



Interoffice Memorandum

Agenda Item

TO: Mayor Jerry L. Demings
and
County Commissioners

FROM: Roseann Harrington, *RHarrington*
Chief of Staff to Mayor Jerry L. Demings
Contact: (407) 836-0029

DATE: March 24, 2021

SUBJECT: **Consent Agenda Item on April 13, 2021**
Waiver of the Applicable Requirements of Section 112.313(3) and
(7), Florida Statutes

On October 5, 2020, the City of Orlando Community Redevelopment Agency ("CRA") approved a small business rental assistance program, allowing retail and consumer service businesses within the CRA Area ("Area") to apply for assistance in the form of a rent subsidy in an effort to retain such businesses within the Area despite the economic injury suffered by such businesses as a result of COVID-19. Church Street Entertainment, a business within the Area, would like to apply for assistance under the approved program.

Doug Taylor, Managing Partner of Church Street Entertainment, currently serves as one of two County appointees to the CRA Advisory Board. The Board appointed Mr. Taylor to the CRA Advisory Board on May 21, 2019 to fill an unexpired term. The Board then reappointed Mr. Taylor to the CRA Advisory Board on June 23, 2020; his current term is set to expire on June 20, 2023.

Sections 112.313(3) and (7), Florida Statutes, prohibit certain business relationships on the part of public officers. Subsection (7) prohibits public officers from having a contractual or employment relationship with an entity which is doing business with the public agency. Mr. Taylor's relationship with Church Street Entertainment therefore creates a potential issue with respect to this prohibition. However, section 112.313(12), Florida Statutes, allows an appointing body to waive the requirements of section 112.313(3) and (7) as they pertain to persons serving on advisory boards.

Given the extraordinary circumstances caused by the COVID-19 pandemic, Mr. Taylor is requesting that the Board, as the appointing body, waive the

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requirements of section 112.313(3) and (7), Florida Statutes, as it pertains to this particular situation so that Church Street Entertainment may receive assistance on the same basis as other eligible businesses within the Area. The City of Orlando City Council recently approved a waiver for Monica McCown, who also serves on the CRA Advisory Board and is the head chef and an employee at Artisan's Table, a restaurant located within the Area.

Mr. Taylor has completed the required Form 4A, attached hereto. Pursuant to section 112.313(12), Florida Statutes, the waiver must be approved by an affirmative two-thirds vote of the Board.

ACTION REQUESTED: Approval of waiver of the applicable requirements of section 112.313(3) and (7), Florida Statutes, related to Doug Taylor's service on the City of Orlando Community Redevelopment Agency Advisory Board to allow for Church Street Entertainment to apply for and receive assistance on the same basis as other businesses within the Orlando Community Redevelopment Area.

Attachment

KL/vh

c: Byron W. Brooks, AICP, County Administrator
Jeffrey J. Newton, County Attorney

FORM 4A DISCLOSURE OF BUSINESS TRANSACTION, RELATIONSHIP OR INTEREST

LAST NAME - FIRST NAME - MIDDLE INITIAL Taylor Robert D.			OFFICE / POSITION HELD Board Member
MAILING ADDRESS 7537 Saint Stephens Ct			AGENCY OR ADVISORY BOARD City of Orlando CRA AB
CITY Orlando	ZIP 32835	COUNTY Orange	ADDRESS OF AGENCY 400 S. Orange Ave., Orlando

HOW TO COMPLETE AND FILE THIS FORM:

Parts A and B of this form serve two different purposes. Part A is for advisory board members who wish to use an exemption in the ethics laws that is applicable only to advisory board members. Part B is for public officers and employees who wish to use a separate exemption that is applicable when the business entity involved is the sole source of supply within the political subdivision. In order to complete and file this form:

- Fill out Part A or Part B, as applicable.
- Sign and date the form on the reverse side.
- File Part A with the appointing body or person that will be waiving the restrictions of 112.313(3) or (7), Fla. Stat., prior to the waiver.
- File Part B with the governing body of the political subdivision in which the reporting person is serving, prior to the transaction.

PART A - DISCLOSURE OF TRANSACTION OR RELATIONSHIP CONCERNING ADVISORY BOARD MEMBER

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain business relationships on the part of public officers and employees, including persons serving on advisory boards. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12), Florida Statutes, permits the appointing official or body to waive these requirements in a *particular instance* provided: (a) waiver by the appointing body must be upon a two-thirds affirmative vote of that body; or (b) waiver by the appointing person must be effected after a public hearing; and (c) in either case the advisory board member must fully disclose the transaction or relationship which would otherwise be prohibited by Subsections (3) or (7) of Section 112.313, Florida Statutes. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable* to an advisory board member.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - The reporting person;
 - The spouse of the reporting person, whose name is _____; or
 - A child of the reporting person, whose name is _____.

2. The particular transaction or relationship for which this waiver is sought involves [check applicable space]:
 - Supplying the following realty, goods, and/or services: Rental support supplied by CRA
 - Regulation of the business entity by the governmental agency served by the advisory board member.

3. The following business entity is doing business with or regulated by the governmental agency:

Dirk, Bill and Gary IV, Inc and Downtown Entertainment, LLC
d/b/a Church Street Entertainment
4. The relationship of the undersigned advisory board member, or spouse or child of the advisory board member, to the business entity transacting this business is [check applicable spaces]:
 - Officer; Partner; Associate; Sole proprietor; Stockholder; Director; Owner of in excess of 5% of the assets of capital stock in such business entity; Employee; Contractual relationship with the business entity;
 - Other, please describe:

PART B - DISCLOSURE OF INTEREST IN SOLE SOURCE OF SUPPLY

WHO MUST COMPLETE THIS PART:

Sections 112.313(3) and 112.313(7), Florida Statutes, prohibit certain employment and business relationships on the part of public officers and employees. See Part III, Chapter 112, Florida Statutes, and/or the brochure entitled "A Guide to the Sunshine Amendment and Code of Ethics for Public Officers and Employees" for more details on these prohibitions. However, Section 112.313(12)(e), Florida Statutes, provides an exemption from the above-mentioned restrictions in the event that the business entity involved is the only source of supply within the political subdivision of the officer or employee. In such cases the officer's or employee's interest in the business entity must be fully disclosed to the governing body of the political subdivision. This Part of Form 4A has been prescribed by the Commission on Ethics for such disclosure, *if and when applicable*.

PLEASE COMPLETE THE FOLLOWING:

1. The partnership, directorship, proprietorship, ownership of a material interest, position of officer, employment, or contractual relationship which would otherwise violate Subsection (3) or (7) of Section 112.313, Florida Statutes, is held by [please check applicable space(s)]:
 - () The reporting person;
 - () The spouse of the reporting person, whose name is _____; or
 - () A child of the reporting person, whose name is _____.

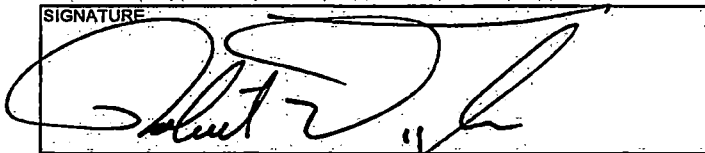
2. The following are the goods, realty, or services being supplied by a business entity with which the public officer or employee, or spouse or child of such officer or employee, is involved is:

3. The business entity which is the only source of supply of the goods, realty, or services within the political subdivision is:

(NAME OF ENTITY) (ADDRESS OF ENTITY)

4. The relationship of the undersigned public officer or employee, or spouse or child of such officer or employee, to the business entity named in Item 3 above is [check applicable spaces]:
 - () Officer; () Partner; () Associate; () Sole proprietor; () Stockholder; () Director; () Owner of in excess of 5% of the assets or capital stock in such business entity; () Employee; () Contractual relationship with the business entity;
 - () Other, please describe:

SIGNATURE

SIGNATURE 	DATE SIGNED 3-3-2021	DATE FILED
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NOTICE: UNDER PROVISIONS OF FLORIDA STATUTES s. 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.