wristband indicating that the operator has met the applicable training requirements of this article and the boater safety education requirements of Section 327.395, Florida Statutes, using a color-coded system that distinguishes operators who are exempt from, and operators who are subject to, the Florida boater safety education requirement. This subsection does not apply to the rental of a non-motorized livery vessel.

(c) *Required documentation.* Each rental customer shall be provided, and shall keep aboard the vessel, a copy of the rental agreement; a means of contacting the business; safety and operational information for the vessel; a map of Kings Bay showing the location of the business, the manatee protection and idle-speed zones, the federal sanctuaries and no-entry areas, and any other boater-restricted areas; and emergency contact information together with an operable means of communication such as a cell phone or marine radio.

(d) *Documentation retained.* The business shall retain a copy of each operator's driver license or other identification and shall make it available to City or State authorities upon request.

Sec. 11-136. Insurance.

(a) No person shall operate a business under this article unless covered by a comprehensive general liability insurance policy insuring the public against bodily injury or property damage resulting from or incidental to the operation, use, or rental of livery vessels, in an amount not less than five hundred thousand dollars ($500,000.00) per occurrence and one million dollars ($1,000,000.00) in the aggregate, written through insurers licensed and authorized to do business in the State of Florida and otherwise meeting the requirements of Section 327.54, Florida Statutes.

(b) The insurance coverage required by this article shall remain in full force during the entire term of the permit, and proof of coverage shall be provided to the City at the time of permitting and upon request. Failure to maintain such coverage shall render the permit void.

Sec. 11-137. Kings Bay manatee and natural resource protection.

(a) Kings Bay is designated as habitat for the West Indian manatee and is subject to manatee protection zones established by the FWC under Chapter 68C-22, Florida Administrative Code, and to the federal Kings Bay Manatee Refuge and manatee sanctuaries established by the U.S. Fish and Wildlife Service under 50 C.F.R. Part 17, including seasonal no-entry sanctuaries and year-round idle-speed and slow-speed zones.

(b) Each business shall, as a condition of its permit, inform every rental operator of, and provide written materials and a map depicting, the applicable manatee protection zones, idle-speed and slow-speed zones, and federal sanctuaries and no-entry areas, and shall instruct operators to comply with all such requirements.

(c) Nothing in this article authorizes any conduct prohibited by state or federal law, including the taking or harassment of manatees. This section is intended to promote compliance with, and not to supplant, applicable state and federal law.

Sec. 11-138. Enforcement.

The provisions of this article may be enforced by the City's code enforcement officers, by the Citrus County Sheriff's Office pursuant to any applicable interlocal agreement, by the FWC, and by any certified law enforcement officer of the State, through the code enforcement procedures of Chapter 162, Florida Statutes, and the City Code, through the issuance of civil citations, and by any other means provided by law.

Sec. 11-139. Penalties; denial, suspension, and revocation of permit.

(a) A violation of this article shall be punishable as provided in the general penalty section of Chapter 1 of this Code and may be enforced through Chapter 162, Florida Statutes. Each livery vessel offered for rent or rented in violation of this article shall constitute a separate violation.

(b) The City may deny, suspend, or revoke a permit issued under this article if the applicant or permit holder has misrepresented material information or has violated this article, after reasonable notice of the charges and an opportunity to be heard before the City's code enforcement special magistrate or board or other impartial party. The City's determination in writing shall constitute final action by the City and may be appealed to a court of competent jurisdiction.

(c) Nothing in this article shall prohibit the City from seeking enforcement by any other means provided by law, including an action for declaratory and injunctive relief in a court of competent jurisdiction.

Sec. 11-140. Compliance date for existing businesses.

Each business lawfully operating within the city limits on the effective date of this article shall have one hundred eighty (180) days from that effective date to obtain a permit and otherwise come into compliance with this article.

Secs. 11-141—11-149. Reserved.

(Ord. No. -O- , § 2, - -2026)

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 7.B.**

Requested Motion: Consideration of Ordinance No. 26-O-12 Amending Chapter 12, "Offenses and Miscellaneous Provisions" of the Code of Ordinances, by Amending Section 12-10, Same- "Certain Acts Prohibited", Prohibiting the Use of Jake Brakes, Defining the Term, Providing for Signage, hold a Public Hearing for October 12, 2026, at 5:30 p.m, and if approved, authorize the Mayor to sign the Ordinance.

Summary:
Sections 12-9 and 12-10 of the Code of Ordinances of the City of Crystal River prohibit loud, disturbing and unnecessary noises within the City and enumerate certain acts declared to constitute such noises. Major transportation corridors, including U.S. Highway 19 and State Road 44, traverse the City and carry substantial volumes of truck and other heavy vehicle traffic through and adjacent to residential neighborhoods, lodging establishments, places of worship, parks and the City's waterfront. Engine compression release brakes and similar engine-retarding devices, commonly known as "jake brakes," produce excessively loud, raucous and explosive noise when engaged. City Council finds that the noise generated by the use of jake brakes within the City disturbs the peace, quiet, comfort and repose of the residents and visitors, and that vehicles equipped with such devices are also equipped with conventional wheel braking systems adequate for ordinary operation on the roadways within the City. City Council desires to amend Section 12-10 of the Code to expressly declare the use of jake brakes within the corporate limits of the City to be a loud, disturbing and unnecessary noise in violation of Section 12-9 of the Code.

Staff Recommendation:
Consideration of Ordinance No. 26-O-12 Prohibiting the Use of Jake Brakes, hold a Public Hearing for October 12, 2026, at 5:30 p.m, and if approved, authorize the Mayor to sign the Ordinance.

Ordinance:
AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING CHAPTER 12, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL RIVER, BY AMENDING SECTION 12-10, SAME—CERTAIN ACTS PROHIBITED, TO PROHIBIT THE USE OF JAKE BRAKES WITHIN THE CORPORATE LIMITS OF THE CITY AND TO DEFINE THE TERM "JAKE BRAKE"; PROVIDING FOR SIGNAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

ATTACHMENTS:
Description
Ordinance - Jake Brakes (Sec. 12-10) RWB 9-21-2026.docx

ORDINANCE NO. 26-O-12

AN ORDINANCE OF THE CITY OF CRYSTAL RIVER, FLORIDA, AMENDING CHAPTER 12, OFFENSES AND MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF CRYSTAL RIVER, BY AMENDING SECTION 12-10, SAME—CERTAIN ACTS PROHIBITED, TO PROHIBIT THE USE OF JAKE BRAKES WITHIN THE CORPORATE LIMITS OF THE CITY AND TO DEFINE THE TERM "JAKE BRAKE"; PROVIDING FOR SIGNAGE; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Crystal River, Florida (the "City") is a Florida municipal corporation vested with home rule authority pursuant to Article VIII, Section 2(b) of the Florida Constitution and Chapter 166, Florida Statutes, to exercise any power for municipal purposes except when expressly prohibited by law; and

WHEREAS, Sections 12-9 and 12-10 of the Code of Ordinances of the City of Crystal River (the "Code") prohibit loud, disturbing and unnecessary noises within the City and enumerate certain acts declared to constitute such noises; and

WHEREAS, major transportation corridors, including U.S. Highway 19 and State Road 44, traverse the City and carry substantial volumes of truck and other heavy vehicle traffic through and adjacent to residential neighborhoods, lodging establishments, places of worship, parks and the City's waterfront; and

WHEREAS, engine compression release brakes and similar engine-retarding devices, commonly known as "jake brakes," produce excessively loud, raucous and explosive noise when engaged; and

WHEREAS, the City Council finds that the noise generated by the use of jake brakes within the City disturbs the peace, quiet, comfort and repose of the City's residents and visitors, and that vehicles equipped with such devices are also equipped with conventional wheel braking systems adequate for ordinary operation on the roadways within the City; and

WHEREAS, the City Council desires to amend Section 12-10 of the Code to expressly declare the use of jake brakes within the corporate limits of the City to be a loud, disturbing and unnecessary noise in violation of Section 12-9 of the Code; and

WHEREAS, this Ordinance has been duly noticed, read and considered at public hearings in accordance with Section 166.041, Florida Statutes, and the City Charter; and

WHEREAS, the City Council finds that the adoption of this Ordinance is in the best interest of the public health, safety and welfare of the citizens of the City.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CRYSTAL RIVER, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct, are hereby adopted as the legislative findings of the City Council, and are incorporated into this Ordinance by reference.

Section 2. Amendment of Section 12-10 of the Code. Section 12-10, Same—Certain acts prohibited, of Chapter 12, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Crystal River is hereby amended to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by reference. New text is shown in **Exhibit A** in the form in which it is to be codified; a redlined version showing the changes against the current Chapter 11 is attached as **Exhibit B** for the convenience of the reader. In the event of any inconsistency between Exhibit "A" and Exhibit "B," Exhibit "A" shall control.

Section 3. Signage. The City Manager, or designee, is hereby authorized to cause appropriate signs giving notice of the prohibition set forth in this Ordinance to be erected at or near the entrances to the City and at such other locations as the City Manager deems appropriate, subject, where applicable, to the approval of the Florida Department of Transportation or other governmental entity having jurisdiction over the affected right-of-way. The absence of any such sign shall not be a defense to, or otherwise affect the enforcement of, a violation of Section 12-10 of the Code.

Section 4. Codification. The provisions of Section 2 of this Ordinance and **Exhibit A** hereto shall become and be made a part of the Code of Ordinances of the City of Crystal River, Florida. The sections of this Ordinance may be renumbered or re-lettered, and the word "ordinance" may be changed to "section," "article," or other appropriate word to accomplish such codification. The codifier is authorized to correct scrivener's errors not affecting the substance of this Ordinance. **Exhibit B** is provided for reference only and shall not be codified.

Section 5. Severability. If any section, subsection, sentence, clause, phrase or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this Ordinance invalid or unconstitutional, and such portion shall be deemed a separate, distinct and independent provision.

Section 6. Conflicts. All ordinances or parts of ordinances, and all resolutions or parts of resolutions, in conflict herewith are hereby repealed to the extent of such conflict.

Section 7. Effective Date. This Ordinance shall become effective immediately upon its adoption by the City Council on second and final reading.

INTENTIONAL PAGE BREAK – SIGNATURES FOLLOW

PASSED AND ADOPTED on second and final reading by the City Council of the City of Crystal River, Florida, in regular session, on the ____ day of _____, 2026.

CITY OF CRYSTAL RIVER, FLORIDA

_____
Joe Meek, Mayor

ATTEST:

_____
Mia Fink, City Clerk

APPROVED AS TO FORM AND LEGALITY:

_____
Robert W. Batsel, Jr., City Attorney

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 10.A.**

Requested Motion: Motion to approve the "State Lobbying Services Agreement" with The Southern Group in the amount of $50,000.00

Summary:

The City entered in an agreement with The Southern Group in 2015 and have renewed the agreement each year since. The Southern Group's purpose is to keep the City informed and active in the state legislative process by working with City staff to advocate the City's position regarding issues before the state legislature and various state agencies. Specifically, the consultant's firm will assist and represent the City on issues which shall include, but are not limited to the following:

- Strategic governmental relations program development and planning
- Lobbying and advocacy before administrative agencies
- Proactive issue identification and management
- Timely assessment of information which may affect the City
- Legislative monitoring and lobbying
- Regulatory agency representation
- Assessment of budgetary and regulatory issues
- Regular updates on City-related issues
- Administrative branch representation
- Issue Analysis

The attached agreement which was approved by council on October 27, 2025, has an expiration date of July 31, 2027 with the provision that it can be extended for two (2) one (1) year terms. Should the city receive notice that the contract will not be renewed, staff will notify council.

Staff Recommendation:
Approval of "State Lobbying Services Agreement" with The Southern Group in the amount of $50,000.00

Project Cost:
$50,000.00

Funding Source:
001-01512-31000 -00CMO (General Fund City Manager- Professional Services- Lobbyist Services)

Amount Available:
$50,000.00

ATTACHMENTS:
Description
State Lobbying Services Agreement - Southern Strategy Piggyback JTH RWB Rev 10-27-25 JTHv2.pdf

PIGGYBACK AGREEMENT FOR LOBBYING SERVICES

THIS PIGGYBACK AGREEMENT FOR LOBBYING SERVICES (“Piggyback Agreement”) is entered into this ___ day of _____, 2025, by and between the **CITY OF CRYSAL RIVER**, a Florida municipal corporation, a Florida municipal corporation, 123 NW US Hwy 19, Crystal River, FL 34428 (“City”) and **THE SOUTHERN GROUP OF FLORIDA INC.**, a Florida corporation, 123 S. Adams Street Tallahassee, FL 32301 (“Consultant”).

RECITALS:

WHEREAS, after a competitive procurement process, the City of St. Petersburg (“St. Petersburg”) entered into that certain Agreement with Consultant, dated August 1, 2025, for Consultant to provide lobbying services to St. Petersburg (the “St. Petersburg Agreement”); and

WHEREAS, in accordance with Chapter 287, Florida Statutes, and the City of Crystal River’s contracting and procurement policies and procedures, City has the legal authority to piggyback contracts awarded by other governmental entities by competitive bid when seeking to utilize the same or similar services provided for in said contract; and

WHEREAS, City desires to procure services from Consultant under similar terms and conditions provided under the St. Petersburg Agreement, as applicable and amended by the terms and conditions of this Piggyback Agreement; and

WHEREAS, Consultant agrees to extend the terms and conditions of the St. Petersburg Agreement to City, subject to the terms and conditions of this Piggyback Agreement.

NOW THEREFORE, in consideration of the foregoing recitals, the following mutual covenants and conditions, and other good and valuable consideration, City and Consultant agree as follows:

AGREEMENT:

1. **RECITALS**. City and Consultant hereby represent, warrant, and agree that the Recitals set forth above are true and correct and are incorporated herein by reference.

2. **INCORPORATION OF ST. PETERSBURG AGREEMENT**. The St. Petersburg Agreement attached hereto as **Exhibit A** is hereby incorporated by reference as if set forth herein in its entirety. However, to the extent that any terms and conditions set forth in the St. Petersburg Agreement conflict with any of the amended or supplemental terms and conditions set forth in this Piggyback Agreement, then the amended and supplemental terms and conditions set forth in this Piggyback Agreement shall be given precedence.

3. **AMENDED TERMS AND CONDITIONS**. The following terms and conditions of the St. Petersburg Agreement are modified as follows:

A. **Parties.** The terms “City of St. Petersburg” shall be replaced and intended to refer to the “City of Crystal River.”

B. **Term.** Paragraph 4 of the St. Petersburg Agreement shall be amended so that the Piggyback Agreement commences on November 1, 2025.

C. **Payment**. Paragraph 5 of the St. Petersburg Agreement shall be amended and completely replaced with the following:

3.C.1. City and Consultant agree to a monthly fee for State Lobbying Services of Four Thousand One Hundred Sixty-Six thousand dollars and sixty-seven cents ($4,166.67). Special projects before executive agencies that are not included in the Scope of Services will be agreed to in advance and billed separately.

D. **Notices**. Paragraph 8 of the St. Petersburg Agreement shall be amended so that all notices required or permitted thereunder to the City shall be addressed as follows:

If to City:
City Manager
123 NW Highway 19
Crystal River, FL 34428
Phone:
Fax:
Email:

Copy to:
Mia Fink, City Clerk
123 NW Highway 19
Crystal River, FL 34428
Phone:
Fax:
Email: mfink@crystalriverfl.org

E. **Governing Law and Venue.** Paragraph 13 of the St. Petersburg Agreement shall be amended so that venue for any action brought in state court under this Piggyback Agreement shall be in Citrus County, Florida. Any action brought in federal court under this Piggyback Agreement shall be brought in the Middle District of Florida, Ocala Division, unless a division is created in Citrus County.

F. **Books and Public Records.** Section 39.B. of the St. Petersburg Agreement shall be replaced with the following:

3.F.1. **IF CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF FLORIDA PUBLIC RECORDS LAWS AS TO CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY CLERK'S OFFICE (THE CUSTODIAN OF PUBLIC RECORDS) AT 352-795-4216 EXT. 303 , MFINK@CRYSTALRIVERFL.ORG, OR 123 NW HIGHWAY 19 CRYSTAL RIVER, FL 34428.**

G. **Scope of Services.** Any reference to the St. Petersburg, Pinellas County, and/or the Tampa Bay Legislative Delegation, or partners, associations, positions, or committees specific to St. Petersburg, shall be replaced with delegations, partners, positions and committees as identified by the City, including Citrus County.

4. **SUPPLEMENTAL TERMS AND CONDITIONS**. The terms and conditions of the St. Petersburg Agreement shall be supplemented and expanded to include the following (which, in the event of conflict with the St. Petersburg Agreement, shall control):

A. **NO WAIVER OF SOVEREIGN IMMUNITY.** Nothing herein is intended to waive sovereign immunity by City to which sovereign immunity may be applicable, or of any rights or limits of liability existing under section 762.28, Florida Statutes. This term shall survive the termination of all performance or obligations under this Piggyback Agreement and shall be fully binding until any proceeding brought under this Agreement is barred by any applicable statute of limitations.

B. **ATTORNEYS' FEES**. If any civil action, arbitration or other legal proceeding is brought for the enforcement of this Agreement, or because of an alleged dispute, breach, default or misrepresentation in connection with any provision of this Agreement, the successful or prevailing party shall be entitled to recover reasonable attorneys' fees, sales and use taxes, court costs and all expenses reasonably incurred even if not taxable as court costs (including, without limitation, all such fees, taxes, costs and expenses incident to arbitration, appellate, bankruptcy and post-judgment proceedings), incurred in that civil action, arbitration or legal proceeding, in addition to any other relief to which such party or parties may be entitled. Attorneys' fees shall include, without limitation, paralegal fees, investigative fees, administrative costs, sales and use taxes and all other charges reasonably billed by the attorney to the prevailing party.

C. **JURY WAIVER**. IN ANY CIVIL ACTION, COUNTERCLAIM, OR PROCEEDING, WHETHER AT LAW OR IN EQUITY, WHICH ARISES OUT OF, CONCERNS, OR RELATES TO THIS AGREEMENT, ANY AND ALL TRANSACTIONS CONTEMPLATED HEREUNDER, THE PERFORMANCE HEREOF, OR THE RELATIONSHIP CREATED HEREBY, WHETHER SOUNDING IN CONTRACT, TORT, STRICT LIABILITY, OR OTHERWISE, TRIAL SHALL BE TO A COURT OF COMPETENT JURISDICTION AND NOT TO A JURY. EACH PARTY HEREBY IRREVOCABLY WAIVES ANY RIGHT IT MAY HAVE TO A TRIAL BY JURY. NEITHER PARTY HAS MADE OR RELIED UPON ANY ORAL REPRESENTATIONS TO OR BY ANY OTHER PARTY REGARDING THE ENFORCEABILITY OF THIS PROVISION. EACH PARTY HAS READ AND UNDERSTANDS THE EFFECT OF THIS JURY WAIVER PROVISION.

5. **FURTHER ACTION.** Each of the parties hereto shall execute and deliver any and all additional papers, documents, and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of the obligations hereunder and to carry out the intent of the parties hereto.

6. **MUTUALITY OF NEGOTIATION**. Consultant and City acknowledge that this Agreement is a result of negotiations between Consultant and City, and the Agreement shall not be construed in favor of, or against, either party because of that party having been more involved in the drafting of the Agreement.

7. **ENTIRE AGREEMENT.** This Agreement, including exhibits, constitutes the entire agreement between the parties hereto with respect to the subject matter hereof. There are no other representations, warranties, promises, agreements or understandings, oral, written or implied, among the Parties, except to the extent reference is made thereto in this Agreement. No course of prior dealings between the parties and no usage of trade shall be relevant or admissible to supplement, explain, or vary any of the terms of this Agreement. No representations, understandings, or agreements have been made or relied upon in the making of this Agreement other than those specifically set forth herein.

8. **LEGAL AUTHORITY**. Each person signing this Agreement on behalf of either party individually warrants that he or she has full legal power to execute this Agreement on behalf of the party for whom he or she is signing, and to bind and obligate such party with respect to all provisions contained in this Agreement.

9. **COUNTERPARTS**. This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute the same instrument.

10. **ELECTRONIC SIGNATURE(S).** Consultant, if and by offering an electronic signature in any form whatsoever, will accept and agree to be bound by said electronic signature to all terms and conditions of this Agreement. Further, a duplicate or copy of the Agreement that contains a duplicated or non-original signature will be treated the same as an original, signed copy of this original Agreement for all purposes.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date set forth above.

ATTEST:

_____
Mia Fink, City Clerk

CITY OF CRYSTAL RIVER

_____
Joe Meek, Mayor

Approved as to form and legality for reliance by City only:

_____
Robert W. Batsel, Jr., City Attorney

THE SOUTHERN GROUP OF FLORIDA, INC.

_____
By: Laura Boehmer, Partner

EXHIBIT A
ST. PETERSBURG AGREEMENT

BEGINS ON NEXT PAGE
(24 PAGES)

Docusign Envelope ID: 41DF2723-BF72-4464-AB56-E1D2A1593F42

AGREEMENT

THIS AGREEMENT, ("Agreement") is made and entered into on this 1st day of August, 2025, by and between The Southern Group of Florida Inc. ("Consultant") and the City of St. Petersburg, Florida, ("City") (collectively, "Parties").

WITNESSETH:

NOW, THEREFORE, in consideration of the promises and covenants contained herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Consultant Duties**. Consultant shall perform the scope of services set forth in Appendix A of this Agreement ("Scope of Services") and provide the Deliverables (as hereinafter defined) for the City in full and complete accordance with this Agreement. Appendix A is attached to this Agreement and made a part hereof.

2. **Deliverables**. The deliverables set forth in Appendix A shall be delivered by Consultant to the City according to the schedule set forth therein. The schedule and the deliverables set forth therein shall be referred to collectively as "Deliverables." Where not clearly specified in Appendix A, the format and level of detail for Deliverables shall be mutually agreed upon by the Parties. The City shall solely own all right, title and interest in and to the Deliverables provided pursuant to this Agreement.

3. **Agreement Components**.

   A. The agreement components are this Agreement, the appendices to this Agreement, the attached CSP BPA FORM or CSP CPA FORM, as applicable ("BPA/CPA Form"), and the following documents, which are made a part hereof by reference ("Other Documents"):

      (i) Request for Proposals No. 25 - 176 dated April 8, 2025 ("Document 1")

      (ii) Consultant's Proposal dated May 8, 2025 ("Document 2")

   B. In the event of an inconsistency or conflict between or among the documents referenced in this Agreement, the following order of precedence governs: (i) this Agreement, exclusive of its appendices, (ii) the appendices to this Agreement, (iii) the BPA/CPA Form, and (iv) the Other Documents. In the event of an inconsistency or conflict between or among the Other Documents, the order of precedence is the order the documents are listed above (e.g. Document 1 governs over Document 2).

4. **Term**. The initial Term of this Agreement commences on August 1, 2025 ("Effective Date") and terminates on July 31, 2027, unless this Agreement is earlier terminated as provided for herein. The City reserves the right to extend this Agreement under the same

terms and conditions for two (2) one (1) year periods at the end of the initial Term, provided such extension is mutually agreed upon by both Parties in writing. References in this Agreement to "Term" shall include the initial Term and all renewal terms.

5. **Payment**.

A. Provided Consultant faithfully performs its obligations contained in this Agreement, the City shall pay Consultant $156,000 ($6,500) per month; provided, however, that the total amount paid to Consultant pursuant to this Agreement, which shall be inclusive of any out-of-pocket expenses (including but not limited to transportation, mileage, lodging, and meals) shall not exceed seventy-eight thousand dollars ($78,000) for the initial Term ("Maximum Annual Price"). Consultant shall invoice the City on a monthly basis for services rendered in the previous month, and the City shall pay such invoice within thirty (30) days after receipt. The Maximum Annual Price may be increased only in strict accordance with this Agreement.

B. The Maximum Annual Price shall remain firm for the initial Term. If the Parties opt to renew this Agreement, any increase in the Maximum Annual Price will be made by mutual agreement between the Parties in writing, provided that Consultant notified the City thirty (30) days prior to expiration of the then-current Term of its intent to increase the Maximum Annual Price. Further, Consultant shall maintain competitive prices for the Term, and such prices must be comparable to those provided to other customers receiving similar services as the City.

6. **Indemnification.**

A. Consultant shall defend at its expense, pay on behalf of, hold harmless and indemnify the City, its officers, employees, agents, elected and appointed officials and volunteers (collectively, "Indemnified Parties") from and against any and all claims, demands, liens, liabilities, penalties, fines, fees, judgments, losses and damages (collectively, "Claims"), whether or not a lawsuit is filed, including, but not limited to Claims for damage to property or bodily or personal injuries, including death at any time resulting therefrom, sustained by any persons or entities; and costs, expenses and attorneys' and experts' fees at trial and on appeal, which Claims are alleged or claimed to have arisen out of or in connection with, in whole or in part, directly or indirectly:

(i) The performance of this Agreement (including any amendments thereto) by Consultant, its employees, agents, representatives, or subcontractors; or

(ii) The failure of Consultant, its employees, agents, representatives, or subcontractors to comply and conform with applicable Laws (as defined herein); or

(iii) Any negligent act or omission of Consultant, its employees, agents,

representatives, or subcontractors, whether or not such negligence is claimed to be either solely that of Consultant, its employees, agents, representatives, or subcontractors, or to be in conjunction with the claimed negligence of others, including that of any of the Indemnified Parties;

(iv) Any reckless or intentional wrongful act or omission of Consultant, its employees, agents, representatives, or subcontractors; or

(v) Consultant's failure to maintain, preserve, retain, produce, or protect records in accordance with this Agreement and applicable Laws (including but not limited to Florida laws regarding public records).

B. The provisions of this paragraph are independent of, and will not be limited by, any insurance required to be obtained by Consultant pursuant to this Agreement or otherwise obtained by Consultant, and the provisions of this paragraph survive the expiration or earlier termination of this Agreement with respect to any claims or liability arising in connection with any event occurring prior to such expiration or termination.

7. **Insurance.**

A. Consultant shall obtain and maintain the following minimum types and amounts of insurance throughout the Term at its own expense:

(i) Commercial general liability insurance in an amount of at least One Million Dollars ($1,000,000) per occurrence, Two Million Dollars ($2,000,000) aggregate in occurrences form. This policy must include coverage for bodily injury, property damage, personal and advertising injury, products and completed operations, and contractual liability under this Agreement.

(ii) Workers' Compensation insurance as required by Florida law and Employers' Liability Insurance in an amount of at least $100,000 each accident, $100,000 per employee, and $500,000 for all diseases.

(iii) Professional Liability Insurance with a minimum occurrence limit of $1,000,000. The professional liability policies may be on a claims made or occurrence basis.

B. All of Consultant's insurance policies, except Workers' Compensation and Professional Liability Insurance, must name the Indemnified Parties as additional insureds.

C. All policies must provide that the City will be provided notice at least thirty (30) days prior to any cancellation, reduction, or material change in coverage.

D. Consultant shall provide the City with Certificates of Insurance on a standard ACORD form, or similar form acceptable to the City, reflecting all required

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coverage. At the City's request, Consultant shall provide copies of current policies with all applicable endorsements.

E. All insurance required must be on a primary and noncontributory basis and must be provided by responsible insurers licensed in the State of Florida and rated at least A- in the then-current edition of AM Best's Rating Services, or similar rating agency acceptable to the City.

F. If the insurance carried by Consultant has broader coverage than required in this Agreement, then that broader coverage, including but not limited to additional insured requirements, are deemed to be the requirement in this Agreement. If Consultant's insurance limits are greater than the minimum limits set forth herein, then Consultant's insurance limits are deemed to be the required limits in this Agreement.

G. Consultant hereby waives all subrogation rights of its insurance carriers in favor of the Indemnified Parties. This provision is intended to waive fully, and for the benefit of the Indemnified Parties, any rights or claims which might give rise to a right of subrogation in favor of any insurance carrier.

H. The City reserves the right to change or alter the above insurance requirements as it deems necessary.

8. **Notices.** Unless and to the extent otherwise provided in this Agreement, all notices, demands, requests for approvals and other communications which are required to be given by either party to the other must be in writing and will be deemed given and delivered on the date delivered in person, upon the expiration of five (5) days following the date mailed by registered or certified mail, postage prepaid, return receipt requested to the address provided below, or upon the date delivered by overnight courier (signature required) to the address provided below.

CITY:

City of St. Petersburg
Procurement and Supply Management Department
P. O. Box 2842
St. Petersburg, FL 33731
Phone: 727-893-7221
Attention: Stephanie Scarbrough
Director, Procurement & Supply Management

CONSULTANT:

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The Southern Group of Florida Inc.
PO Box 10570
Tallahassee, FL 32301
Attn: Laura Boehmer
Phone: (813) 563-4100

9. **Severability.** Should any paragraph or portion of any paragraph of this Agreement be rendered void, invalid or unenforceable by any court of law for any reason, such determination does not render void, invalid or unenforceable any other paragraph or portion of this Agreement.

10. **Due Authority.** Each party to this Agreement that is not an individual represents and warrants to the other party that (i) it is a duly organized, qualified and existing entity authorized to do business under the laws of the State of Florida, and (ii) all appropriate authority exists so as to duly authorize the person executing this Agreement to so execute the same and fully bind the party on whose behalf he or she is executing.

11. **Assignment.** Consultant shall make no assignment of this Agreement without the prior written consent of the City. Any assignment of this Agreement contrary to this paragraph is void and confers no rights upon the assignee.

12. **Termination.**

    A. This Agreement may be terminated at any time by the City for convenience upon thirty (30) days written notice to Consultant.

    B. The City may terminate this Agreement upon written notice to Consultant in the event Consultant defaults on any of the terms and conditions of this Agreement and such failure continues for a period of thirty (30) days following notice from the City specifying the default; provided, however, that the City may immediately terminate this Agreement, without providing Consultant with notice of default or an opportunity to cure, if the City determines that Consultant has failed to comply with any of the terms and conditions of this Agreement related to safety, indemnification or insurance coverage.

    C. The City may terminate this Agreement as provided in Florida Statute section 287.135 and 448.095.

    D. Termination of this Agreement acts as a termination of the BPA/CPA Form and the Other Documents.

13. **Governing Law and Venue.** The laws of the State of Florida govern this Agreement. Venue for any action brought in state court must be in Pinellas County, St. Petersburg Division. Venue for any action brought in federal court must be in the Middle District of Florida, Tampa Division, unless a division is created in St. Petersburg or Pinellas County,

in which case the action must be brought in that division. Each party waives any defense, whether asserted by motion or pleading, that the aforementioned courts are an improper or inconvenient venue. Moreover, the Parties consent to the personal jurisdiction of the aforementioned courts and irrevocably waive any objections to said jurisdiction.

14. **Amendment**. This Agreement may be amended only in writing executed by the Parties.

15. **Entire Agreement**. This Agreement constitutes the entire agreement between the Parties and supersedes all prior and contemporaneous agreements, whether oral or written, between them.

16. **Compliance with Laws**. Consultant shall comply at all times with all federal, state, and local statutes, rules, regulations and ordinances, the federal and state constitutions, and the orders and decrees of lawful authorities having jurisdiction over the matter at issue (collectively, "Laws"), including but not limited to Florida laws regarding public records. Consultant hereby makes all certifications required under Florida Statute section 287.135. Consultant shall also comply with all applicable City policies and procedures.

17. **Third Party Beneficiary**. Notwithstanding anything to the contrary contained in this Agreement, persons or entities not a party to this Agreement may not claim any benefit hereunder or as third party beneficiaries hereto.

18. **No Liens.** Consultant shall not suffer any liens to be filed against any City property by reason of any work, labor, services, or materials performed at or furnished to City property, to Consultant, or to anyone using City property through or under Consultant. Nothing contained in this Agreement shall be construed as a consent on the part of the City to subject City property or any part thereof to any lien or liability under any Laws.

19. **No Construction against Preparer of Agreement.** This Agreement has been prepared by the City and reviewed by Consultant and its professional advisors. The City, Consultant and Consultant's professional advisors believe that this Agreement expresses their agreement and that it should not be interpreted in favor of either the City or Consultant or against the City or Consultant merely because of their efforts in preparing it.

20. **Use of Name.** Subject to the requirements of Florida laws regarding public records, neither party may use the other party's name in conjunction with any endorsement, sponsorship, or advertisement without the written consent of the named party, except that Consultant may refer to the City in client list.

21. **Non-appropriation.** The obligations of the City as to any funding required pursuant to this Agreement are limited to an obligation in any given year to budget, appropriate and pay from legally available funds, after monies for essential City services have been budgeted and appropriated, sufficient monies for the funding that is required during that year. Notwithstanding the foregoing, the City is not prohibited from pledging any legally available non-ad valorem revenues for any obligations heretofore or hereafter incurred, which pledge will be prior and superior to any obligation of the City pursuant to this

Agreement.

22. **City Consent and Action.**

A. For purposes of this Agreement, any required written permission, consent, acceptance, approval, or agreement by the City means the approval of the Mayor or his authorized designee, unless otherwise set forth in this Agreement or unless otherwise required to be exercised by City Council pursuant to the City Charter or applicable Laws.

B. For purposes of this Agreement, any right of the City to take any action permitted, allowed, or required by this Agreement may be exercised by the Mayor or his authorized designee, unless otherwise set forth in this Agreement or unless otherwise required to be exercised by City Council pursuant to the City Charter or applicable Laws.

23. **Captions.** Captions are for convenience only and do not control or affect the meaning or construction of any of the provisions of this Agreement.

24. **Acceptance.** The City shall accept Deliverables which conform to the requirements of this Agreement. The City shall notify the Consultant in writing of acceptance of each Deliverable. The City will give Consultant notification within thirty (30) calendar days of receipt of a Deliverable of any discovery by the City of non-conformance of the Deliverable with the requirements of this Agreement ("Non-Conformance") and Consultant shall have a reasonable period of time based on the severity and complexity of the Non-Conformance to correct such Non-Conformance; provided, however, that in no event shall the period to correct the Non-Conformance exceed thirty (30) calendar days from the date the City provides notice of Non-Conformance to Consultant.

25. **Survival.** All obligations and rights of any party arising during or attributable to the period prior to expiration or earlier termination of this Agreement, including but not limited to those obligations and rights related to indemnification, survive such expiration or earlier termination.

26. **Force Majeure.** In the event that either party hereto is delayed or hindered in or prevented from the performance required hereunder by reason of acts of God, failure of power, public health emergencies, strikes, lockouts, labor troubles, riots, war, insurrection, or other reason of like nature not the fault of the party ("Permitted Delay"), such party will be excused for the period of time equivalent to the delay caused by such Permitted Delay. Notwithstanding the foregoing, any extension of time for a Permitted Delay will be conditioned upon the party seeking an extension of time delivering written notice of such Permitted Delay to the other party within ten (10) days of the event causing the Permitted Delay.

27. **No Waiver**. No provision of this Agreement will be deemed waived by either party unless expressly waived in writing signed by the waiving party. No waiver may be implied by delay or any other act or omission of either party. No waiver by either party of any

provision of this Agreement will be deemed a waiver of such provision with respect to any subsequent matter relating to such provision, and the City's consent respecting any action by Consultant does not constitute a waiver of the requirement for obtaining the City's consent respecting any subsequent action.

28. **Permits and Licenses**. Consultant shall obtain any and all necessary permits, licenses, certifications and approvals which may be required by any government agency in connection with Consultant's performance of this Agreement. Upon request of the City, Consultant shall provide the City with written evidence of such permits, licenses, certifications, and approvals.

29. **Successors and Assigns**. This Agreement inures to the benefit of and is enforceable by and against the Parties, their heirs, personal representatives, successors, and assigns, including successors by way of reorganization.

30. **Subcontract**. The hiring or use of outside services or subcontractors in connection with the performance of Consultant's obligations under this Agreement is not permitted without the prior written approval of the City, which approval may be withheld by the City in its sole and absolute discretion. Consultant shall promptly pay all subcontractors and suppliers.

31. **Relationship of Parties**. Nothing contained herein may be deemed or construed by the Parties, or by any third party, as creating the relationship of principal and agent or of partnership or of joint venture between the Parties, it being understood and agreed that nothing contained herein, nor any acts of the Parties, may be deemed to create any relationship between the Parties other than the relationship of independent contractors and principals of their own accounts.

32. **City Data**. All data, documents and other City property shall remain the property of the City. Consultant agrees that such City property shall be used solely for the purpose of performing the Scope of Services and providing the Deliverables. Consultant shall be responsible for the safekeeping of such property and, if the City so requests, Consultant shall sign and deliver a written, itemized receipt therefore. Upon conclusion of the Scope of Services all such property shall be returned to the City.

33. **Confidentiality.** Consultant will at all times (both during and after the Term of this Agreement) treat confidentially by not disclosing to unaffiliated persons information and documentation furnished by the City to Consultant except (i) incident to a subcontract or service contract entered into by the Consultant to assist it in performing the Scope of Services and providing the Deliverables hereunder; (ii) in connection with an audit or regulatory examination; (iii) as may otherwise by legally required (e.g., Chapter 119, Florida Statutes or court order); or (iv) as may otherwise be directed by the City.

34. **Contract Adjustments.**

A. Either party may propose additions, deletions or modifications to the Scope of

Services ("Contract Adjustments") in whatever manner such party determines to be reasonably necessary for proper compliance with this Agreement. Proposals for Contract Adjustments must be submitted to the non-requesting party in the form agreed to by the Parties. Contract Adjustments must be effectuated through amendments to this Agreement made in accordance with this Agreement.

B. In the event Consultant proposes a Contract Adjustment and the City does not approve such Contract Adjustment, Consultant will continue to perform the original Scope of Services in accordance with the terms and conditions of this Agreement.

C. Notwithstanding anything to the contrary contained in this Agreement, there may be no increase in the Maximum Annual Price except pursuant to an amendment to this Agreement made in accordance with this Agreement.

35. **Warranties.** In addition to any other warranties that may exist, Consultant warrants to the City that it will provide the Scope of Services with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims.

36. **Conflict.** Consultant shall first represent the City as its most favored client when lobbying with the Florida Legislature and the Executive Office of the Governor. Consultant shall decline representation of clients when that representation would create a conflict with the City or otherwise adversely impact the City (e.g., by lobbying on behalf of other clients for appropriations also being sought by the City). As of the Effective Date, Consultant represents it has no clients that create a conflict with or would otherwise adversely impact the City.

37. **Non-Exclusive Agreement.** This Agreement imposes no obligation on the City to utilize Consultant for all of the work and services of this type, which may be needed during the Term. This is not an exclusive agreement. The City specifically reserves the right to concurrently contract with other companies for similar work and services if it deems such action to be in the City's best interest.

38. **Consultant Personnel.** The City reserves the right to require Consultant to replace any persons performing services pursuant to this Agreement, including but not limited to Consultant's employees and any affiliates' or subcontractors' employees, whom the City judges to be incompetent, careless, unsuitable, or otherwise objectionable, or whose continued use is deemed contrary to the best interests of the City.

39. **Books and Public Records.**

A. Consultant must maintain financial records related to this Agreement in accordance with this Agreement and generally accepted accounting principles and must comply with Florida laws regarding public records, including but not limited to Chapter 119, Florida Statutes (collectively, "Florida Public Records Laws"). Without

limiting the generality of the foregoing, Consultant must: (i) keep and maintain complete and accurate books and records related to this Agreement for the retention periods set forth in the most recent General Records Schedule GS1-SL for State and Local Government Agencies, or the retention period required pursuant to Florida Public Records Laws, whichever is longer, (ii) make all books and records related to this Agreement open to examination, audit and copying by the City (including but not limited to independent auditors retained by the City) within a reasonable time after a request not to exceed three (3) business days, (iii) at the City's request, provide all electronically stored public records to the City in a format approved by the City, (iv) ensure that any books and records or portions thereof that the City has designated in writing as confidential or proprietary and therefore exempt from disclosure under Florida Public Records Laws are not disclosed except as authorized by applicable Laws for the Term and following the expiration or earlier termination of this Agreement, and (v) comply with all other applicable requirements of Florida Public Records Laws. Consultant's obligations under this paragraph 39 survive the expiration or earlier termination of this Agreement.

B. **IF CONSULTANT HAS QUESTIONS REGARDING THE APPLICATION OF FLORIDA PUBLIC RECORDS LAWS AS TO CONSULTANT'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS AGREEMENT, CONTACT THE CITY CLERK'S OFFICE (THE CUSTODIAN OF PUBLIC RECORDS) AT (727) 893-7448, CITY.CLERK@STPETE.ORG, OR 175 FIFTH ST. N., ST. PETERSBURG FL 33701.**

41. **Execution of Agreement**. This Agreement may be executed in any number of counterparts, each of which is deemed to be an original, and such counterparts collectively constitute a single original Agreement. Additionally, each party is authorized to sign this Agreement electronically using any method authorized by applicable law or City policy, including any of the following: (i) a typed name on an electronic document; (ii) an image of a physical signature sent via email, fax, or other electronic transmission method; (iii) clicking a button to indicate agreement or acceptance in an electronic signature system; or (iv) a handwritten signature that is digitally captured on a touch device such as a tablet or smartphone.

IN WITNESS WHEREOF the Parties have caused this Agreement to be executed by their duly authorized representatives on the day and date first above written.

The Southern Group of Florida Inc. :

DocuSigned by:

By: Laura Boehmer
60B6BB0ECC6B4D6...

Print: Laura Boehmer

Title: Partner

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CITY OF ST. PETERSBURG, FLORIDA:

By: DocuSigned by: Steven Poceous
C7C01BA1F03944C...

Print: Steven Poceous

Title: Purchasing Manager

On behalf of Stephanic S. Scarbrough

ATTEST

(SEAL)

Signed by:
7FFE21B72DCF4D2...
City Clerk (Designee)

Approved as to Form and Content:

DocuSigned by: Benjamin James
89DA2E48804A0...
City Attorney (Designee) 00807249

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(Acknowledgment of Consultant)

Under penalties of perjury, I declare that I am authorized by the Company to execute the foregoing Agreement.

DocuSigned by:

By: Laura Boehmer
60B6BB0ECC6B4D6...

Print: Laura Boehmer

Docusign Envelope ID: 41DF2723-BF72-4464-AB56-E1D2A1593F42

1. Scope of Work

1.1. Intent

The City of St. Petersburg ("City") invites qualified firms to submit proposals for consulting services to represent the city before the Florida Legislature, its committees, and Florida Executive agencies.

1.2. Contract Term

The term of the Agreement will be for two years from the date of the executed agreement, with two (2) one-year renewal options by mutual agreement of both parties.

1.3. Minimum Qualifications

At a minimum, Offeror shall meet the following qualifications:

A. Have been in the business of providing state legislative and executive lobbying consulting services, including securing funding and influence the enactment of beneficial legislation on behalf of its clients for large urban cities for a minimum of three years.

B. Be licensed to do business in the State of Florida.

C. Be a registered lobbyist with the State of Florida or local agencies, as required by law.

D. Be free from legal and regulatory matters that might prevent Offeror from providing the services pursuant to this RFP.

E. Provide all services without the use of subcontractors unless permission is granted by the City.

F. Have the ability to meet insurance requirements.

G. Have the ability to submit all reports to the City in Microsoft® Office Word, Excel or PDF format.

1.4. Vendor Responsibilities

At a minimum, Offeror shall provide and meet the following lobbying responsibilities:

A. Prior to the Annual Session of the Florida Legislature, work with Mayor's Office to develop, advise and strategize on a comprehensive legislative agenda.

B. During the Annual Session of the Florida Legislature, lobby on behalf of the City's interest.

C. Represent the City's interest in Tallahassee, Florida and serve as the liaison to state elected and government officials.

D. Attend meetings (including, but not limited to, legislative committee meetings and sessions) where legislative issues of importance to the city are being discussed.

E. Develop and maintain professional relationships with elected and/or appointed State of Florida government officials at all levels, including their staff.

F. Provide weekly updates during the Annual Session of the Florida Legislature.

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G. Prepare a final written report of the Annual Session of the Florida Legislature that includes, but is not limited to, a brief overview of local funding issues, major legislative bills passed of state-wide interest and local bills that are also of interest to the City (See Appendix A).

H. Work with the City to secure sponsors for proposed bills or amendments.

I. Serve as a resource for the City Council's Legislative Intergovernmental Relations (LAIR) Committee in cooperation with the Director of Government Affairs, and the City's Legal Department.

J. Attend and participate in a LAIR Committee meetings through out the year to provide updates and feedback on issues of importance to the City.

K. Offer shall provide a dedicated representative to serve as a primary point of contact who is readily available to administer the agreement on a day-to-day basis.

1. Offeror is responsible for notifying the City of any change in contact information for the dedicated representative. The dedicated representative's responsibilities shall include, but are not limited to, overseeing all aspects of servicing and issue resolution.

L. See Attachment C for a detailed scope of work.

Document Retention

A. Upon the City's request, Offeror shall retain all working papers and reports at the Offeror's expense, for a minimum of five years. Upon written notice by the City, Offeror shall extend the retention period as directed by the City.

B. Offeror shall make its working papers available upon request to the following parties or their designees:

1. The City
2. Successor consultants retained by the City
3. State of Florida – as directed by the City

C. Offer shall respond to all reasonable inquiries of successor consultants and allow successor consultants to review and make copies of working papers relating to matters of continuing significance.

1.5. City's Responsibilties

At a minimum, City shall provide and meet the following responsibilities:

1. City shall provide a point of contact (City Project Manager) to administer the Agreement.
2. City Project Manager shall assist with planning, strategy, and objectives prior to performance of the Work.

3. City Project Manager shall promptly respond to issues and inquiries so as not to hinder the progress, completion, or compensation for the Work.

1.6. State Governmental Relations Services – Scope of Work

Legislative Session Scope

A. Prior to Legislative Session, Lobbyist will meet with the Mayor's Office to assist, advise, and strategize in the preparation of the annual legislative agenda by identifying key issues of concern and priority and develop a specific and proactive strategy for that particular legislative session.

B. Lobbyist, in conjunction with the Mayor's office, will assist in development and implementation of a strategy for the support, opposition, or amendment of potential and pending legislation that may impact City of St. Petersburg Government.

C. Prior to the Legislative Session, Lobbyist will provide relevant information to the Mayor's Office and City Council to inform them of the priorities of Leadership in the House and Senate and the Governor's office to address areas of concern or support and develop an effective advocacy strategy on behalf of the City.

D. Once the session has commenced, Lobbyist will provide regular updates and track all legislation that has been identified as relevant to the City.

E. Lobbyist will work with the Mayor's Office to review all filed, active, and pending legislation and amendments and provide analysis and additional information as needed.

F. Lobbyist, in conjunction with the Mayor's Office, will assist in development and implementation of a strategy for the support, opposition, or amendment of potential and pending legislation that may impact the City.

G. As needed, Lobbyist will work with the Mayor's Office to draft legislation and assist in moving that legislation through the process by finding a sponsor and co-sponsor in both chambers, scheduling committee hearings, testifying before committees as necessary and educating legislators on issues of importance to the City.

H. Lobbyist will assist the Mayor's Office in completing annual priority budget appropriation requests and secure sponsors in both chambers to file such requests.

I. Lobbyist will work with the Mayor's Office to develop, advise and advocate for specific legislative appropriations.

J. Lobbyist will notify the City of relevant activities of the Revenue Estimating Conference and how it may affect the state budget and the City priorities.

K. Lobbyist will attend all relevant legislative appropriations committee meetings and subcommittees.

L. Lobbyist will work with the Governor's Office of Policy and Budget to advocate on behalf of the City's appropriation requests in an effort to gain support and develop strategies to avoid veto.

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Overall Advocacy Strategy Scope

A. Lobbyist will work with the Mayor's strategic initiatives and develop an advocacy plan that creates momentum and fits within trends at the state level to ensure the best chance of legislative support and success for City priorities.

B. Lobbyist will advocate before the Legislature, Governor, and other State agencies as necessary on behalf of the City during the annual Regular Legislative Session, Special Session(s), Interim Committee meetings, and with the City and other city, County, and Tampa Bay Legislative Delegation meetings as needed.

C. Lobbyist will work with the Mayor's Office to identify additional relevant state, federal and local funding opportunities, and aggressively advocate for such funding.

D. Lobbyist will work in collaboration with the City's Federal Lobbyist to identify and pursue grant opportunities that involve Federal monies.

E. Lobbyist will work with all relevant state agencies on the City's behalf and when grant applications are under consideration by such agencies, take the appropriate steps necessary to obtain favorable consideration of such applications.

F. Lobbyist will identify additional funding opportunities within State Agencies and advocate on behalf of the City for such.

G. Lobbyist will act as the liaison with the City's legislative delegation and assist with the delegation in any matter.

H. Lobbyist will coordinate efforts with partners, stakeholders, and associations throughout the year when their priories align with the City's.

I. Lobbyist will facilitate meetings and discussions with the St. Petersburg, Pinellas County, and Tampa Bay Legislative Delegation, House and Senate Members, Legislative staff, the Governor and Cabinet, Executive Staff and State Agencies as necessary throughout the year.

J. Lobbyist will work closely with the Florida League of Cities and the St. Petersburg, Pinellas County, and Tampa Bay Legislative Delegations, as well as the House and Senate Leadership to educate, inform and influence them on issues of significance to the City throughout the year.

K. Lobbyist will monitor agency rulemaking and advise of any relevant proceedings or changes.

L. Lobbyist will collaborate on efforts throughout the year with relevant partners and associations, including but not limited to the Pinellas County School Board, Pinellas County Government and municipalities, the City of Tampa, and the University of South Florida, when their priorities align with the City's priorities

M. Lobbyist will attend semi-monthly grant strategy meetings to provide feedback and strategic support.

Informative / Education Scope

A. Lobbyist will attend in person, or virtually, all relevant local meetings related to the City's state policy and funding concerns.

B. Lobbyist will provide additional services such as electronically forwarding, on a daily basis if necessary, relevant newspaper articles, analyses, and important governmental announcements.

C. Lobbyist will take an active role in the education of the Mayor's Office and provide regular and consistent input and feedback on State Legislative affairs and issues of statewide importance to better inform City staff.

D. Lobbyist, in collaboration with the Mayor's Office, will prepare the following forms of research and information

1. Analysis of budget requests and forecasts for policies and programs of importance to the City;
2. Reports of, and testimonies from, relevant committee hearing and markups;
3. Memos on pertinent State initiatives or topics;
4. State agency and departmental regulations, guidelines, directives, and other instruments of administrative policy;
5. Grants and other funding opportunities for proposed City projects;
6. Technical reports and memoranda affecting City operations and fiscal conditions;
7. Copies of proposed legislation and associated reports;
8. "White Papers" and materials geared toward elected officials and their staffs that justify the City's objectives in simple and straightforward language, providing the State Legislature and Governor's office with the information they need to be successful on the City's behalf;
9. Any necessary forms for appropriations or authorizations requests.

E. Lobbyist will attend City Council meetings and other meetings as requested by the Mayor to report on activities.

1. Lobbyist will maintain a visible presence in the City and will be available to present an annual legislative overview report, at the beginning of each fiscal year as well as forward-looking State Affairs reports, to the Mayor's Office and City Council.
2. Lobbyist will meet with the Mayor's Office and relevant staff at workshops, committee meetings, and staff meetings as requested.

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City of St. Petersburg
Procurement
Stephanie Scarbrough, Director of Procurement and Supply Management
P.O. Box 2842, St. Petersburg, FL 33731

[THE SOUTHERN GROUP] RESPONSE DOCUMENT REPORT

RFP No. RFP- 25 - 176
Consulting, State Governmental Relations Services
RESPONSE DEADLINE: May 8, 2025 at 3:00 pm
Report Generated: Friday, July 25, 2025

The Southern Group Response

CONTACT INFORMATION

Company:
The Southern Group

Email:
solicitations@thesoutherngroup.com

Contact:
Michael Dougherty

Address:
PO Box 10570
Tallahassee, FL 32301

Phone:
N/A

Website:
TheSouthernGroup.com

Submission Date:
May 8, 2025 2:59 PM (Eastern Time)

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ADDENDA CONFIRMATION

Addendum #1
Confirmed May 8, 2025 2:54 PM by Michael Dougherty

QUESTIONNAIRE

1. General Information

IS THE VENDOR REGISTERED WITH THE FLORIDA DEPARTMENT OF STATE, DIVISION OF CORPORATIONS (SUNBIZ) IN ACCORDANCE WITH FLORIDA STATUTE §607.1501?*
Pass

Yes

IS THE VENDOR A CITY OF ST. PETERSBURG CERTIFIED SBE? *
Pass

If you have submitted an application and it is pending, please send an email to osd@stpete.org. In the subject line- provide the solicitation number and due date.

No

IS THE VENDOR A CITY OF ST. PETERSBURG CERTIFIED MWBE? *
Pass

If you have submitted an application and it is pending, please send an email to osd@stpete.org. In the subject line- provide the solicitation number and due date.

No

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ADDRESS FOR HEADQUARTERS LOCATION.*
Pass

123 S Adams St, Tallahassee, FL 32301

ADDRESS OF OFFICE PROVIDING SERVICE, IF DIFFERENT THAN ABOVE.
No response submitted

CONTACT INFORMATION FOR CONTACT PERSON.*
Pass

This person must be capable of committing the company to an agreement with the City.

- Name
- Title
- Phone
- Email

Name: Laura Boehmer
Title: Project Manager
Phone: 813.563.4100
Email: boehmer@thesoutherngroup.com

DESCRIPTION OF NATURE OF COMPANY'S BUSINESS.*
Pass

For the last 26 years, our team has successfully championed our clients' interests and built a well-recognized legacy as the premier lobbying firm in the Southeast. To continue this success, we must push beyond the lobbying tactics of the past. Modern advocacy requires a team of experts that will unite experience and connections with innovation, agility, and undeniable strength. Every industry. Every interest. Powerful advocacy begins here.

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YEAR THE COMPANY WAS FOUNDED.*
Pass

1999

NUMBER OF YEARS COMPANY HAS OPERATED UNDER THE CURRENT NAME.*
Pass

26

NUMBER OF YEARS COMPANY HAS BEEN IN THE PRESENT BUSINESS.*
Pass

26

COMPANY'S BANK OF RECORD.*
Pass

Hancock Whitney Bank

DESCRIBE ANY LITIGATION THAT THE VENDOR HAS BEEN A PARTY TO IN THE LAST FIVE YEARS WHERE IT WAS ALLEGED THAT THE OFFEROR BREACHED A CONTRACT FOR SIMILAR SERVICES WITH A CLIENT/CUSTOMER AND DESCRIBE ANY CONTRACTS FOR SIMILAR SERVICES THAT THE VENDOR FAILED TO COMPLETE FOR SIMILAR SERVICES. DESCRIBE THE FACTS AND STATUS OF ANY SUCH LITIGATION OR CONTRACT. *
Pass

Type N/A if not applicable.

None

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IDENTIFY ANY GOVERNMENT ENTITY THAT HAS DEBARRED OR OTHERWISE PROHIBITED THE VENDOR FROM RESPONDING TO ITS COMPETITIVE SOLICITATIONS WITHIN THE LAST FIVE YEARS. DESCRIBE THE CIRCUMSTANCES SURROUNDING SUCH DEBARMENT OR OTHER PROHIBITION. *
Pass

Type N/A if not applicable.

None

THE VENDOR ACKNOWLEDGES THAT IT HAS READ, UNDERSTANDS AND WILL COMPLY WITH FLORIDA STATUTE §448.095 PERTAINING TO REQUIRED USE OF THE U.S. DEPARTMENT OF HOMELAND SECURITY E-VERIFY SYSTEM. SHOULD THE CITY TERMINATE THE CONTRACT WITH THE VENDOR FOR VIOLATION OF §448.095, VENDOR MAY NOT BE AWARDED A CONTRACT WITH THE CITY FOR AT LEAST ONE YEAR.*
Pass

Confirmed

THE VENDOR ACKNOWLEDGES THAT ITS SOLICITATION RESPONSE IS SUBJECT TO PUBLIC RECORDS LAWS (CHAPTER 119, FLORIDA STATUTES).*
Pass

Confirmed

WILL VENDOR ALLOW OTHER AGENCIES TO PIGGYBACK THE CONTRACT IF AWARDED?*
Pass

Yes

THE VENDOR HEREBY MAKES ALL CERTIFICATIONS REQUIRED BY FLORIDA STATUTE §287.135 RELATED TO SCRUTINIZED COMPANIES.*
Pass

Yes

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IS VENDOR REQUIRED TO PROVIDE ANY DISCLOSURES TO THE CITY REGARDING A FOREIGN COUNTRY OF CONCERN PURSUANT TO FLORIDA STATUTES §286.101 (3)(A)? *
Pass

No

IF YES, PLEASE PROVIDE THE DISCLOSURE(S) IN ACCORDANCE WITH THE REQUIREMENTS OF FLORIDA STATUTE §286.101 (3)(A).
Pass

N/A

THE VENDOR CERTIFIES THAT IT TAKES NO EXCEPTIONS TO THE TERMS AND CONDITIONS OF THE SOLICITATION.*
Pass

Yes

IF EXCEPTIONS ARE TAKEN, SPECIFY IN SPACE BELOW.
Pass

N/A

HAS THE VENDOR IDENTIFIED ANY TRADE SECRETS OR CONFIDENTIAL INFORMATION IN ITS SOLICITATION RESPONSE?*
Pass

No

IF YES TO THE ABOVE QUESTION, PLEASE UPLOAD YOUR REDACTED PROPOSAL HERE.
No response submitted

PLEASE UPLOAD YOUR PROPOSAL
Pass

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Proposal_Requirements.pdf

I CURRENTLY HAVE THE REQUIRED INSURANCE COVERAGE AS SPECIFIED IN THE SOLICITATION AND WILL BE ABLE TO PROVIDE A CERTIFICATE OF INSURANCE IF AWARDED. *
Pass

Confirmed

PRICE TABLES

Line Item	Description	Quantity	Unit of Measure	Unit Cost	Total
1	Lobbying Services	1	Month	$6,500.00	$6,500.00
TOTAL					**$6,500.00**

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 10.B.**

Requested Motion:

Motion to award a contract to Purvis, Gray and Company for Professional Independent Auditing Services for a three-year contract with the option of an additional two-year renewal, with the initial fiscal year ending September 30, 2026, at a cost of $50,500.

Summary:

Selection of an audit firm must adhere to FS 218.39, Auditor Selection Procedures. The award must be for a firm that receives the highest placement within a specific ranking process based on professional qualifications, related experience, work plan, time schedule and cost; cost, however, should not be the main factor in ranking. Council approved during September 12, 2026, Council meeting the formation of a Selection Advisory Committee consisting of Mayor Joe Meek and local business professionals Sheri Turner and Charlie Kish. The committee completed the evaluation of the Request for Proposal packages including a proposal review and an interview process. The separate sealed costs proposals were not reviewed until the proposals and interviews were ranked by the Committee. City Manager, Audra Curts-Whann and Director of Budget & Financial Services, Michelle K. Russell-Maynard served in an advisory capacity throughout the RFP process.

The RFP process resulted in four (4) applicants; all firms met the required qualifications based on their submitted proposals. The Audit Committee interviewed the top three based on their ranking following the review of each firm's proposal. Each firm was interviewed and rated based on seven (7) areas of criteria. All three firms received similar rankings, but Purvis, Gray and Company overall scored higher. The Audit Committee placed this firm above the other two following the interview process.

Purvis, Gray and Company is a statewide CPA firm with over 160 professionals across six Florida offices (Ocala, Gainesville, Tallahassee, Sarasota, Orlando, and Tampa). The firm was founded in 1946 and has provided independent audit and advisory services to Florida local governments, combining the resources of a large firm with the personalized service of a smaller one. Their local practice has a strong governmental focus, supported by specialists across the firm to deliver accurate, timely and responsive services. The audit team assigned to the City of Crystal River is out of the Ocala office and will consist of two partners, two directors, a senior auditor and other staff auditors as needed. Purvis Gray serves over 100 Florida governmental clients, including 30 municipalities and 23 municipal/cooperative utilities. They also have significant experience serving GFOA Certificate of Excellence in Financial Reporting Entities and will provide free annual training to City staff regarding various areas of governmental accounting updates and needs.

Purvis Gray believes "the best audit is more than a compliance exercise – it is an opportunity to provide insight, strengthen your organization, and create lasting value".

FY2027 Initial Audit Cost including Single Audit & ACFR

Proposer	Location	Amount
James Moore & Co.	Gainesville, Florida	$ 44,000
Purvis, Gray and Company	Ocala, Florida	$ 50,500
Mauldin & Jenkins	Bradenton, Florida	$ 50,700
CBIZ, CPA's	Tampa, Florida	$ 86,000

Staff Recommendation:

Staff recommend Council award a contract to Purvis, Gray and Company for Professional Independent Auditing Services for a three-year contract with the option of an additional two-year renewal, with the initial fiscal year ending September 30, 2026, at a cost of $50,500.

Project Cost:
$ 50,500.00

Funding Source:
001-01513-32000 (General Fund Finance - Accounting/Audit Services)

Amount Available:
$ 47,750.00

Funding Source:
001-01513-31000 (General Fund Finance - Professional Services)

Amount Available:
$ 2,750.00

ATTACHMENTS:
Description
FL 218.391 Auditor Selection Procedures.pdf
Audit RFP #26-RFP-01 Tabulations.pdf
AEL26-28 City of Crystal River, FL PURVIS GRAY ENGAGEMENT LETTER.pdf

Select Year: 2026 Go

The 2026 Florida Statutes

Title XIV
TAXATION AND FINANCE

Chapter 218
FINANCIAL MATTERS PERTAINING TO POLITICAL SUBDIVISIONS

View Entire Chapter

218.391 Auditor selection procedures.—

(1) Each local governmental entity, district school board, charter school, or charter technical career center, prior to entering into a written contract pursuant to subsection (7), except as provided in subsection (8), shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit required in s. 218.39.

(2) The governing body of a county, municipality, special district, district school board, charter school, or charter technical career center shall establish an auditor selection committee.

(a) The auditor selection committee for a county must, at a minimum, consist of each of the county officers elected pursuant to the county charter or s. 1(d), Art. VIII of the State Constitution or their respective designees and one member of the board of county commissioners or its designee.

(b) The auditor selection committee for a municipality, special district, district school board, charter school, or charter technical career center must consist of at least three members. One member of the auditor selection committee must be a member of the governing body of an entity specified in this paragraph, who shall serve as the chair of the committee.

(c) An employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may not serve as a member of an auditor selection committee established under this subsection; however, an employee, a chief executive officer, or a chief financial officer of the county, municipality, special district, district school board, charter school, or charter technical career center may serve in an advisory capacity.

(d) The primary purpose of the auditor selection committee is to assist the governing body in selecting an auditor to conduct the annual financial audit required in s. 218.39; however, the committee may serve other audit oversight purposes as determined by the entity's governing body. The public may not be excluded from the proceedings under this section.

(3) The auditor selection committee shall:

(a) Establish factors to use for the evaluation of audit services to be provided by a certified public accounting firm duly licensed under chapter 473 and qualified to conduct audits in accordance with government auditing standards as adopted by the Florida Board of Accountancy. Such factors shall include, but are not limited to, ability of personnel, experience, ability to furnish the required services, and such other factors as may be determined by the committee to be applicable to its particular requirements.

(b) Publicly announce requests for proposals. Public announcements must include, at a minimum, a brief description of the audit and indicate how interested firms can apply for consideration.

(c) Provide interested firms with a request for proposal. The request for proposal shall include information on how proposals are to be evaluated and such other information the committee determines is necessary for the firm to prepare a proposal.

(d) Evaluate proposals provided by qualified firms. If compensation is one of the factors established pursuant to paragraph (a), it shall not be the sole or predominant factor used to evaluate proposals.

(e) Rank and recommend in order of preference no fewer than three firms deemed to be the most highly qualified to perform the required services after considering the factors established pursuant to paragraph (a). If fewer than three firms respond to the request for proposal, the committee shall recommend such firms as it deems to be the most highly qualified.

(4) The governing body shall inquire of qualified firms as to the basis of compensation, select one of the firms recommended by the auditor selection committee, and negotiate a contract, using one of the following methods:

(a) If compensation is not one of the factors established pursuant to paragraph (3)(a) and not used to evaluate firms pursuant to paragraph (3)(e), the governing body shall negotiate a contract with the firm ranked first. If the governing body is unable to negotiate a satisfactory contract with that firm, negotiations with that firm shall be formally terminated, and the governing body shall then undertake negotiations with the second-ranked firm. Failing accord with the second-ranked firm, negotiations shall then be terminated with that firm and undertaken with the third-ranked firm. Negotiations with the other ranked firms shall be undertaken in the same manner. The governing body, in negotiating with firms, may reopen formal negotiations with any one of the three top-ranked firms, but it may not negotiate with more than one firm at a time.

(b) If compensation is one of the factors established pursuant to paragraph (3)(a) and used in the evaluation of proposals pursuant to paragraph (3)(d), the governing body shall select the highest-ranked qualified firm or must document in its public records the reason for not selecting the highest-ranked qualified firm.

(c) The governing body may select a firm recommended by the audit committee and negotiate a contract with one of the recommended firms using an appropriate alternative negotiation method for which compensation is not the sole or predominant factor used to select the firm.

(d) In negotiations with firms under this section, the governing body may allow a designee to conduct negotiations on its behalf.

(5) The method used by the governing body to select a firm recommended by the audit committee and negotiate a contract with such firm must ensure that the agreed-upon compensation is reasonable to satisfy the requirements of s. 218.39 and the needs of the governing body.

(6) If the governing body is unable to negotiate a satisfactory contract with any of the recommended firms, the committee shall recommend additional firms, and negotiations shall continue in accordance with this section until an agreement is reached.

(7) Every procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. For purposes of this section, an engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

(a) A provision specifying the services to be provided and fees or other compensation for such services.

(b) A provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract.

(c) A provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed.

(8) Written contracts entered into pursuant to subsection (7) may be renewed. Such renewals may be done without the use of the auditor selection procedures provided in this section. Renewal of a contract shall be in writing.

(9) If the entity fails to select the auditor in accordance with the requirements of subsections (3)-(6), the entity must again perform the auditor selection process in accordance with this section to select an auditor to conduct audits for subsequent fiscal years.

History.—s. 65, ch. 2001-266; s. 1, ch. 2005-32; s. 15, ch. 2019-15.

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Florida Auditor Selection Rules

Under Florida Statutes Section 218.391, local governmental entities must follow specific rating and selection procedures for professional audit services. [1]

🔎 **Evaluation & Rating Factors**

- **Mandatory criteria:**
  - Personnel ability
  - Firm experience
  - Capacity to deliver required services [1]
- **Compensation rule:**
  - If price is used, it **cannot** be the sole or predominant evaluation factor. [1]
- **Committee ranking:**
  - Rank and recommend at least **three** qualified firms (if that many respond). [1]

If you are setting up an RFP, would you like help with:

- **Drafting evaluation scorecards** or weight distributions?
- **Auditor Selection Committee composition** requirements?

Auditor RFP #26-RRP-01 TOTAL Tabulations 9/25/2026

Auditor	Proposal	Interview	AVG	OVERALL PLACEMENT
James Moore & Co.	38.11	28.95	33.5	**3rd**
Purvis, Gray and Company	35.63	35.00	35.3	**1st**
Mauldin & Jenkins	39.36	30.00	34.7	**2nd**
CBIZ CPA's	34.71	0.00	17.4	

PURVIS GRAY

October 7, 2026

AUDIT ENGAGEMENT LETTER

Honorable Mayor and City Council
c/o Michelle K. Russell-Maynard,
Director of Budget & Financial Services
City of Crystal River
730 N. Suncoast Blvd.
Crystal River, Florida 34429

We are pleased to confirm our understanding of the services we are to provide for the City of Crystal River, Florida (the City) for the fiscal years ending September 30, 2026, 2027, and 2028, with two optional years for the fiscal years ending September 30, 2029, and 2030.

Audit Scope and Objectives
We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the disclosures, which collectively comprise the basic financial statements of the City as of and for the years ending September 30, 2026 through 2028, with options for two one-year renewal periods. We will also audit and issue a separate report for the financial statements for the City of Crystal River Community Redevelopment Agency (the CRA) each year. In addition, separate attestation reports pursuant to the American Institute of Certified Public Accountants Professional Standards AT-C Section 315 are to be issued regarding the CRA's compliance with Section 163.387(6) and (7), Florida Statutes, and the City's and CRA's compliance with Section 218.415, Florida Statutes, in accordance with Chapter 10.550, *Rules of the Auditor General*.

Accounting standards generally accepted in the United States of America (GAAP) provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the City's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient appropriate evidence to express an opinion or provide any assurance. The following RSI is required by GAAP and will be subjected to certain limited procedures, but will not be audited:

1) Management's Discussion and Analysis
2) Required Pension and Other Postemployment Benefits Schedules and Disclosures
3) Major Funds Budgetary Comparison Statements

We have also been engaged to report on supplementary information other than RSI that accompanies the City's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements, or to the financial statements themselves, and other additional procedures in accordance with GAAS, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements.

1) Schedule of Expenditures of Federal Awards and State Projects (when applicable)
2) Combining and Individual Non-Major Fund Statements and Schedules
3) Non-Major Fund Budgetary Comparison Schedules

In connection with our audit of the basic financial statements, we will read the following other information and consider whether a material inconsistency exists between the other information and the basic financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report. Applicable if participating in the Government Finance Officers Association Certificate of Achievement for Excellence in Financial Reporting for its Annual Comprehensive Financial Report.

1) Introductory Section
2) Statistical Section

The objectives of our audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and issue an auditor's report that includes our opinions about whether the financial statements are fairly presented, in all material respects, in conformity with GAAP, and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and, therefore, is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements. The objectives also include reporting on:

- Internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, non-compliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the terms and conditions of federal awards and state projects that could have a direct and material effect on each major program in accordance with the *Single Audit Act Amendments of 1996* and Title 2 U.S. *Code of Federal Regulations* Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance); and Chapter 10.550, *Rules of the Auditor General*.

Auditor's Responsibilities for the Audit of the Financial Statements and Single Audit

We will conduct our audit in accordance with GAAS; the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States; the *Single Audit Act Amendments of 1996*; and the provisions of the Uniform Guidance, and Chapter 10.550, *Rules of the Auditor General*, and will include tests of accounting records, a determination of major program(s) in accordance with Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*, and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from: (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements or non-compliance may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements or on major programs. However, we will inform the appropriate level of management of any material errors, any fraudulent financial reporting, or misappropriation of assets that come to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will include such matters in the reports required for a Single Audit. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, tests of the physical existence of inventories, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We may use technology-assisted tools, including artificial intelligence applications, to enhance the efficiency of certain aspects of our engagement. These tools are used under the supervision of our professionals, are subject to our quality control and confidentiality policies, and do not replace

professional judgment. We remain fully responsible for all work performed and any reports issued. We will also request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry.

We have identified the following significant risks of material misstatement as part of our audit planning:

- **Management Override of Internal Controls:** As required by professional standards, we evaluate the risk of management override of internal controls. This includes assessing the potential for fraudulent financial reporting and intentional misstatements.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control
We will obtain an understanding of the City and its environment, including the system of internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other non-compliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*.

As required by the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*, we will perform tests of controls over compliance to evaluate the effectiveness of the design and operation of controls that we consider relevant to preventing or detecting material non-compliance with compliance requirements applicable to each major federal award program and state project. However, our tests will be less in scope than would be necessary to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses. Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control-related matters that are required to be communicated under the American Institute of Certified Public Accountants professional standards, *Government Auditing Standards*, and the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*.

Audit Procedures—Compliance
As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with provisions of applicable laws, regulations, contracts, and agreements, including grant agreements. However, the objective of those procedures will not be to provide an opinion on overall compliance, and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

The Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*, requires that we also plan and perform the audit to obtain reasonable assurance about whether the auditee has complied with federal and state statutes, regulations, and the terms and conditions of federal awards and state projects applicable to major programs. Our procedures will consist of tests of transactions and other applicable procedures described in the OMB *Compliance Supplement* and Chapter 10.550, *Rules of the Auditor General,* for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. For federal programs and state projects that are included in the *Compliance Supplement*, our compliance and internal control procedures will relate to the compliance requirements that the *Compliance Supplement* identifies as being subject to audit. The purpose of these procedures will be to express an opinion on City's compliance with requirements applicable to each of its major programs in our report on compliance issued pursuant to the Uniform Guidance and Chapter 10.550*, Rules of the Auditor General*.

Responsibilities of Management for the Financial Statements and Single Audit

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for: (1) designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, including internal controls over federal awards and state projects, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; (2) following laws and regulations; (3) ensuring that there is reasonable assurance that City programs are administered in compliance with compliance requirements; and (4) ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts and grant agreements. You are also responsible for the selection and application of accounting principles; for the preparation and fair presentation of the financial statements, schedule of expenditures of federal awards and state projects, and all accompanying information in conformity with GAAP; and for compliance with applicable laws and regulations (including federal statutes), rules, and the provisions of contracts and grant agreements (including award agreements). Your responsibilities also include identifying significant contractor relationships in which the contractor has responsibility for program compliance and for the accuracy and completeness of that information.

You are also responsible for making drafts of financial statements, schedule of expenditures of federal awards and state projects, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers); and for the evaluation of whether there are any conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for the 12 months after the financial statement date or shortly thereafter. You are also responsible for providing us with: (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) access to personnel, accounts, books, records, supporting documentation, and other information as needed to perform an audit under the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*; (3) additional information that we may request for the purpose of the audit; and (4) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about the financial statements; schedule of expenditures of federal awards and state projects; federal and state award programs; compliance with laws, regulations, contracts and grant agreements; and related matters.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving: (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws, regulations, contracts, agreements, and grants. You are also responsible for taking timely and appropriate steps to remedy fraud and non-compliance with provisions of laws, regulations, contracts and grant agreements that we report. Additionally, as required by the Uniform Guidance, and Chapter 10.550, *Rules of the Auditor General*, it is management's responsibility to evaluate and monitor non-compliance with federal statutes, regulations, and the terms and conditions of federal awards and state projects; take prompt action when instances of non-compliance are identified including non-compliance identified in audit findings; promptly follow up and take corrective action on reported audit findings; and prepare a summary schedule of prior audit findings and a separate corrective action plan.

You are responsible for identifying all federal awards and state projects received and understanding and complying with the compliance requirements and for the preparation of the schedule of expenditures of federal awards and state projects (including notes and non-cash assistance received, and COVID-19-related concepts, such as lost revenues, if applicable) in conformity with the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*. You agree to include our report on the schedule of expenditures of federal awards and state projects in any document that contains, and indicates that we have reported on, the schedule of expenditures of federal awards and state projects. You also agree to include the audited financial statements with any presentation of the schedule of expenditures of federal awards and state projects that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that: (1) you are responsible for presentation of the schedule of expenditures of federal awards and state projects in accordance with the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*; (2) you believe the schedule of expenditures of federal awards and state projects, including its form and content, is stated fairly in accordance with the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the schedule of expenditures of federal awards and state projects.

You are also responsible for the preparation of the other supplementary information, which we have been engaged to report on, in conformity with GAAP. You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to include the audited financial statements with any presentation of the

supplementary information that includes our report thereon. Your responsibilities include acknowledging to us in the written representation letter that: (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits, or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions for the report, and for the timing and format for providing that information.

Examination Reports
An examination report will be issued by us regarding compliance with the following:

- Independent Accountant's Report on Compliance with Ch. 218.415, Florida Statutes, for the City and for the CRA.
- Independent Accountant's Report on Compliance with Ch. 163.387(6) and (7), Florida Statutes, for the CRA.

The objectives of our examination are to: (1) obtain reasonable assurance about whether the report (as applicable) is free from material misstatement based on the applicable criteria; and (2) to express an opinion as to whether the subject matter is presented and/or the entity complied, in all material respects, in accordance with the specified requirements.

Our examination will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Accordingly, it will include examining, on a test basis, your records and other procedures to obtain evidence necessary to enable us to express our opinion. We will issue a written report upon completion of our examination. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion. If our opinion is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the examination or are unable to form or have not formed an opinion, we may decline to express an opinion or may withdraw from this engagement.

Because of the inherent limitations of an examination engagement, together with the inherent limitations of internal control, an unavoidable risk exists that some material misstatements may not be detected, even though the examination is properly planned and performed in accordance with the attestation standards. Our examination does not provide a legal determination on the entity's compliance with the specified requirements.

The examination reports are solely to comply with the specified requirements and are not suitable for any other purpose.

We will plan and perform the examination to obtain reasonable assurance about whether the subject matter is free from material misstatement and/or the entity complied, based on the specified requirements. Our engagement will not include a detailed inspection of every transaction and cannot be relied on to disclose all material errors or known and suspected fraud or non-compliance with laws or regulations, or internal control deficiencies, that may exist. However, we will inform you of any known and suspected fraud and non-compliance with laws or regulations, internal control deficiencies identified during the engagement, and uncorrected misstatements that come to our attention unless clearly trivial.

We understand that you will provide us with the information required for our examination and that you are responsible for the accuracy and completeness of that information. We may advise you about appropriate criteria, but the responsibility for the subject matter remains with you.

You are responsible for the presentation of the subject matter being examined in accordance with and for compliance with the specified requirements; and for selecting the criteria and determining that such criteria are appropriate for your purposes. You are responsible for, and agree to provide us with, a written assertion about whether the subject matter is presented in accordance with and/or you are in compliance with the specified requirements. Failure to provide such an assertion will result in our withdrawal from the engagement. You are also responsible for providing us with: (1) access to all information of which you are aware that is relevant to the measurement, evaluation, or disclosure of the subject matter; (2) additional information that we may request for the purpose of the examination; and (3) unrestricted access to persons within the entity from whom we determine it necessary to obtain evidence.

At the conclusion of the examination engagement, you agree to provide us with certain written representations in the form of a representation letter.

Other Services

If requested by the City, we will also assist in preparing the financial statements, schedule of expenditures of federal awards and state projects, and related notes of the City in conformity with GAAP, the Uniform Guidance, and Chapter 10.550, *Rules of the Auditor General,* based on information provided by you. These non-audit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements, schedule of expenditures of federal awards and state projects, and related notes services previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities for the financial statements, schedule of expenditures of federal awards and state projects, and related notes, and any other non-audit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements, the schedule of expenditures of federal awards and state projects, and related notes, and that you have reviewed and approved the financial statements, the schedule of expenditures of federal awards and state projects, and related notes prior to their issuance

and have accepted responsibility for them. Further, you agree to oversee the non-audit services by designating an individual, preferably from senior management, with suitable skill, knowledge, and/or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We will schedule the engagement based in part on deadlines, working conditions, and the availability of your key personnel. We will plan the engagement based on the assumption that your personnel will cooperate and provide assistance by performing tasks such as preparing requested schedules, retrieving supporting documents, and preparing confirmations and schedules. If, for whatever reason, your personnel are unavailable to provide the necessary assistance in a timely manner, it may substantially increase the work we have to do to complete the engagement within the established deadlines, resulting in an increase in fees over our original fee estimate. Items that will likely increase the agreed-upon fee include:

- Assistance with matters designated as management's responsibility, including preparation of schedules and closing entries.
- Submission of audit data within 60 days of a client requested completion date or filing deadline, requiring overtime hours to meet the deadline.
- Changes in accounting pronouncements, professional standards, laws, and regulations not known to us as of the date of this letter, that have a significant impact on time requirements.
- Changes in the operations and significant matters that materially change the audit scope such as evaluation of the impact of joint ventures, debt issuance, refunding, or advance extinguishment, notice of material events, enforcement actions, required corrective actions, self-insurance, environmental liabilities, or going concern.
- Follow up on allegations or discovery of: (1) non-compliance with laws, regulations, and policies; (2) fraud, waste, and abuse; or (3) significant deficiencies in internal control.

At the conclusion of the engagement, we will complete the appropriate sections of the Data Collection Form that summarizes our audit findings. It is management's responsibility to electronically submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditor's reports, and corrective action plan) along with the Data Collection Form to the Federal Audit Clearinghouse. We will coordinate with you the electronic submission and certification. The Data Collection Form and the reporting package must be submitted within the earlier of 30 calendar days after receipt of the auditor's reports or nine months after the end of the audit period.

We will provide copies of our reports to the City; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Purvis, Gray and Company, LLP and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to your oversight grantor or its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for purposes of a quality review of the audit, to resolve audit

findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of Purvis, Gray and Company, LLP personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested by a federal or state agency if we are aware that a federal awarding agency, pass-through entity, or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Matthew B. Ganoe, CPA is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit in approximately January of each year with interim occurring before that date.

Our fee for the audit of the basic financial statements of the City, including the CRA report, as well as the Federal and State Single Audit, if any, is outlined in the table noted below. Any fees for other requested services will be discussed at that time based on the hours outlined in the request for proposal. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit.

Service	9/30/2026	9/30/2027	9/30/2028	9/30/2029	9/30/2030
Financial Statement Audits	$ 44,000	$ 49,000	$ 50,400	$ 52,000	$ 53,500
Federal Single Audit Per Major Program	$ 4,000	$ 4,500	$ 4,500	$ 4,500	$ 4,500
Florida Single Audit Per Major Program	$ 4,000	$ 4,500	$ 4,500	$ 4,500	$ 4,500
ACFR Preparation and Printing	$ 2,500	$ 3,000	$ 3,000	$ 3,000	$ 3,000

Our invoices for these fees will be rendered periodically as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the engagement. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional cost. The terms of this agreement may be extended further based upon mutual agreement of both parties.

Reporting

We will issue written reports upon completion of our Single Audit. Our reports will be addressed to the management and the city council of the City. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

The *Government Auditing Standards* report on internal control over financial reporting and on compliance and other matters will state that: (1) the purpose of the report is solely to describe the scope of testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance; and (2) the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The Uniform Guidance and Chapter 10.550, *Rules of the Auditor General,* report on internal control over compliance will state that the purpose of the report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance and Chapter 10.550, *Rules of the Auditor General*. Both reports will state that the report is not suitable for any other purpose.

We appreciate the opportunity to be of service to the City and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign and return it to us.

Respectfully Submitted,

PURVIS, GRAY AND COMPANY, LLP

Matthew B. Ganoe, CPA
Partner

MBG/jtp

RESPONSE:

This letter correctly sets forth the understanding of the City.

Management Signature: _____

Title: _____

Date: _____

Governance Signature: _____

Title: _____

Date: _____

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 11.A.**

Requested Motion: Motion to approve the Crystal River City Council meeting schedule for calendar year 2027

Summary:

The City Charter establishes that City Council shall hold regular meetings at such times as it may determine but no less than one regular meeting per month. Council has established the 2nd and 4th Mondays of each month as the days when Council meetings are conducted, excluding the months of June, July, November, and December.

Attached, is a proposed 2027 schedule of the City Council meetings. Also attached, please find CRA and Planning Commission meeting schedules, along with the holiday schedule for the 2027 calendar year.

In accordance with the City's "Personnel Policy Manual", when a holiday falls on a Saturday, the holiday shall be observed on the previous Friday or when the holiday falls on a Sunday, the holiday shall be observed the following Monday.

Staff Recommendation:
Staff recommends approval of the Crystal River meeting schedule for 2027.

ATTACHMENTS:
Description
Council Meeting Dates 2027.docx
CRA Meeting Dates -2027.doc
Planning_Commission_Meeting_Dates_-2027.doc
Holiday_Schedule_2027.doc

2027
City of Crystal River
City Council Meeting Dates

Month	Day	Date
January	Monday	11
	Monday	25
February	Monday	8
	Monday	22
March	Monday	8
	Monday	22
April	Monday	12
	Monday	26
May	Monday	10
	Monday	24
June	Monday	14
July	Monday	12
August	Monday	9
	Monday	23
September	Monday	13
	Monday	27
October	Monday	11
	Monday	25
November	Monday	8
December	Monday	13

City of Crystal River
Community Redevelopment Agency
2027 Meeting Dates

Month	Day	Date
January	Monday	11
February	Monday	8
March	Monday	8
April	Monday	12
May	Monday	10
June	Monday	14
July	Monday	12
August	Monday	9
September	Monday	13
October	Monday	11
November	Monday	8
December	Monday	13

MEETINGS WILL BEGIN AT 5:00 P.M.
Tentative as needed schedule

City of Crystal River
Planning Commission Meeting Dates
2027 Schedule

Month	Day	Date
January	Thursday	7
February	Thursday	4
March	Thursday	4
April	Thursday	1
May	Thursday	6
June	Thursday	3
July	Thursday	1
August	Thursday	5
September	Thursday	2
October	Thursday	7
November	Thursday	4
December	Thursday	2

2027– Holiday Schedule

Month	Day	Date	Holiday
January	Friday	1	New Year's Day
	Monday	18	Martin Luther King Jr. Day
February	Monday	15	President's Day
March	Friday	26	Good Friday
May	Monday	31	Memorial Day
July	Monday	5	Independence Day
September	Monday	6	Labor Day
November	Thursday	11	Veterans' Day
November	Thursday	25	Thanksgiving Day
	Friday	26	Day After Thanksgiving
December	Thursday	23	Christmas Eve
December	Friday	24	Christmas Day

Personnel Policy Manual

Article Eleven Attendance and Leave
Section D. Holidays

#3 All regular and probationary employees are entitled to holiday pay. When a holiday falls on a *Saturday, the holiday shall be observed on the preceding Friday* by employees who work a regular workweek.

When a holiday falls on a *Sunday, the holiday shall be observed on the following Monday* by employees who work a regular workweek. For employees who work other than a regular workweek, the holiday shall be observed on its traditional day.

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 11.B.**

Requested Motion: Consideration of Engagement Letter with Tom Ankersen for Crystal River Boating and Waterway Legal, Policy, and Strategic Advisory Services

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Project Cost:
$ 15,000.00

Funding Source:
001-01511-31001 (General Fund - Mayor/Council Legal Services)

Amount Available:
$ 12,220.41 (FY2026 unencumbered balance)

Funding Source:
001-01511-31001 (General Fund - Mayor/Council Legal Services)

Amount Available:
$ 85,000.00 (FY2027 Recommended Budget)

ATTACHMENTS:
Description
Draft Ankersen-Crystal River Scope of Work_09-01-2026.docx

September__, 2026

City of Crystal River
c/o Robert W. Batsel, Jr.
Gooding, Batsel, Hartley & MacKay, PLLC
1531 Southeast 36th Avenue
Ocala, Florida 34471
rbatsel@lawyersocala.com

Re: Crystal River Boating and Waterway Legal, Policy and Strategic Advisory Services

Dear Mr. Batsel:

This letter confirms our understanding concerning the provision of services I will provide to the City of Crystal River (hereafter "City"). As we have discussed, you have the necessary authorization to execute this letter. As we have further discussed, my availability will be limited until November 15, 2026.

Scope of Services. This engagement will provide research, drafting and strategic advice to you, the City Manager and the City Council related to the regulation and management of the City's baywaters and associated tributaries and shorelines to promote safe and sustainable water access and use. In particular, the City seeks review and possible reform of the following City Code chapters:

- Chapter 5 - Boats & Marinas
    - Vessel restrictions, anchoring management; mooring fields, etc.
- Chapter 11 - Licenses & Business regulations
    - water-based tourism business focus

Addressing these issues may also require addressing and updating other sections in the Code of Ordinances, the City's local government comprehensive plan, and related local policy documents. It may also implicate federal and state law and may require outreach to appropriate federal and state officials.

Cooperation. In undertaking this work, I will work closely with you in all matters relating to this scope of services, and you will have final authority to review and approve all work product before it is presented to the City.

Fees and Costs. My fees will be billed at $250.00 an hour, not to exceed $15,000 in total without prior authorization. While most of this scope of services will be conducted remotely, travel from Gainesville, Florida to Crystal River and/or Ocala may be required from time to time to attend meetings at your or the City Manager's request. In such cases, I will charge for vehicle mileage at the current rate approved for local governments by the State of Florida and will bill my travel time at a flat fee of $300 for each trip.

Termination of Representation. You may suspend or terminate this engagement at any time by notifying me in writing. Termination of this engagement will not affect the City's responsibility for payment of outstanding fees and expenses incurred prior to termination or in connection with the orderly transfer of work products associated with this engagement.

I may withdraw from this engagement if the obligations owed me under this agreement are not fulfilled, including the obligation to pay our fees and expenses, or as permitted or required under the applicable standards of professional conduct or rules of court, or upon our reasonable notice.

I look forward to working with you, City Staff and the City Council on these matters.

Respectfully,

Thomas T. Ankersen, Esq.

Agreed and accepted:

City of Crystal River

_____

Date: _____

CRYSTAL RIVER CITY COUNCIL MEETING
Agenda Item Summary

Meeting Date: October 12, 2026 **Agenda Item Number: 11.C.**

Requested Motion: Betz Farm Attorney - hiring outside council - T/M
