



COVE Report

CITIZENS' CONSTRUCTION OVERSIGHT AND VALUE ENGINEERING

October 21, 2021

COVE

Meeting Agenda

October 21, 2021
8:00 a.m. – 10:00 a.m.

1. Call to Order and Approval of Meeting Minutes

Pat Knipe, Chair

- Chair comments

2. Action Item Responses

3. Department Reports

- Capital Funding Update - Doreen Concolino/Judith Padres
- Master Schedule Update - Rory Salimbene
- Project Budget Update - Mark O'Connor
- Project Status Report - Craig Jackson
- Change Order Report - Ed Ames

4. Presentations

- Demographics Update - Thomas Moore/Staci Neal
- Sunshine Law Review - Jad Brewer

5. Discussion and Adjournment

- Next COVE meeting scheduled on Thursday, November 18, 2021



**Orange County
Public Schools**

COVE MEETING MINUTES

The Construction Oversight and Value Engineering Committee monthly meeting convened on Thursday, September 16, 2021 at 8:00 a.m. at Facilities Services 6501 Magic Way Bldg. 200, Orlando, Florida 32809 and virtually through Cisco WebEx.

Attendees:

COVE Members: Pat Knipe, Sarah Taylor, Jeff Hart, Douglas Kelly Jacki Churchill, and George Hack

OCPS Team: Dr. Barbara Jenkins, Dr. Maria Vazquez, Amy Envall, John Morris, Rory Salimbene, Jad Brewer, Judith Padres, Doreen Concolino, Craig Jackson, Ed Ames, Tonya Page-Batson, Linda Lindsey, Cassandra Williams, Gerard Cattani, Robert Waremburg, William Farhat, Rocco Williams, Chris Solomon and Tamara Andrews

Program Management Team: Toni Greene, Basem Ghneim, Mark O' Connor, and Ganesh Jiawon

A quorum was established and Chair Pat Knipe called the meeting to order at 8:00 a.m.

APPROVAL OF MINUTES:

The minutes from August 19, 2021 were presented and approved as amended unanimously by the committee.

CHAIR COMMENTS:

Pat Knipe welcomed the committee and asked attorney Jad Brewer to provide a brief review of the Sunshine Law. General Counsel Amy Envall added as a reminder that COVE members should not discuss anything that may come before the COVE committee with other members, but could contact OCPS staff at any time.

ACTION ITEMS:

- Facilities Legal to provide a review of the Sunshine Law
- Provide a follow-up report comparing costs of recently completed high schools and Site 50-H-SE-2.
- Confirm that surveying coordination meetings including the design professional and surveyor are being held, specifically with regards to the Site 204 project.
- Include close out register with future COVE reports.



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REVIEW OF ACTION ITEMS FROM THE PREVIOUS MEETING:

Provide the cost escalation associated with the OTC Westside campus delays. The current estimated construction cost of \$40,930,000 de-escalated by 18 months at 6% per year amounts to \$37,400,000 for an estimated delta of \$3,530,000.

- *Jacki Churchill asked for the source for the 6% escalation factor used in the analysis, and noted that this was higher than escalation used in FDOT estimates.*

The 6% escalation factor was developed from recent experience, and is applied to earlier years in our plan. Later years assume a lower escalation factor of 4%.

- *Jeff Hart commented that all need to be cognizant of the cost impact of project delays.*

Provide an analysis of the cost difference between recently completed high school prototypes and the new prototype planned for Site 50: A handout providing a comparison was provided. The budget for the new, larger high school was extrapolated from budgets for recently completed high school prototypes, adjusting for escalation and building size. The proposed larger high school is estimated to achieve a lower cost per student station than the current prototype.

- *Douglas Kelly asked for further explanation on design cost for site 50.*

Staff explained that the budgeted design cost reflected the fact that the design team was developing a completely new design for this school. Design costs for future reuse of the plans developed for this project would be less, and comparable to costs currently realized for reuse of existing prototype designs.

- *Jacki Churchill asked for further information reconciling the cost information on the analysis handout to the current budgets for the recently completed high schools provided elsewhere in the report.*

Staff will provide a reconciliation at the next meeting.

Provide data summarizing leased versus owned portables. Rory Salimbene presented a chart indicating that OCPS has 1,179 leased and 688 owned portables. Rory noted additional excess portables had been identified, and that planned removals and add-ons should provide a further reduction of approximately 250 leased portables over the next year.

- *Jeff Hart noted that a significant number of the portables owned by OCPS were constructed of concrete (designated concretables) and able to be moved between sites.*

Staff noted that significantly more than 50% of the OCPS portables are concretables.

- *Pat Knipe asked if staff periodically confirmed that the portables were being used for their intended use.*



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Superintendent Jenkins responded that Area Superintendents review portable use with principals each year.

Review recent projects at campuses scheduled for a comprehensive renovations. Mark O'Connor presented data listing recent projects and summarizing the combined cost of the planned comprehensive projects and recent projects for the five comprehensive projects currently being planned.

Capital Renewal fund balance and projections. Rory Salimbene presented a chart depicting previous and projected revenues and expenditures for the capital renewal program, and noted the following:

- Expenditure projections are derived by the district's Facility Condition Assessment.
- Total revenue through June 30, 2021 was \$845M which includes transfers to capital renewal funds at the rate of 2.4% of total capital expenditures plus interest.
- Total expenditures through June 30, 2021 were \$240M, leaving a fund balance of approximately \$605M.
- Additional revenue of approximately \$504M was anticipated through the end of the current sales tax program. Without an extension of the sales tax program, the capital renewal fund would be exhausted sometime in 2029.
- The projections and current district budget included funding for all capital renewal priorities. Staff is currently planning projects addressing all priorities.

➤ *Pat Knipe asked if there was a "Plan B" in the event that the sales tax program was not renewed.*

Superintendent Jenkins responded that OCPS would need to communicate the impact that would result from the gradual deterioration to our facilities associated with the inability to fund capital renewal.

DEPARTMENT REPORTS:

1. Capital Funding Update

Judith Padres reported the final 2021 fiscal year to date sales tax collections of \$233.7M. The collections for June are \$23.8M which is a good start for fiscal year 2022.

Judith reported the District has collected \$3.5 billion in sales tax revenue since the initial referendum and collected \$61M in impact fees to date for fiscal year 2021.

➤ *Pat Knipe noted that there was a significant impact of the pandemic on collections, but that the economy appeared to be coming back strong, and more quickly than it did from the recession in the late 2000's. Pat also noted that annual collections had increased by more than \$100M since 2010.*



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2. Master Schedule Update

Rory Salimbene briefed the committee on the Master Schedule. There were no significant changes from the previous report.

3. Project Budget Update

Mark O' Connor reported that there are 15 new and replacement projects in planning, design, and construction with a total estimated budget of \$732M. There were no budget changes since our last report.

- *Jacki Churchill requested an explanation for the difference between the \$111,198,000 shown on the Project Status Summary for Horizon HS and the \$139,800,000 noted in the Site 50 cost analysis.*

Mark O' Connor responded that the \$111M shown on the Project Status Summary represents the current budget for Horizon HS while the \$139M shown on the Site 50 cost analysis reflected the initial budget for Horizon HS escalated for the comparison to Site 50-H-SE-2. Further analysis will be presented at the next meeting.

Mark noted there are 10 comprehensive projects in planning, design, and construction totaling \$401M with no budget changes since last report.

During the brief discussion that followed the capital budget review, Mark confirmed that amounts identified in the project budget information did not include land costs.

Mark also provided a summary of capital renewal projects and noted there are 44 active projects in planning, design, and construction with a total budget of \$227M with two budget changes since last month. Mark confirmed that the change for the Boone HS CEP project resulted from a determination that only one chiller required replacement at this time, in lieu of the previously planned CEP replacement.

4. Project Status Report

Craig Jackson reviewed the seven new or comprehensive needs projects that are currently under construction. All projects are on schedule.

- *Douglas Kelly asked if the Site 114 project was incorporating an existing prototype.*

Staff confirmed that the Site 114 design was based on an existing prototype.



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Craig also summarized the status of 44 active capital renewal projects, including 25 large, 14 intermediate, and 5 small projects currently in progress for improvements at 73 sites. Craig noted that there are 22 projects in planning, 20 in design and 2 in construction.

At the time of the report there were no active projects with construction cost exceeding \$10M per site.

- *Pat Knipe requested the definition of small, intermediate and large projects.*

Small projects have a construction cost of less than \$300k; construction costs for intermediate projects fall between \$300k and \$2M; large projects have a construction cost exceeding \$2M.

- *George Hack requested information regarding delayed close out for projects at Boone, Acceleration West, and Pinar.*

Staff confirmed that acceptance of the Acceleration West project was on the agenda for the September 28 School Board meeting. Staff also confirmed that that significant progress had been made on Pinar close out, and Board acceptance was likely in October. Staff noted that additional work on cost reconciliation was needed prior to acceptance of the Boone cafeteria component of the Boone HS project.

- *Pat Knipe requested confirmation that the District had received reimbursement for the cost of the door replacements delaying close out of three elementary schools.*

Staff confirmed that the District had received full reimbursement for the costs of the door replacements.

5. Change Order Report

Ed Ames reported there are no significant change orders to report for the month of July.

- *Jeff Hart requested clarification on item no. 7, page 38, on middle school safety enhancement group 6.*

No additional work remains to be completed. This item provided compensation for work completed previously.

- *George Hack requested clarification on item no. 8, page 39, on site 132-M-W-4.*

At the time the design services were negotiated, the requirement for retaining wall design was not included, due to the uncertainty with regards to the site plan's requirements for retaining walls. As the approved site plan required retaining walls, additional services for the design were authorized via the design change directive recorded for this item.



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- *George Hack requested clarification on item no. 9, page 39, on site 204-U-N-7. George also requested confirmation that the surveyor and design team coordination meetings required by OCPS occurred for this project.*

During project design, OCPS elected to acquire an adjacent parcel to provide parking and future expansion options. This required additional survey services. The requested confirmation regarding surveyor and design team coordination meetings will be provided at the next meeting.

- *Pat Knipe requested clarification on item no. 8, page 41, on Water Springs ES Portables.*

After contracting for portable installation and due to accelerated growth in the Water Spring ES area, the District determined that additional portables would be needed at Water Spring ES.

- *Pat Knipe requested clarification on item no. 17, page 44, on University High School.*

The remote unit is a component of the distributed antenna system. An additional remote unit was needed to address unforeseen interference associated with the installed system.

- *Pat Knipe requested clarification on item no.18, page 45, on Various Schools Safety Enhancement Group 1.*

Several delays obtaining document approvals from code officials significantly delayed the project. The District did not incur additional costs associated with the delays.

- *Jeff Hart requested clarification on item no. 19, page 45, on Vista Pointe ES (site 83-E-SE-3).*

Change order provided authorization for use of allowances included in the GMP.

Presentations

None.

Discussion/Adjournment

George Hack requested that the close out register provided at the August meeting be included in future COVE reports. An updated register will be provided at the November meeting.

The next scheduled COVE meeting will be held on Thursday, October 21, 2021.



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The meeting was adjourned at 9:52 a.m.

Minutes Authenticated by:

Pat Knipe
Chairperson, COVE Committee

Date of approval

Jad Brewer
Legal Services Facilities

Date of approval

CAPITAL FUNDING UPDATE

FY2022 Sales Tax Forecast Compared To Collections
For Collections Received For The Period June 1, 2021 - May 31, 2022

	Fiscal Year 2016 Actual Collections	Fiscal Year 2017 Actual Collections	Fiscal Year 2018 Actual Collections	Fiscal Year 2019 Actual Collections	Fiscal Year 2020 Actual Collections	Fiscal Year 2021 Actual Collections	Fiscal Year 2022 Projected Collections	Fiscal Year 2022 Actual Collections	Date Received	Actual vs Projection				Actual vs Prior Year			
										Difference	% Difference	Difference	% Difference	Difference	% Difference	Cum Difference	% Cum Difference
										Monthly	Monthly	Year To Date	Year To Date	With Prior Year	With Prior Year	With Prior Year	With Prior Year
June	15,769,023.57	18,341,978.54	19,973,576.12	21,813,615.21	22,925,740.85	13,108,514.28	17,973,762.00	23,848,324.53	8/27/2021	5,874,562.53	32.68%	5,874,562.53	32.68%	10,739,810.25	81.93%	10,739,810.25	81.93%
July	19,034,334.41	16,880,799.40	18,849,682.11	20,771,709.20	21,966,782.67	13,655,914.32	17,522,160.00	23,820,626.67	9/28/2021	6,298,466.67	35.95%	12,173,029.20	34.29%	10,164,712.35	74.43%	20,904,522.60	78.11%
August	15,712,985.30	16,467,246.10	18,266,458.15	19,375,685.05	20,607,143.83	13,689,148.23	16,676,281.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Distribution	2,518,420.23	2,753,007.32	2,915,073.89	3,260,951.68	3,338,213.92	4,014,607.17	3,297,778.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Total	53,034,763.51	54,443,031.36	60,004,790.27	65,221,961.14	68,837,881.27	44,468,184.00	55,469,981.00	47,668,951.20				-	0.00%	-	0.00%	-	0.00%
September	16,661,266.04	17,590,426.20	17,945,849.27	20,029,498.75	20,695,053.51	15,713,676.29	17,535,775.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
October	16,690,287.20	17,262,095.62	19,857,149.36	21,176,213.36	22,650,186.69	15,709,696.39	18,498,306.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
November	17,376,140.77	18,502,526.16	21,069,313.79	21,848,769.67	23,121,775.84	16,337,370.31	19,048,823.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Distribution	2,472,960.60	2,960,461.12	3,172,630.28	3,646,731.75	3,532,907.32	4,523,961.03	3,636,395.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Total	53,200,654.61	56,315,509.10	62,044,942.70	66,701,213.53	69,999,923.36	52,284,704.02	58,719,299.00	-				-	0.00%	-	0.00%	-	0.00%
First 1/2 Year Total	106,235,418.12	110,758,540.46	122,049,732.97	131,923,174.67	138,837,804.63	96,752,888.02	114,189,280.00	47,668,951.20				-	0.00%	-	0.00%	-	0.00%
December	19,834,046.86	20,131,048.05	22,917,543.47	23,379,046.84	25,393,825.04	17,165,676.25	20,487,595.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
January	16,719,170.09	17,580,911.73	20,407,250.45	21,073,610.65	23,118,850.52	15,817,302.05	18,645,478.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
February	17,752,007.93	18,459,672.74	20,510,583.92	21,507,566.51	21,922,090.76	17,365,548.70	18,889,521.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Distribution	2,763,706.36	3,066,413.56	3,421,591.03	3,452,049.34	4,004,205.61	4,909,457.20	3,842,118.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Total	57,068,931.24	59,238,046.08	67,256,968.87	69,412,273.34	74,438,971.93	55,257,984.20	61,864,712.00	-				-	0.00%	-	0.00%	-	0.00%
3/4 Year Total	163,304,349.36	169,996,586.54	189,306,701.84	201,335,448.01	213,276,776.56	152,010,872.22	176,053,992.00	47,668,951.20				-	0.00%	-	0.00%	-	0.00%
March	20,792,518.26	21,849,939.83	24,249,252.64	25,501,978.07	16,298,832.30	23,660,893.34	20,339,436.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
April	17,300,074.54	19,885,162.89	21,040,913.91	22,737,565.78	9,524,263.99	21,512,381.59	16,708,046.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
May	17,002,486.22	19,150,452.99	19,768,693.34	21,730,574.93	11,135,296.15	21,709,814.95	16,957,070.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Distribution	5,624,980.39	2,991,334.50	3,283,686.58	3,151,331.98	3,730,010.87	4,753,904.02	3,615,157.00			0.00	0.00%	-	0.00%	0.00	0.00%	-	0.00%
Quarter - Total	60,720,059.41	63,876,890.21	68,342,546.47	73,121,450.76	40,688,403.31	71,636,993.90	57,619,709.00	-				-	0.00%	-	0.00%	-	0.00%
Second 1/2 Year Total	117,788,990.65	123,114,936.29	135,599,515.34	142,533,724.10	115,127,375.24	126,894,978.10	119,484,421.00	-				-	0.00%	-	0.00%	-	0.00%
Annual Total	\$ 224,024,408.77	\$ 233,873,476.75	\$ 257,649,248.31	\$ 274,456,898.77	\$ 253,965,179.87	\$ 223,647,866.12	\$ 233,673,700.00	\$ 47,668,951.20				-	0.00%	-	0.00%	-	0.00%

Orange County Public Schools Sales Tax Collection History

Fiscal Year	Amount
2003	48,842,739.57
2004	138,701,456.04
2005	149,353,778.11
2006	166,421,562.32
2007	170,597,435.85
2008	166,190,269.10
2009	154,176,277.50
2010	150,843,956.58
2011	163,594,345.29
2012	170,826,443.50
2013	181,301,579.35
2014	191,770,162.65
2015	209,540,612.56
2016	224,024,408.77
2017	233,873,476.75
2018	257,649,248.31
2019	274,456,898.77
2020	253,965,179.87
2021	223,647,866.12
2022	47,668,951.20
Total	3,577,446,648.21

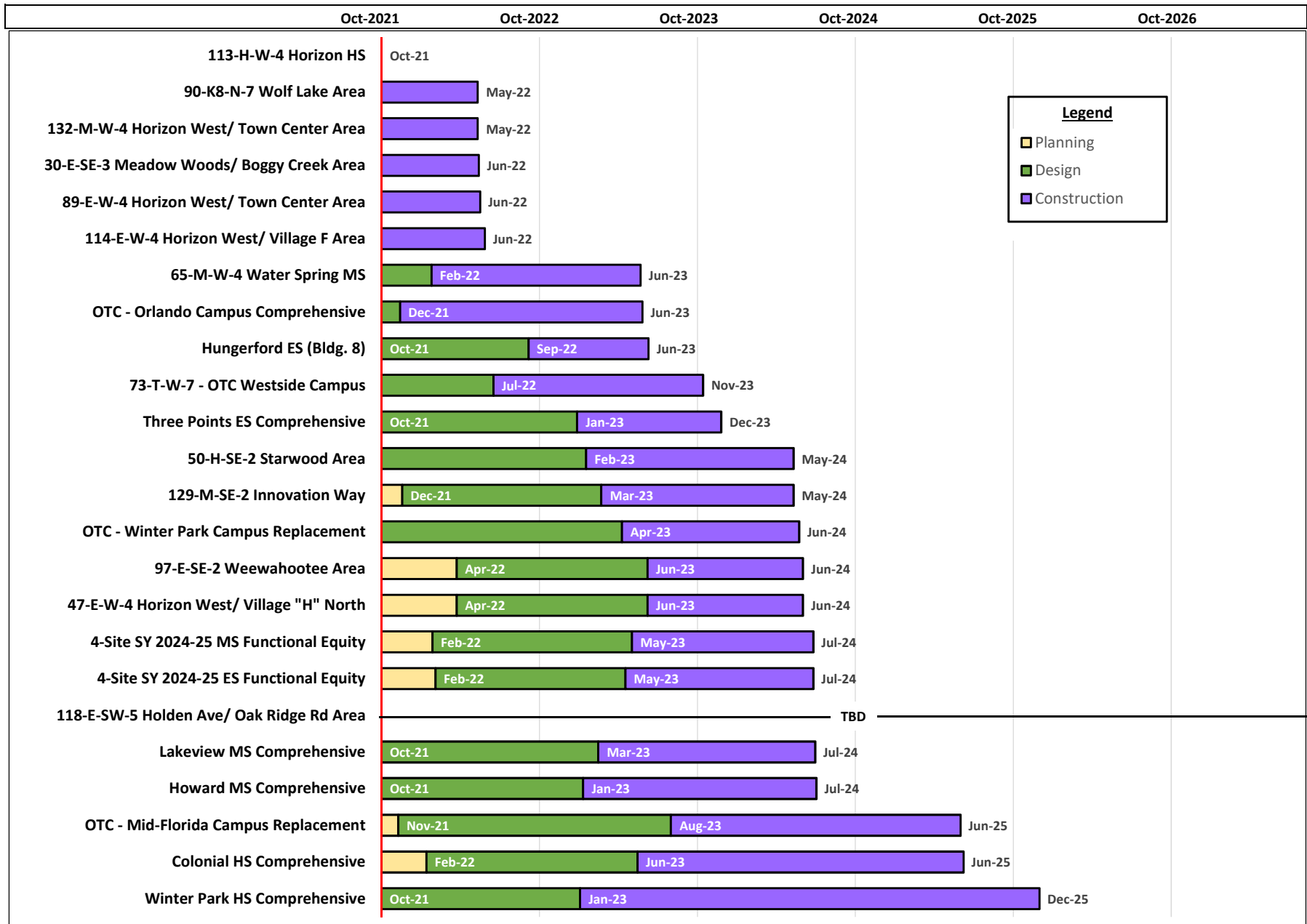
Impact Fees Collections

	FY18	FY19	FY20	FY21	FY22
July	349,217	(1,356,434)	(791,922)	(15,459)	(1,326,589)
August	629,981	1,544,905	1,642,692	3,021,080	2,198,714
September	131,760	4,802,716	6,418,111	4,902,480	282,676
October	2,850,348	12,782,279	5,018,829	11,324,673	26,352
November	19,668,647	764,538	11,783,397	744,321	
December	661,202	544,774	531,273	1,049,444	
January	2,115,374	14,550,401	1,435,048	56,625	
February	9,137,939	3,319,118	11,250,567	3,010,120	
March	7,378,253	929,755	1,613,436	3,125,497	
April	11,329,735	11,439,392	10,735,683	6,887,734	
May	6,268,232	674,261	2,027,236	5,720,199	
June	18,571,747	14,645,906	14,200,335	21,268,703	
Total	79,092,436	64,641,613	65,864,685	61,095,416	1,181,153

As of 10-11-21

MASTER SCHEDULE UPDATE

Capital Program Schedule Summary



Capital Program Schedule Summary

Variance Report

Project	Design NTP	Construction NTP	Substantial Completion	Explanations
Hungerford ES (Bldg. 8)	-9 days			Lengthier planning phase
50-H-SE-2 Starwood Area	-17 days			Lengthier planning phase
Lakeview MS Comprehensive	-35 days	-28 days		Lengthier scope development phase
OTC - Mid-Florida Campus Replacement	-36 days	35 days	30 days	Lengthier scope development phase; schedule refinement

Notes:

1. A negative variance indicates that the milestone is scheduled for a later date.
2. Schedules for 4-Site SY 2024-25 MS and ES Functional Equity projects are subject to additional refinement.

PROJECT BUDGET UPDATE



**PROJECT STATUS SUMMARY REPORT
NEW AND REPLACEMENT SCHOOLS
October 21, 2021**

Funding Source	Priority #	School Name	F1	F2	F3	Estimated Cost At Completion	Variance	GMP Amount	F4		F5		Approved Construction		F6 Number of Days Past Substantial (Close-out)	Contract Type	CM / GC Firm	AE Firm	
			2022 Tentative Budget	Adopted Budget Changes	Current Board Adopted Budget				Construction Change Orders	ODP Change Orders	NTP Construct	Contract Subst. Com	Amount	#					Deducts
Budget													Schedule		Contracting				
PLANNING PHASE																			
Impact	New	Site 47-E-W-4	29,100,000	-	29,100,000	29,100,000													
Impact	New	Site 97-E-SE-2	29,100,000	-	29,100,000	29,100,000													
Impact	New	Site 129-M-SE-2	48,540,000	-	48,540,000	48,540,000													
Impact	New	Site 118-E-SW-5	29,100,000	-	29,100,000	29,100,000													
Sales Tax		Hungerford ES (renov Bldg 8)	4,384,000	116,000	4,500,000	4,500,000													
		Sub Total	140,224,000	\$116,000	140,340,000	\$140,340,000													
DESIGN PHASE																			
Impact	New	Site 50-H-SE-2	167,465,000	-	167,465,000	167,465,000													
Impact	New	Water Spring MS (Site 65-M-W-4)	46,680,000	-	46,680,000	46,680,000											CORE	Harvard Jolly	
Sales Tax	135	OTC Winter Park Campus	45,324,000	-	45,324,000	45,324,000											CPPI	DLR Group	
Sales Tax	134	Site 73-T-W-7 (OTC Westside Campus)	54,510,000	-	54,510,000	54,510,000											Wharton	DLR Group	
		Sub Total	313,979,000	-	\$313,979,000	313,979,000													
CONSTRUCTION PHASE																			
Impact	New	Site 30-E-SE-3	27,160,000	-	27,160,000	27,160,000	-	21,446,642	-	2	(5,348,050)	1	7/6/2021	6/3/2022		GMP	Pirtle	Zyscovich	
Impact	New	Site 89-E-W-4	27,160,000	(3,924,000)	23,236,000	23,236,000	-	18,958,413	-		(4,739,603)	1	6/25/2021	6/6/2022		GMP	Welbro	Schenkel	
Impact	New	Site 114-E-W-4	27,160,000	1,000,000	28,160,000	28,160,000	-	23,414,093	-		(5,853,523)	1	6/29/2021	6/17/2022		GMP	Williams	BRPH	
Impact	New	Site 132-M-W-4	44,880,000	(3,539,000)	41,341,000	41,341,000	-	33,517,251	(41,673)	1	(8,379,313)	1	2/2/2021	5/31/2022		GMP	Welbro	Hunton Brady	
Sales Tax	New	Site 90-K8-N-7	40,821,000	(4,537,000)	36,284,000	36,284,000	-	28,521,196	-		(8,555,000)	2	2/3/2021	5/31/2022		GMP	Wharton	Zyscovich	
Sales Tax	New	Horizon HS (Site 113-H-W-4)	111,198,000	-	111,198,000	111,198,000	-	91,839,192	731,343	7	(25,762,489)	7	10/30/2019	9/9/2021		GMP	Wharton	Schenkel	
		Sub Total	278,379,000	(11,000,000)	\$267,379,000	\$267,379,000	\$0	\$217,696,788	\$689,670	10	(\$58,637,978)	13							
													Actual						
Impact	New	Lake Buena Vista HS (Site 80-H-SW-4)	115,040,000	-	115,040,000	115,040,000	-	95,607,634	244,522	3	(23,901,908)	2	9/17/2019	6/4/2021	139	GMP	Pirtle	Schenkel	
Impact	New	Summerlake ES (Site 85-E-W-4)	23,246,000	130,000	23,376,000	23,376,000	-	17,900,162	897,131	6	(4,905,856)	2	7/24/2019	7/28/2020	450	GMP	OHL	Rhodes + Brito	
Impact	New	Sunshine ES (Site 20-E-SW-4)	24,030,000	-	24,030,000	24,030,000	-	19,866,684	129,652	5	(5,082,351)	2	5/17/2019	6/15/2020	493	GMP	CORE	Rhodes + Brito	
Impact	New	Vista Pointe ES (Site 83-E-SE-3)	25,072,000	-	25,072,000	25,072,000	-	21,750,096	41,453	4	(4,721,795)	2	7/1/2019	7/17/2020	461	GMP	CPPI	Rhodes + Brito	
Sales Tax		Boone HS (Auditorium, gym, cafeteria)	31,000,000	-	31,000,000	31,000,000	-	26,763,837	(1,277,051)	4	(5,382,427)	6	6/20/2018	11/30/2020	325	GMP	Williams Co	Schenkel	
Sales Tax		Magnolia School and Silver Pines Academy K-12 Learning Center	46,849,000	-	46,849,000	46,849,000	-	38,630,833	122,200	6	(9,657,708)	1	7/3/2019	8/11/2021	71	GMP	CPPI	Harvard Jolly	
Sales Tax	128	Pinar ES	19,263,000	400,000	19,663,000	19,663,000	-	16,333,189	40,682	6	(3,980,575)	2	6/25/2019	12/22/2020	303	GMP	RL Burns	Schenkel	
Sales Tax	New	Village Park ES (Site 43-E-SE-2)	25,160,000	-	25,160,000	25,160,000	-	20,591,705	(37,238)	2	(5,147,926)	1	7/1/2020	6/17/2021	126	GMP	Pirtle	Rhodes + Brito	
		Sub Total	309,660,000	530,000	\$310,190,000	\$310,190,000	\$0	257,444,142	161,351	36	(62,780,546)	18							
Grand Total			1,042,242,000	(10,354,000)	\$1,031,888,000	\$1,031,888,000	\$0	475,140,929	851,021	46	(121,418,523)	31							

Footnotes

- F1 - Reflects amount from the 10yr Capital Budget dated July 27, 2021.
- F2 - Reflects changes from the tentative FY 2022 budget to the FY 2022 adopted budget.
- F3 - Amount comprised of prior year expenditures, current and future planned funding (Adopted Summary Budget FY 2022). There are no land costs included.
- F4 - Reflects total number of change orders and cumulative change order amount. Does not include ODP deductive and reconciliation change orders.
- F5 - Reflects the total amount and number of ODP deductive and reconciliation change orders to date.
- F6 - Reflects number of days beyond substantial completion. See justification below under Close Out Delays.

Completion Delays

Horizon HS (Site 113-H-W-4) - Occupancy has been granted for all campus buildings. Final phase completion is delayed due to the long-lead delivery of the fuel tanks.

Close Out Delays

- Lake Buena Vista HS (Site 80-H-SW-4) – CFI delayed due to open / incomplete closeout deliverables and reconciliation of final project costs. Projected date for close-out is November 2021.
- Summerlake ES (Site 85-E-W-4) – CFI delayed due to an issue related to interior doors and longer than anticipated lead times with material deliveries.
- Sunshine ES (Site 20-E-SW-4) – CFI delayed due to an issue related to interior doors and longer than anticipated lead times with material deliveries.
- Vista Pointe ES (Site 83-E-SE-3) – CFI delayed due to an issue related to interior doors and longer than anticipated lead times with material deliveries.
- Boone HS (Auditorium, gym, cafeteria) - Auditorium and Gymnasium are now closed; CFI for Cafeteria delayed awaiting reconciliation of cost events. CFI scheduled to be presented to the Board in November 2021.
- Pinar ES - CFI delayed awaiting completion of record drawings and punch list corrections, and reconciliation of cost events. CFI scheduled to be presented to the Board in November 2021.
- Village Park ES (Site 43-E-SE-2) – CFI delayed due to open / incomplete closeout deliverables and reconciliation of final project costs. Projected date for close-out is November 2021.

Other

- Boone HS: GMP amount represents the sum of the Auditorium, Gymnasium, Generator, and Cafeteria Remodeling.
- Hungerford ES: Resumption of design activities related to the renovation of Building 8.



PROJECT STATUS SUMMARY REPORT
NEW AND REPLACEMENT SCHOOLS
 October 21, 2021

Funding Source	Priority #	School Name	Explanation of Tentative Budget Changes
PLANNING PHASE			
Sales Tax		Hungerford ES (renov Bldg 8)	Budget revised to include balance of funds from the Hungerford ES.
CONSTRUCTION PHASE			
Impact	New	Site 89-E-W-4	Reduced cost projections.
Impact	New	Site 114-E-W-4	Increased cost projections based on current market conditions exhibited in the construction contract.
Impact	New	Site 132-M-W-4	Reduced cost projections.
Sales Tax	New	Site 90-K8-N-7	Reduced cost projections.
CLOSE OUT PHASE			
Impact	New	Summerlake ES (Site 85-E-W-4)	FY 21 Board Adopted Budget amount maintained pending project closeout.
Sales Tax	128	Pinar ES	FY 21 Board Adopted Budget amount maintained pending project closeout



PROJECT STATUS SUMMARY REPORT

COMPREHENSIVE SCHOOLS

October 21, 2021

Funding Source	Priority #	School Name	F1 2022 Tentative Budget	F2 Adopted Budget Changes	F3 Current Board Adopted Budget	Estimated Cost At Completion	Variance	GMP Amount	F4 Construction Change Orders		F5 ODP Change Orders		Approved Construction		F6 Number of Days Past Substantial (Close-out)	Contract Type	CM / GC Firm	AE Firm	
									Amount	#	Deducts	#	NTP Construct	Contract Subst. Com					
Budget															Schedule		Contracting		
PLANNING PHASE																			
Sales Tax		4-Site SY 2024-25 MS Functional Equity	30,782,000	-	30,782,000	30,782,000													
Sales Tax		4-Site SY 2024-25 ES Functional Equity	24,918,000	-	24,918,000	24,918,000													
Sales Tax		Colonial HS	43,931,000	-	43,931,000	43,931,000													
Sales Tax		Howard MS	36,622,000	-	36,622,000	36,622,000													
Sales Tax		Lakeview MS	37,772,000	-	37,772,000	37,772,000													
Sales Tax	133	OTC Mid-Florida Campus	69,998,000	-	69,998,000	69,998,000													
Sales Tax		Three Points ES	21,057,000	-	21,057,000	21,057,000													
Sales Tax		Winter Park HS	75,377,000	-	75,377,000	75,377,000													
		Sub Total	340,457,000	\$0	\$340,457,000	\$340,457,000													
DESIGN PHASE																			
Sales Tax	136	OTC Orlando Campus	36,675,000	-	36,675,000	36,675,000											Gilbane	Harvard Jolly	
		Sub Total	36,675,000	-	\$36,675,000	\$36,675,000													
CONSTRUCTION PHASE																			
		Sub Total	-	\$0	\$0	\$0	-	\$0	-	0	-	0							
CLOSE OUT PHASE																			
Sales Tax	132	Meadow Woods MS	23,504,000	-	23,504,000	23,504,000	-	15,747,456	103,532	7	(2,872,597)	2	1/31/2020	9/29/2021	22	GMP	Wharton Smith	C.T. Hsu	
		Sub Total	23,504,000	\$0	\$23,504,000	\$23,504,000	\$0	15,747,456	103,532	7	(2,872,597)	2							
Grand Total			400,636,000	-	400,636,000	\$400,636,000	\$0	15,747,456	103,532	7	(2,872,597)	2							

Footnotes

F1 - Reflects amount from the 10yr Capital Budget dated July 27, 2021.

F2 - Reflects changes from the tentative FY 2022 budget to the FY 2022 adopted budget.

F3 - Amount comprised of prior year expenditures, current and future planned funding (Adopted Summary Budget FY 2022). There are no land costs included.

F4 - Reflects total number of change orders and cumulative change order amount. Does not include ODP deductive and reconciliation change orders.

F5 - Reflects the total amount and number of ODP deductive and reconciliation change orders to date.

F6 - Reflects number of days beyond substantial completion. See justification below under Close Out Delays.

Multiple Sites Projects

1. 4-Site SY 2024-25 MS Functional Equity includes improvements at 4 sites: Apopka MS, College Park MS, Hunters Creek MS, and Westridge MS
2. 4-Site SY 2024-25 ES Functional Equity includes improvements at 4 sites: Dr. Phillips ES, Hunters Creek ES, Lakeville ES, and Whispering Oak ES.

Completion Delays

None

Close Out Delays

None



Project Status Summary Report

Capital Renewal Projects (Note 1)

October 21, 2021

Project Size Key
 Lg - Constr. Amount > \$2M
 Int - Constr. Amount > \$280K and < \$2M
 Sm - Constr. Amount < \$280K

Location	Wt'd Age (FISH)	Project Number	Size	Project Elements													Prior Project Budget	Project Budget Changes	Current Project Budget	Current Estimated Cost At Completion	Variance from Current Project Budget	GMP Amount	Construction Change Orders		ODP Change Orders		Approved Construction		Number of Days Past Subst. Compl. (close-out)	Contract Type	CM / GC Firm	AE Firm																
				Site	Roofing	Structural	Exterior	Interior	Mechanical	Electrical	Plumbing	Life Safety	Technology	Conveyance	Specialties	Amount							#	Deducts	#	NTP Construct	Contract Subst. Com																					
																							Budget				Schedule						Contracting															
CLOSE-OUT																											Actual																					
Acceleration East	19-Yr	N0084.0	Lg		✓				✓						✓																		3,161,000	-	3,161,000	3,161,000	-	2,619,156	-	-	(564,883)	1	12/13/19	07/21/21	92	GMP	Clancy & Theys	MLM-Martin
Boone HS	21-Yr	N0031.4	Lg		✓	✓		✓	✓	✓	✓	✓			✓								✓									3,774,000	-	3,774,000	3,774,000	-	3,528,538	(532,536)	4	(2,148,093)	4	03/27/20	11/30/20	325	GMP	Williams	BRPH	
Boone HS	21-Yr	N0031.5	Int		✓		✓																									1,277,000	-	1,277,000	1,277,000	-	1,067,582	-	-	(207,400)	1	04/06/21	08/02/21	80	GMP	Williams	BRPH Architects	
Boone HS	21-Yr	N0100.0	Int	✓																												455,000	-	455,000	455,000	-	292,972	11,801	1	-	-	06/09/20	09/29/20	387	GMP	RL Burns	Hanlex	
Discovery MS	25-Yr	N0036.0	Lg				✓			✓	✓								✓													11,581,000	-	11,581,000	11,581,000	-	9,322,811	159,437	3	(1,375,155)	2	01/29/20	03/04/21	231	GMP	Gilbane	Rhodes Brito	
Jones HS	17-Yr	N0059.2	Lg	✓			✓	✓	✓	✓	✓									✓				✓								16,432,000	-	16,432,000	16,432,000	-	14,274,696	-	-	(1,877,851)	2	12/03/19	05/13/21	161	GMP	McCree	KBK	
Oakshire ES	22-Yr	N0094.0	Lg							✓																						7,119,000	-	7,119,000	7,119,000	-	6,084,894	(26,121)	3	(615,194)	3	05/28/19	08/14/20	433	GMP	Johnson-Laux	SGM/Baker Barrios	
Pinewood ES	24-Yr	N0095.0	Lg							✓																						7,226,000	-	7,226,000	7,226,000	-	6,027,537	(26,121)	3	(531,410)	2	05/28/19	08/19/20	428	GMP	Johnson-Laux	SGM	
SUBTOTAL (Close-Out)		8 Projects		6 Sites																			\$ 51,025,000	-	\$ 51,025,000	\$ 51,025,000	-	\$ 43,218,186	\$ (413,540)	14	\$ (7,319,986)	15																
GRAND TOTAL		265 Projects		180 Sites																																												

Completion Delays

None

Notes

- 1. Capital Renewal is the replacement of major systems and components needed to preserve the efficient operation of school facilities. Capital Renewal funds are intended for Groups G3, G4, G5, and G6 school facilities, and Project Elements greater than \$50,000 in Priorities P1, P2, and P3 (and incidental P4 or P5 Elements).

Close Out Delays

Boone HS (N0031.4) – CFI delayed due to reconciliation of final project costs and finalization of record documents. Projected date of close-out is November 2021.

Boone HS (N0100.0) – CFI delayed due to finalization of punchlist activities, record documents and reconciliation of final project costs. Projected date for close-out is November 2021. Discovery MS (N0036.0) - CFI delayed due to reconciliation of final project costs. Projected date of close-out is October 2021.

Jones HS - CFI delayed due to finalization of punchlist activities and final GMP reconciliation CO. Projected date for close-out is November 2021.

Oakshire ES – CFI delayed due to reconciliation of final project costs. Projected date for close-out is October 2021.

Pinewood ES – CFI delayed due to reconciliation of final project costs. Projected date for close-out is October 2021.

Multiple Sites Projects, with Wt'd Age in [brackets]:

- 1. N0101.0 consists of chiller replacement at 2 campuses: Roberto Clemente MS [17] and Lake Sybelia ES [38].
- 2. N0102.0 consists of select roof replacement at 3 campuses: Sadler ES [35], Windermere ES [14], and Windy Ridge K8 [14].
- 3. N0103.0 consists of select roof replacement at 2 campuses: Avalon MS [14] and Meadowbrook MS [15].
- 4. N0105.0 consists of select HVAC replacement at 5 campuses: Castle Creek ES [15], Columbia ES [14], West Oaks ES [17], Windermere ES [15], and Wolf Lake ES [15].
- 5. N0120.0 consists of intrusion detection, fire alarm, intercom, and/ or security camera replacement at 38 campuses: Apopka ES [7]; Baldwin Park ES [13]; Blankner K8 [19]; Bridgewater MS [13]; Dillard St ES [17]; Eagle's Nest ES [17]; East Lake ES [15]; East River HS [11]; Evans HS [10]; Freedom HS [17]; Freedom MS [15]; Killarney ES [12]; Lake Nona HS [11]; Lakeville ES [22]; Legacy MS [15]; Liberty MS [15]; Maitland MS [11]; McCoy ES [15]; Meadowbrook MS [15]; Memorial MS [12]; Ocoee HS [15]; OTC-Avalon Campus [12]; Ridgewood Park ES [15]; Riverdale ES [22]; Sadler ES [35]; Sand Lake ES [15]; South Creek MS [14]; Timber Lakes ES [12]; Union Park MS [14]; Waterbridge ES [10]; Waterford ES [12]; West Oaks ES [16]; West Orange HS [12]; Windermere ES [14]; Windy Ridge K8 [14]; Wolf Lake ES [14]; Wolf Lake MS [14]; Wyndham Lakes ES [14].
- 6. N0125.0 consists of select HVAC replacement at 2 campuses: Dillard Street ES [17] and Hiawassee ES [17].
- 7. N0134.0 consists of chiller R'newal at 2 campuses: Discovery MS [25] and Piedmont Lakes MS [28]
- 8. N0137.0 consists of multi-system improvements at 2 campuses: Dommerich ES [12] and Maitland MS [12]
- 9. N0139.0 consists of select HVAC replacement at 2 campuses: Wekiva HS [14] and West Orange HS [13].
- 10. N0140.0 consists of select HVAC replacement at 2 campuses: East River HS [11] and Lake Nona HS [11].
- 11. N0142.0 consists of multi-system improvements at 5 campuses: Columbia ES [14]; Moss Park ES [14]; Stone Lakes ES [15]; Vista Lakes ES [15]; West Creek ES [17].
- 12. N0147.0 consists of select HVAC replacement at 7 campuses: Baldwin Park ES [14]; Eagle's Nest ES [18]; McCoy ES [16]; Millennium ES [15]; Whispering Oak ES [16]; Wyndham Lakes ES [15].
- 13. N0148.0 consists of chiller replacement at 3 campuses: Cheney ES [15]; Lawton Chiles ES [22]; and Liberty MS [16]

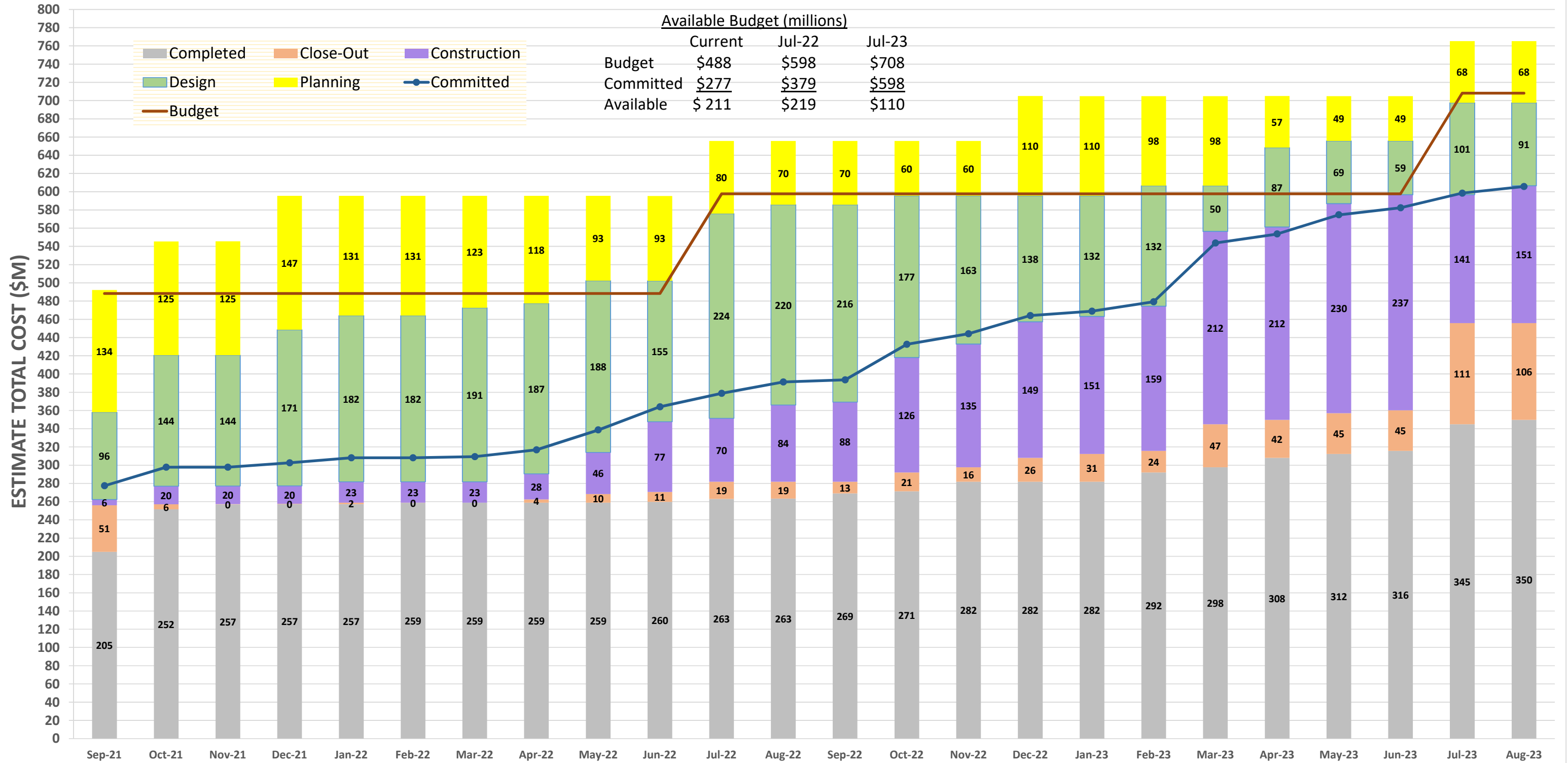
Justification for projects at schools with weighted (Wt'd) age less than 10-years:

- 1. N0133.0 - Dr. Phillips HS (North Campus) Multi-System CR - includes roofing and select HVAC work on the north campus core buildings 17, 18, 19, 21, and 22. The comprehensive renovation project in 2015 did not include this scope.
- 2. N0120.0 - The multi-site project includes work at Apopka ES with a weighted age of 7 years. The scope at this campus is limited replacement of the existing intercom which is beyond its useful life and non-serviceable.

Location	Project Number	Size	Explanation of Project Budget Changes
PLANNING PHASE			
Piedmont Lakes MS	N0119.0	Lg	The budget for Piedmont Lakes MS is revised to account for revision in the mechanical scope of work to remove equipment from mezzanine and place in new mechanical rooms; replacement of building automation system in lieu of an upgrade; plumbing upgrade and interior finishes related to the revised scope of work.
CONSTRUCTION PHASE			
Glenridge MS	N0088.0	Lg	The budget for Glenridge MS is revised to align with recent cost increases seen in the construction market.

Capital Renewal Forecast

Reporting Period: September 2021 - August 2023



Available Budget (millions)			
	Current	Jul-22	Jul-23
Budget	\$488	\$598	\$708
Committed	<u>\$277</u>	<u>\$379</u>	<u>\$598</u>
Available	\$ 211	\$219	\$110

PROJECT STATUS REPORT

Construction Update as of October 21, 2021

Capital Construction

We continue with six (6) projects under construction.

- **Horizon HS (Site 113-H-W-4) (New Relief HS – Horizon West/Village F area)**

Phase 1, 2 and 3 are complete.

Phase 4: Build out of lounge portables are underway. Bus fueling depot is complete and final inspections are underway. Project was delayed due to permitting issues with the lounge portables.

Bus Fueling Depot has a late October anticipated completion.



Horizon High School

Image # 80
Date : 08.10.2021
Photo 888.542.0231

○ **Site 114-E-W-4 (Horizon West Area ES Relief) (Greenfield school)**

This project includes construction of a new prototype elementary school building with classrooms, administration, art, music, kitchen, cafeteria/multi-purpose room, media center and related site work. This elementary school was designed for 830 student stations.

Construction NTP issued on June 29, 2021.

Project Status: Site work and mass grading continues. Underground electrical and plumbing rough-in work continues; Slab preparation is nearly complete with a portion already poured. Casting beds are installed and tilt panel forming has begun.

The project is anticipated to be completed mid-June 2022.



OCPS Site 114 Elementary School
9.20.21



- **Site 132-M-W-4** (Horizon West Area MS Relief) – Relief Project

Construction NTP issued on February 2, 2021.

This project includes construction of a new middle school building with classrooms, administration, art, music, kitchen, cafeteria/multi-purpose room, media center, gymnasium and related site work. This middle school was designed for 1,215 student stations. The site will be shared with the adjacent Site 89-E-W-4 elementary school. The project is anticipated to be completed in a single phase.

Project Status: Site work continues with deep underground piping. Bar joists, structural steel roof decking are complete. Lightweight roof decking nearly complete. Elevated slabs are poured and interior wall framing has started. Interior electrical and plumbing rough-out is continuing.

The project is anticipated to be completed late-May 2022.



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OCPS Site 132-M-W-4 Middle School

Image # 27
Date 09.29.2021

○ **Site 30-E-SE-3 (Meadow Woods Area ES Relief) (Greenfield school)**

This project includes construction of a reuse 2-story prototype elementary school building on a greenfield with classrooms, administration, art, music, kitchen, cafeteria/multi-purpose room, media center and related site work. This elementary school was designed for 837 student stations.

Construction NTP issued on July 6, 2021.

Project Status: Site work and mass grading continues. Underground electrical and plumbing rough-in work continues; Slab preparation is nearly complete with a portion already poured. Casting beds are installed and tilt panel forming has begun.

The project is anticipated to be completed mid-June 2022.



OCPS Site 30 Elementary : Job 20678.00
09-21-21



○ **Site 89-E-W-4** (Horizon West Area ES Relief) (Greenfield school)

This project includes construction of a new prototype elementary school building with classrooms, administration, art, music, kitchen, cafeteria/multi-purpose room, media center and related site work. This elementary school was designed for 837 student stations. The Elementary School will be adjacent to Site 132-M-W-4.

Construction NTP issued on June 25, 2021.

Project Status: Site work and mass grading continues. Most tilt wall panels are formed and poured. Sections of the building slab are poured. Underground electrical and plumbing rough-ins are complete.

The project is anticipated to be completed early June 2022.



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OCPs Site 89-E-W-4 Elementary School

Image # 28
Date 09.29.2021

○ **Site 90-K8-N-7 (Wolf Lake Area ES Relief) – Relief Project**

Construction NTP issued on February 3, 2021.

This project includes construction of a new suburban prototype K-8 school building with classrooms, administration, art, music, kitchen, cafeteria/multi-purpose room, media center, gymnasium and related site work. This K-8 School was designed for 1,211 student stations. The project is anticipated to be completed in a single phase.

Project Status: Lightweight concrete decking continues; Interior rough-out of electrical, plumbing, fire protection, and interior wall framing are underway. Site work continues with underground storm piping, grease traps, water lines and underground rough-in for site lighting.

The project is anticipated to be completed late May 2022.



Site 90-K8-N-7 K-8 School Relief Project
OCPS Project: S0094
9.22.21



We currently have 18 projects in the planning or design phase:

Planning

- Colonial HS (Comprehensive)
- Howard MS (Comprehensive)
- Hungerford ES (Building 8) (Comprehensive)
- Lakeview MS (Comprehensive)
- Orange Technical College / Mid Florida Campus (Comprehensive)
- Site 47-E-W-4 Horizon West Area (Greenfield School)
- Site 97-E-SE-2 Weewahootee Area (Greenfield School)
- Site 118-E-SW-5 Holden Heights Area ES (Greenfield School)
- Site 129-M-SE-2 Lake Nona Area MS (Greenfield School)
- Three Points ES (Comprehensive)
- Winter Park HS (Comprehensive)
- 4-Site SY 2024-25 ES Functional Equity
- 4-Site SY 2024-25 MS Functional Equity

Design

- Orange Technical College / Orlando Campus (Comprehensive)
- Orange Technical College / Winter Park Campus (Replacement)
- Site 50-H-SE-2 Starwood Area (Greenfield School)
- Site 73-T-W-7 – Orange Technical College / Westside Campus (Replacement)
- Water Spring MS (Greenfield School)

Since Last Report

- Substantial Completion achieved: **Meadow Woods MS** (Comprehensive Renovation)
- Notice to Proceed issued: **None since last report**

Closeout

There are nine (9) projects in closeout.

There are two (2) projects (listed in green) anticipated for acceptance at the board meeting in November.

There are two (2) projects (listed in blue) anticipated for acceptance at the first board meeting in December.

- Boone Cafeteria
- Lake Buena Vista High School
- Magnolia/Silver Pines Academy K-12
- Pinar ES
- Summerlake ES
- Sunshine ES
- Village Park ES
- Vista Pointe ES
- Meadow Woods MS

Capital Renewal Update as of October 21, 2021

There are 44 active projects (25 large, 14 intermediate, 5 small) currently in progress for improvements at 73 sites.

Planning

We currently have 19 projects in planning at 36 sites. These include 14 large, 3 intermediate, and 2 small projects. No new projects added since last report.

Pre-planning scope development continues for other capital renewal projects for FY 2022.

Design

We currently have 18 projects in design at 49 sites. These include 11 large, 6 intermediate, and 1 small projects. An HVAC project at Andover ES moved from Planning to Design since last report.

Construction

We currently have 7 projects in construction at 8 sites. These include 5 intermediate and 2 small projects. A Replacement of Chiller #3 at Boone HS and a Chiller Renewal at Discovery MS & Piedmont Lakes MS projects moved from Planning to Construction. In addition, a Track Replacement project at Blankner K-8, a Fan Coil Unit Renovation project at Jones HS CEP, and a CEP Modification project at Wolf Lake MS moved from Design to Construction since last report.

Capital Renewal Update as of October 21, 2021
Changes since 9/16/21

Planning

- Moved to Design
 - o Andover ES – N0124.0 HVAC

- Moved to Construction
 - o Boone HS – N0031.7 Replace Chiller #3
 - o Chiller R'newal at 02-Sites – N0134.0 (Discovery MS & Piedmont Lakes MS)

Design

- Moved from Planning
 - o Andover ES – N0124.0 HVAC

- Moved to Construction
 - o Blankner K8 – N0117.0 Track Replacement
 - o Jones HS – N0059.6 CEP A/C
 - o Wolf Lake MS – N0086.0 CEP Modifications

Construction

- Moved from Planning
 - o Boone HS – N0031.7 Replace Chiller #3
 - o Chiller R'newal at 02-Sites – N0134.0 (Discovery MS & Piedmont Lakes MS)

- Moved from Design
 - o Blankner K8 – N0117.0 Track Replacement
 - o Jones HS – N0059.6 CEP A/C
 - o Wolf Lake MS – N0086.0 CEP Modifications

Close-out

- No change since last report

Complete

- No change since last report

Capital Renewal Update as of October 21, 2021
Active Projects with Construction Cost Exceeding \$10M per Project Site

Piedmont Lakes Middle School – HVAC Capital Renewal Project Estimated

Guaranteed Maximum Price: \$10,313,000

Heating, Ventilating and Air Conditioning (HVAC) Renovations

- Replacement of the existing building automation system (BAS), campus-wide
- Redesign of a new Air Distribution System campus-wide per the latest Design Guidelines inclusive of all associated equipment and accessories
- Conversion of kitchen units from Direct Expansion Cooling (Dx) to Chilled Water
- Replacement of existing wall mounted mini-split systems in select areas

Plumbing

- Replacement of approximately 400 LF of underground sanitary sewer line

- Replacement of all hot water heaters

Electrical

- Installation of power and data ports for building automation system (BAS) interconnectivity and new electrical circuitry as required to support new equipment

Interior

- Replacement of finishes as needed to accommodate new design

CHANGE ORDER REPORTS

Change Orders Report

Facilities & Construction Contracting
August 2021

There are no significant change orders or amendments to report for the month of August 2021.

Facilities & Construction Contracting
COVE Report for August 2021

CONTRACTS AMENDED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	AMENDMENT AMOUNT	APPROVAL REQUIRED	CPSC DATE
1	Adult Education Site 204-AE-N-7*	Additional design level geotechnical investigation due the acquisition of adjacent parcel north of original project site for Educational Adult Center building, district capital project.	NV5, Inc.	Amendment No. 01 to Work Authorization No. 1517221 for Geotechnical & Environmental Services RFQ 1517PS	\$5,128.35	Catherine Sullivan, Sr. Facilities Manager, Design	8/12/21
2	Colonial 9th Grade Center	Reconciliation of DCD 01 (\$18,452.72) for additional design services to add elevation plan sheets to record removal, replace sealant at windows on Classroom Buildings 1-5, update window schedule and window type for site and existing building systems renovation, capital renewal project (Est. Const. Cost 500,000.00)	Bentley Architects & Engineers, Inc.	Amendment No. 03 to Agreement No. 1511SCONBENTLEY for Architectural & Engineering Services RFQ 1511PS	\$18,452.72	Rory A. Salimbene, Sr. Facilities Executive Director	8/5/21
3	District-Wide*	Staffing schedule modification to add subconsultant for district-wide project.	AIRC Associates, Inc.	Amendment No. 03 to Agreement No. 1307CCONARC for Building Envelope Consultant Services RFQ 1307PS	\$0.00	Catherine Sullivan, Sr. Facilities Manager, Design	8/5/21
4	District-Wide*	Staffing modification to add controls subconsultant for continuing contract.	TriStar Engineering Group, Inc.	Amendment No. 01 to Agreement No. 1911CCONTRISTAR for Commissioning Services RFQ 1911PS	\$0.00	Catherine Sullivan, Sr. Facilities Manager, Design	8/5/21
5	District-Wide*	Staffing schedule modification to add system controls subconsultant for continuing contract.	Hanson Professional Services, Inc.	Amendment No. 01 to Agreement No. 1911CCONHANSON for Commissioning Services RFQ 1911PS	\$0.00	Catherine Sullivan, Sr. Facilities Manager, Design	8/26/21

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CONTRACTS AMENDED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	AMENDMENT AMOUNT	APPROVAL REQUIRED	CPSC DATE
6	District-Wide*	Staffing modification to add new subconsultants and update various staffing changes for continuing contract.	Terracon Consultants, Inc.	Amendment No. 03 to Agreement No. 1517CCONERRACON for Geotechnical, Environmental & Construction Material Testing Services RFQ 1517PS	\$0.00	Catherine Sullivan, Sr. Facilities Manager, Design	8/26/21
7	Elementary School Site 114-E-W-4*	Staffing schedule modification to add subconsultant for prototype new school relief project.	BRPH Architects-Engineers, Inc.	Amendment No. 02 to Agreement No. 20RU12SCONBRPH for Architectural & Engineering Services RFQ 20RU12	\$0.00	Catherine Sullivan, Sr. Facilities Manager, Design	8/12/21
8	Jones HS	Reconciliation of DCD 01 (\$49,326.54) to provide structural design for south, east stair towers, campus-wide interior and exterior signage for select renovation of existing building systems, capital renewal project (Est. Const. Cost \$200,000.00).	KBJ-L&B Architects, LLC	Amendment No. 01 to Agreement No. 1501SCONKBJ for Architectural & Engineering Services RFQ 1501PS	\$49,326.54	John T. Morris, Chief Facilities Officer	8/5/21
9	Orange Technical College - Orlando Campus	Air monitoring to comply with National Emissions Standards for Hazardous Air Pollutants for comprehensive project. Hazardous Air Pollutants for comprehensive project.	Terracon Consultants, Inc.	Amendment No. 01 to Work Authorization No. 1717185 for Environmental Consulting Services RFQ 1717PS	\$8,380.00	Catherine Sullivan, Sr. Facilities Manager, Design	8/12/21

*Not Funded by Sales Tax or Capital Renewal

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CHANGE ORDERS APPROVED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	REQUESTED CONTRACT AMOUNT	APPROVAL REQUIRED	CPSC DATE
1	Acceleration West	Credit of \$4,511.24 for reconciliation of CCD 1 (\$101,000.00) to add Phase 4 for perimeter site fencing/gates, single point of entry into Administration Building 100, additional cost for fire alarm, fencing, access control, millwork (\$21,380.10), subcontractor remobilization, extended equipment rental associated with delays to Phase 3 - renovation of Cafeteria Building 2 (\$20,557.56), increased general conditions to provide supervision during time extension (\$76,848.21) and time extension for COVID-19 impacts Phase 1 - complete renovation of administration building 100, classroom buildings 300 and 500 for 42 days, Phase 2 - complete renovation of media center building 400 and partial demolition of building 400 for 28 days, Phase 3 for 28 days and phase 4 for 84 days for renovation comprehensive project.	T & G Corporation d.b.a. T & G Constructors	Change Order No. 03 to GMP AM 01 to Agreement No. 18CM24SCONT&G for Construction Management Services RFQ 18CM24	\$114,274.63	Superintendent/ John T. Morris, Chief Facilities Officer	8/5/21
2	Boone HS	Final ODP reconciliation for Building 800 renovation, dining and serving line capacity, interior painting of buildings 500, 600, 700, 800, 900 and 1000, expired building systems replacement, capital renewal project.	Williams Company Building Division, Inc.	Change Order No. 07 to GMP AM 01 to Agreement No. 14CM06SCON004WILLIAMS for Construction Management Services RFQ 14CM06	\$20,489.51	John T. Morris, Chief Facilities Officer	8/5/21
3	Citrus ES	Final GMP reconciliation for HVAC system, select renovation upgrade and replacement of expired systems, capital renewal project.	Wharton-Smith, Inc.	Change Order No. 03 to Work Authorization No. 12CM14037B for Construction Management Services RFQ 12CM14	(\$92,999.30)	John T. Morris, Chief Facilities Officer	8/12/21

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CHANGE ORDERS APPROVED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	REQUESTED CONTRACT AMOUNT	APPROVAL REQUIRED	CPSC DATE
4	Colonial 9th Grade Center	Final ODP reconciliation for building systems renovation, capital renewal project.	T & G Corporation d.b.a. T & G Constructors	Change Order No. 03 to GMP AM 02 to Agreement No. 15CM12SCONT&G for Construction Management Services RFQ 15CM12	\$226,748.55	John T. Morris, Chief Facilities Officer	8/5/21
5	Colonial HS	Final GMP reconciliation for select existing building systems renovation, capital renewal project.	Gilbane Building Company	Change Order No. 04 to GMP AM 02 to Agreement No. 14CM17SCON001GILBANE for Construction Management Services RFQ 14CM17	(\$604,615.50)	John T. Morris, Chief Facilities Officer	8/12/21
6	Corner Lake MS	Credit of \$34,308.52 for reconciliation of CCD 1 (\$195,958.38) for additional scope of work in Buildings 100, 400, 500, 600, 700, 800, areas of courtyard and site identified during walkthrough not included in original GMP for comprehensive needs project.	Wharton-Smith, Inc.	Change Order No. 09 to GMP AM 01 to Agreement No. 16CM14SCONWHARTON for Construction Management Services RFQ 16CM14	(\$34,308.52)	Craig A. Jackson, Sr. Construction Director	8/12/21
7	Discovery MS	Credit of \$13,735.38 for reconciliation of CCD 01 (\$130,000.00) for chilled water pump replacements for building systems renovation, capital renewal project.	Gilbane Building Company	Change Order No. 04 to GMP AM 01 to Agreement No. 14CM17SCON002GILBANE for Construction Management Services RFQ 14CM17	(\$13,735.38)	Craig A. Jackson, Sr. Construction Director	8/5/21

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CHANGE ORDERS APPROVED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	REQUESTED CONTRACT AMOUNT	APPROVAL REQUIRED	CPSC DATE
8	Discovery MS	Refurbishment and cleaning of chilled and hot water coils, replacement of motorized air damper, reinforcement of plenum, belts, snaking/replacing condensate drains, controls, removing and replacing existing roof vent damper for select renovation of existing building system, capital renewal project.	Gilbane Building Company	Construction Change Directive No. 02 to GMP AM 01 to Agreement No. 14CM17SCON002GILBANE for Construction Management Services RFQ 14CM17	\$25,000.00	Craig A. Jackson, Sr. Construction Director	8/12/21
9	Elementary School Safety Enhancement-Group 2*	Final GMP reconciliation at 14 schools for implementation of distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 04 to Work Authorization No. 19CM09020 for Construction Management Services RFQ 19CM09	(\$171,294.41)	John T. Morris, Chief Facilities Officer	8/12/21
10	Elementary School Safety Enhancement-Group 6*	Final GMP reconciliation at ten (10) schools for implementation of distributed antenna system, life safety project.	T & G Corporation d.b.a. T & G Constructors	Change Order No. 05 to Work Authorization No. 19CM09004B for Construction Management Services RFQ 19CM09	(\$91,893.79)	John T. Morris, Chief Facilities Officer	8/5/21
11	Facilities Building 100B*	Final ODP reconciliation for HVAC system replacement/upgrade district capital project.	Clancy & Theys Construction Co.	Change Order No. 03 to Work Authorization No. 12CM14067B for Construction Management Services RFQ 12CM14	\$20.00	John T. Morris, Chief Facilities Officer	8/12/21
12	Gotha MS	Final ODP reconciliation for select remodeling of existing building systems, capital renewal project.	Gilbane Building Company	Change Order No. 04 to GMP AM 02 to Agreement No. 14CM16SCON002GILBANE for Construction Management Services RFQ 14CM16	\$436,015.62	John T. Morris, Chief Facilities Officer	8/12/21

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CHANGE ORDERS APPROVED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	REQUESTED CONTRACT AMOUNT	APPROVAL REQUIRED	CPSC DATE
13	Gotha MS	Final GMP reconciliation for select remodeling of existing building systems, capital renewal project.	Gilbane Building Company	Change Order No. 05 to GMP AM 02 to Agreement No. 14CM16SCON002GILBANE for Construction Management Services RFQ 14CM16	(\$392,947.36)	John T. Morris, Chief Facilities Officer	8/5/21
14	Horizon HS 113-H-W-4	Increase of owner contingency for prototype new school relief project.	Wharton-Smith, Inc.	Change Order No. 05 to GMP AM 02 to Agreement No. 18CM28SCONWHARTON for Construction Management Services RFQ 18CM28	\$35,000.00	Rory A. Salimbene, Sr. Facilities Executive Director	8/19/21
15	Jones HS	Final ODP reconciliation for building systems replacement, capital renewal project.	McCree Design Builders, Inc.	Change Order No. 02 to GMP AM 01 to Agreement No. 15CM02SCONMCCREE for Construction Management Services RFQ 15CM02	\$317,990.38	John T. Morris, Chief Facilities Officer	8/19/21
16	Jones HS	Use of \$95,044.00 of east stair allowance (\$162,610.00) to demolish and replace existing stairs at Classroom Building 5000 for building systems replacement, capital renewal project.	McCree Design Builders, Inc.	Construction Change Directive No. 02 to GMP AM 01 to Agreement No. 15CM02SCONMCCREE for Construction Management Services RFQ 15CM02	\$0.00	Craig A. Jackson, Sr. Construction Director	8/5/21

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CHANGE ORDERS APPROVED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	REQUESTED CONTRACT AMOUNT	APPROVAL REQUIRED	CPSC DATE
17	Meadow Woods MS	Replace existing chilled water pipe in buildings 600 (Art), 700 (Gymnasium) and 800 (Cafeteria) for comprehensive project.	Wharton-Smith, Inc.	Change Order No. 08 to GMP AM 01 to Agreement No. 18CM26SCONWHARTON for Construction Management Services RFQ 18CM26	\$18,820.84	Craig A. Jackson, Sr. Construction Director	8/19/21
18	Middle School Safety Enhancement Group 7*	Time extension of 16 days due to delay in receiving contract documents at seven (7) schools for implementation of distributed antenna system , life safety project.	Wharton-Smith, Inc.	Change Order No. 03 to Work Authorization No. 19CM09021 for Construction Management Services RFQ 19CM09	\$0.00	Craig A. Jackson, Sr. Construction Director	8/12/21
19	Middle School Safety Enhancement-Group 1*	Time extension of 17 days due to delay in receiving contract documents at four (4) schools for implementation of distributed antenna system , life safety project.	Wharton-Smith, Inc.	Change Order No. 02 to Work Authorization No. 12CM14107B for Construction Management Services RFQ 12CM14	\$0.00	Craig A. Jackson, Sr. Construction Director	8/12/21
20	Middle School Safety Enhancement-Group 1*	Final GMP reconciliation at four (4) schools for implementation of safety enhancement distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 04 to Work Authorization No. 12CM14107B for Construction Management Services RFQ 12CM14	(\$106,877.46)	John T. Morris, Chief Facilities Officer	8/12/21
21	Middle School Safety Enhancement-Group 3*	Final GMP reconciliation at four (4) schools for implementation of distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 04 to Work Authorization No. 19CM09008 for Construction Management Services RFQ 19CM09	(\$114,210.68)	John T. Morris, Chief Facilities Officer	8/12/21
22	Middle School Safety Enhancement-Group 4*	Time extension of 35 days for material delays due to COVID-19 at four (4) schools for implementation of distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 03 to Work Authorization No. 19CM09009 for Construction Management Services RFQ 19CM09	\$0.00	Craig A. Jackson, Sr. Construction Director	8/12/21

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CHANGE ORDERS APPROVED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	REQUESTED CONTRACT AMOUNT	APPROVAL REQUIRED	CPSC DATE
23	Middle School Safety Enhancement-Group 4*	Final GMP reconciliation at four (4) schools for implementation of distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 05 to Work Authorization No. 19CM09009 for Construction Management Services RFQ 19CM09	(\$115,029.13)	John T. Morris, Chief Facilities Officer	8/12/21
24	Middle School Safety Enhancement-Group 5*	Time extension of six (6) days due to delay in receiving contract documents at four (4) schools for implementation of distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 02 to Work Authorization No. 19CM09018 for Construction Management Services RFQ 19CM09	\$0.00	Craig A. Jackson, Sr. Construction Director	8/12/21
25	Middle School Safety Enhancement-Group 5*	Final GMP reconciliation at four (4) schools for implementation of distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 05 to Work Authorization No. 19CM09018 for Construction Management Services RFQ 19CM09	(\$89,207.78)	John T. Morris, Chief Facilities Officer	8/12/21
26	Middle School Safety Enhancement-Group 6*	Time extension of 15 days for manufacturer delays of required battery backups at four (4) schools for implementation of distributed antenna system, life safety project.	Wharton-Smith, Inc.	Change Order No. 03 to Work Authorization No. 19CM09017 for Construction Management Services RFQ 19CM09	\$0.00	Craig A. Jackson, Sr. Construction Director	8/12/21
27	Olympia HS	Final GMP reconciliation for building systems renovations, capital renewal project.	Gilbane Building Company	Change Order No. 07 to GMP AM 03 to Agreement No. 14CM16SCON001GILBANE for Construction Management Services RFQ 14CM16	(\$336,404.75)	John T. Morris, Chief Facilities Officer	8/19/21

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CHANGE ORDERS APPROVED							
ITEM NO.	PROJECT NAME	REASON FOR CHANGE	NAME OF FIRM	DESCRIPTION OF SERVICES	REQUESTED CONTRACT AMOUNT	APPROVAL REQUIRED	CPSC DATE
28	Pinar ES	Time extension of 57 days due to canopy and electrical timer delays for on-site replacement project.	R. L. Burns, Inc.	Change Order No. 06 to GMP AM 01 to Agreement No. 18CM10SCONRLBURNS for Construction Management Services RFQ 18CM10	\$0.00	Craig A. Jackson, Sr. Construction Director	8/19/21
29	Pinar ES	Final ODP reconciliation for construction services, on-site replacement project.	R. L. Burns, Inc.	Change Order No. 09 to GMP AM 01 to Agreement No. 18CM10SCONRLBURNS for Construction Management Services RFQ 18CM10	\$102,722.42	John T. Morris, Chief Facilities Officer	8/26/21
30	Ronald Blocker Educational Leadership Center*	Time extension of 49 days due to delay in receiving contract documents for implementation of distributed antenna system for life safety project.	CORE Construction Services of Florida, LLC	Change Order No. 03 to Work Authorization No. 19CM09016B for Construction Management Services RFQ 19CM09	\$0.00	Craig A. Jackson, Sr. Construction Director	8/12/21
31	Various Schools Safety Enhancement-Group 2*	Final GMP reconciliation at five (5) schools for implementation of distributed antenna system for life safety project	R. L. Burns, Inc.	Change Order No. 02 to Work Authorization No. 12CM14074B for Construction Management Services RFQ 12CM14	(\$134,726.98)	John T. Morris, Chief Facilities Officer	8/12/21

*Not Funded by Sales Tax or Capital Renewal

OCPS FACILITIES & CONSTRUCTION CONTRACTING
RFQs in Progress: AUGUST 2021

No.	Contract Description	Pre Submittal Meeting	Open Date	Shortlist Meeting	Interview Meeting	Board / CFO Date	Construction Cost	Firm Awarded	Status
RFQ 2122PS	A/E Services for Site 129-M-SE-2 MS Relief Project	7/22/2021	8/10/2021	8/24/2021	9/8/2021	9/28/2021	\$36,000,000.00	Schenkel & Shultz, Inc.	Awarded
RFQ 21CM23	CM Services for Site 129-M-SE-2 MS Relief Project	7/22/2021	8/10/2021	8/25/2021	9/9/2021	9/28/2021	\$36,000,000.00	Walker & Company	Awarded
RFQ 2124PS	A/E Services for Seven (7) Site HVAC System Capital Renewal Projec	8/20/2021	9/14/2021	9/28/2021	10/12/2021	10/26/2021	\$9,000,000.00		On-Going
RFQ 21CM25	CM Services for Seven (7) Site HVAC System Capital Renewal Projec	8/20/2021	9/14/2021	9/29/2021	10/13/2021	10/26/2021	\$9,000,000.00		On-Going
RFQ 2126PS	A/E Services for Colonial High School Comprehensive Project	8/31/2021	9/21/2021	10/5/2021	10/19/2021	11/9/2021	\$50,630,000.00		On-Going
RFQ 21CM27	CM Services for Colonial High School Comprehensive Project	8/31/2021	9/21/2021	10/6/2021	10/20/2021	11/9/2021	\$50,630,000.00		On-Going



GUIDANCE MEMORANDUM

To: Citizens' Construction Oversight and Value Engineering Committee (COVE)

From: Amy D. Envall, General Counsel

Date: October 11, 2021

Subject: **Sunshine Law, Public Records, and Ethics**

The following is a compilation of Frequently Asked Questions (FAQs) from those sitting on advisory committees. After each question, there is a short answer and then an excerpt from the [Government in the Sunshine Manual](#) (2020). Hyperlinks to the relevant Florida Statutes, Attorney General Opinions (noted by "AGO" followed by the year and opinion number), and other resources are active. This is also a searchable document.

1. What is the Sunshine Law?

Florida's Sunshine Law provides a right of access to governmental proceedings at both the state and local levels. ***The Sunshine Law generally applies to any gathering, whether formal or casual, of two or more members of the same board or commission meeting to discuss some matter on which foreseeable action will be taken.***

[Article I, Section 24 of the Florida Constitution](#), provides: "All meetings of any collegial body of the executive branch of state government or of any ... county, municipality, school district, or special district, at which official acts are to be taken or at which public business ... is to be transacted or discussed, shall be open and noticed to the public ..."

[Chapter 286, Florida Statutes](#), titled *Public Business: Miscellaneous Provisions*, provides: "All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings."

2. Are advisory committees, which make recommendations, subject to the Sunshine Law? Are committees, established only for fact-finding, subject to the Sunshine Law?

SHORT ANSWER: Yes, advisory committees are subject to the Sunshine Law. Fact-finding only committees may be exempt from the Sunshine Law.

EXCERPT FROM THE MANUAL: Advisory committees created pursuant to law or ordinance or otherwise established by public agencies are subject to the Sunshine Law, even though their recommendations are not binding upon the entities that create them. *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). Accord, *Spillis Candela & Partners, Inc. v. Centrust Savings Bank*, 535 So. 2d 694 (Fla. 3d DCA 1988). "[T]he Sunshine Law equally binds all members of governmental bodies, be they advisory committee members or elected officials." *Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So. 2d 857, 869 (Fla. 3d DCA 1994). And see, *Lyon v. Lake County*, 765 So.

2d 785 (Fla. 5th DCA 2000) (Sunshine Law applies to site plan review committee created by county commission to serve in an advisory capacity to the county manager).

A limited exception to the applicability of the Sunshine Law to advisory committees has been recognized for advisory committees established for fact-finding only. “[A] committee is not subject to the Sunshine Law if the committee has only been delegated information-gathering or fact-finding authority and only conducts such activities.” *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 762 (Fla. 2010). See also *Cape Publications, Inc. v. City of Palm Bay*, 473 So. 2d 222 (Fla. 5th DCA 1985). Accord [AGO 95-06](#) (when a group, on behalf of a public entity, functions solely as a fact-finder or information gatherer with no decision-making authority, no “board or commission” subject to the Sunshine Law is created).

3. What is a meeting that is subject to the Sunshine Law?

SHORT ANSWER: If two or more members of any board or committee meet on any topic which might be potentially voted upon or discussed by the rest of the committee, then that meeting is probably subject to the Sunshine Law. However, when in doubt, notice the meeting.

EXCERPT FROM THE MANUAL: The Sunshine Law extends to the discussions and deliberations as well as the formal action taken by a public board or committee. There is no requirement that a quorum be present for a meeting of members of a public board or committee to be subject to [Section 286.011, Florida Statutes](#). Instead, the law is applicable to any gathering, whether formal or casual, of two or more members of the same board or committee to discuss some matter on which foreseeable action will be taken by the public board or committee. *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973). And see, *City of Miami Beach v. Berns*, 245 So. 2d 38 (Fla. 1971); *Board of Public Instruction of Broward County v. Doran*, 224 So. 2d 693 (Fla. 1969); and *Wolfson v. State*, 344 So. 2d 611 (Fla. 2d DCA 1977). Thus, discussions between two members of a three-member complaint review board regarding their selection of the third member of the board must be conducted in accordance with the Sunshine Law. [AGO 93-79](#). Cf., [AGO 04-58](#) (“coincidental unscheduled meeting of two or more county commissioners to discuss emergency issues with staff” during a declared state of emergency is not subject to [Section 286.011, Florida Statutes](#), if the issues do not require action by the county commission).

4. What about written correspondence between committee members?

SHORT ANSWER: Written correspondence could violate the Sunshine Law, so be careful and avoid the dreaded “reply to all” whenever possible. Remember that written correspondence also includes text messages.

EXCERPT FROM THE MANUAL: The use of a written report by one commissioner to inform other commissioners of a subject which will be discussed at a public meeting is not a violation of the Sunshine Law if, prior to the meeting, there is no interaction related to the report among the commissioners. In such cases, the report, which is subject to disclosure under the Public Records Act, is not being used as a substitute for action at a public meeting as there is no response from or interaction among the commissioners prior to the meeting. [AGO 89-23](#). And see, [AGO 01-20](#) (email communication of factual background information from one city council member to another is a public record and should be maintained by the records custodian for public inspection and copying; however, such communication of information, when it does not result in the exchange of council member’s comments or responses on subjects requiring council action, does not constitute a meeting subject to the Sunshine Law).

5. What if your written communication seeks comments from other committee members?

SHORT ANSWER: If you are asking for the input of others on a report, you are going to violate the Sunshine Law. Staff can help compile comments or suggested changes to a report, but the disclosure of those collective changes must be made in a publicly noticed meeting.

EXCERPT FROM THE MANUAL: If a report is circulated among committee members for comments, with such comments being provided to other members, there is interaction among the committee members which is subject to [Section 286.011, Florida Statutes](#). [AGO 90-03](#). See also, [AGO 96-35](#) (stating that a school board member may prepare and circulate an informational memorandum or position paper to other board members; however, the use of a memorandum to solicit comments from other board members or the circulation of responsive memoranda by other board members would violate the Sunshine Law).

Thus, if a memorandum reflecting the views of a committee member on a pending committee issue is circulated among the committee members with each indicating his or her approval or disapproval and, upon completion of the signatures, the memorandum has the effect of becoming the official action of the committee, there is a violation of the Sunshine Law. Inf. Op. to Blair, June 29, 1973. And see, [AGO 01-21](#) (noting that a process whereby city council members distribute their own position papers to other council members is "problematical" and would violate the Sunshine Law to the extent that any such communication is a response to another council member's statement. Thus, the city council's discussions and deliberations on matters coming before the council must occur at a duly noticed city council meeting and the circulation of position statements must not be used to circumvent the requirements of the statute. Id. Accord, [AGO 07-35](#)).

6. What about discussions conducted via telephones, computers, or other electronic means?

SHORT ANSWER: Any discussion with another member of the committee will be construed as a communication no matter if you use telephones, computers, texts, emails, pony express, or carrier pigeons. If it pertains to an item which might foreseeably be voted upon by the committee, it is subject to the Sunshine Law requirements.

EXCERPT FROM THE MANUAL: As discussed in this manual, the Sunshine Law applies to the deliberations and discussions between two or more members of a board or committee on some matter which foreseeably will come before that board or committee for action. The use of a telephone to conduct such discussions does not remove the conversation from the requirements of [Section 286.011, Florida Statutes](#). See *State v. Childers*, No. 02-21939-MMC; 02-21940-MMB (Escambia Co. Ct. June 5, 2003), per curiam affirmed, 886 So. 2d 229 (Fla. 1st DCA 2004) (telephone conversation during which two county commissioners and the supervisor of elections discussed redistricting violated the Sunshine Law).

Similarly, members of a public board may not use computers to conduct private discussions among themselves about board business. [AGO 89-39](#). Cf., Inf. Op. to Galaydick, October 19, 1995, advising that school board members may share a laptop computer even though the hard drive of the computer contains information reflecting the ideas of an individual member as long as the computer is not being used as a means of communication between members; and [AGO 01-20](#) (a one-way email communication from one city council member to another, when it does not result in the exchange of council members' comments or responses on subjects requiring council action, does not constitute a meeting subject to the Sunshine Law; however, such email communications are public records and must be maintained by the records custodian for public inspection and copying).

7. What about meetings between members of different boards, committees, commissions, or councils?

SHORT ANSWER: Typically, it is not a problem to meet with members of another board or committee so long as you are not meeting with the other committee members to survey how your fellow committee members will be voting.

EXCERPT FROM THE MANUAL: The Sunshine Law does not apply to a meeting between individuals who are members of different boards unless one or more of the individuals has been delegated the authority to act on behalf of his or her board. *Rowe v. Pinellas Sports Authority*, 461 So. 2d 72 (Fla. 1984). Accord, [AGO 84-16](#) (meeting between the chair of a private industry council created pursuant to federal law and the chair of a five-county employment and training consortium created pursuant to state law not subject to Sunshine Law, unless there is a delegation of decision-making authority to the chair of the consortium); and Inf. Op. to McClash, April 29, 1992 (Sunshine Law generally not applicable to county commissioner meeting with individual member of metropolitan planning organization). And see, *News-Press Publishing Company, Inc. v. Lee County, Florida*, 570 So. 2d 1325 (Fla. 2d DCA 1990) (Sunshine Law not applicable to mediation proceeding attended by individual members of city and county boards who were in litigation because only one member of each board was present at the proceedings and no final settlement negotiations, decisions, or actual settlement could be made during the mediation conference).

An individual city council member may, therefore, meet privately with an individual member of the municipal planning and zoning board to discuss a recommendation made by that board since two or more members of either board are not present, provided that no delegation of decision-making authority has been made and neither member is acting as a liaison. [AGO 87-34](#). And see, [AGO 99-55](#) (school board member meeting with member of advisory committee established by school board); and [AGO 97-52](#) (discussions between individual member of community college board of trustees and school board member regarding acquisition of property by school board).

8. What about committee members attending meetings of another public board?

SHORT ANSWER: You can attend a meeting of another public board or commission or council even if other committee members are present; however, you should refrain from sitting next to that member and you may not discuss any potential business that may come before your committee. The recommendation is that you always space yourself at least one seat apart from other committee members to avoid the appearance of impropriety.

EXCERPT FROM THE MANUAL: In [AGO 98-14](#), the Attorney General's Office was asked whether members of a metropolitan planning organization (MPO) who also serve as city council members must separately notice an MPO meeting when they plan to discuss MPO matters at an advertised city council meeting. The opinion concluded that separate notice of the MPO meeting was not required as long as the agenda of the city council meeting mentioned that MPO business would be discussed. Similarly, in [AGO 07-13](#), the Attorney General stated that two county commissioners who were also board members for a regional planning council could take part in council meetings (which were conducted in accordance with [Section 286.011, Florida Statutes](#)) and express their opinions without violating the Sunshine Law. See also, [AGO 00-68](#) (Sunshine Law does not prohibit city commissioners from attending other city board meetings and commenting on agenda items that may subsequently come before the commission for final action; however, city commissioners attending such meetings may not discuss those issues among themselves); and see, [AGO 99-55](#) (a school board member may attend a public meeting of an advisory committee without prior notice of his or her attendance; if, however, it is known that two or more members of the school board are planning to be in attendance and participate, it would be advisable to note their attendance in the notice of the advisory committee meeting); and see, [AGO 98-79](#) (city commissioner may attend a community development board meeting held to consider a proposed city ordinance and express his or her views on the proposed ordinance even though other city commissioners may be in attendance; however, the city commissioners in attendance may not engage in a discussion or debate among themselves); and see, AGOs [05-59](#), [91-95](#), and [77-138](#).

9. What about attendance of two committee members at social events?

SHORT ANSWER: Attend any social events you want with other committee members and feel free to discuss any of the five "F"s – *food, fun, football, friends, or family*; however, be careful not to discuss any business that might come before the committee. The recommendation is to space yourselves appropriately from one another to avoid the appearance of impropriety.

EXCERPT FROM THE MANUAL: Members of a public board or commission are not prohibited under the Sunshine Law from meeting together socially, provided that matters which may come before the board or commission are not discussed at such gatherings. Thus, when two or more members of a public board are attending or participating in meetings or other functions unconnected with their board, they must refrain from discussing matters on which foreseeable action may be taken by the board but are not otherwise restricted in their actions. [AGO 92-79](#).

A luncheon meeting held by a private organization for members of a public board or commission at which there is no discussion among such officials on matters relating to public business would not be subject to the Sunshine Law merely because of the presence of two or more members of a covered board or commission. [AGO 72-158](#). Accord, *Inf. Op. to Batchelor*, May 27, 1982 (Sunshine Law inapplicable when the gathering of two or more members of a board or commission is entirely for social purposes and no public business is discussed).

10. How much notice of a meeting must be given?

SHORT ANSWER: Typically, seven (7) days' notice should be given for any regularly scheduled meeting. The Attorney General has opined that for special or emergency meetings, the agency should provide at least twenty-four (24) hours' notice and preferably seventy-two (72) hours' notice.

EXCERPT FROM THE MANUAL: A vital element of the Sunshine Law is the requirement that boards and committees subject to the law provide "reasonable notice" of all meetings. See [Section 286.011, Florida Statutes](#). Although [Section 286.011, Florida Statutes](#), did not contain an express notice requirement until 1995, many court decisions had stated prior to the statutory amendment that in order for a public meeting to be in essence "public," reasonable notice of the meeting must be given. *Hough v. Stembridge*, 278 So. 2d 288, 291 (Fla. 3d DCA 1973). Accord, *Yarbrough v. Young*, 462 So. 2d 515, 517 (Fla. 1st DCA 1985).

Reasonable public notice is required for all meetings subject to the Sunshine Law. Thus, notice is required for meetings between members of a public board even though a quorum is not present. AGO [90-56](#). And see, *Baynard*

v. City of Chiefl and, Florida, No. 38-2002-CA-000789 (Fla. 8th Cir. Ct. July 8, 2003) (reasonable notice required even if subject of meeting is "relatively unimportant").

Notice is required even though meetings of the board are "of general knowledge" and are not conducted in a closed door manner. *TSI Southeast, Inc. v. Royals*, 588 So. 2d 309, 310 (Fla. 1st DCA 1991). "Governmental bodies who hold unnoticed meetings do so at their peril." *Monroe County v. Pigeon Key Historical Park, Inc.*, 647 So. 2d 857, 869 (Fla. 3d DCA 1994).

11. What kind of notice of the meeting must be given?

SHORT ANSWER: It depends on the nature of the meeting. In some instances, publication in a newspaper of general circulation is required. If not, it is sufficient to post the notice in a place normally reserved for such public notices such as in a town hall, on a publicly accessible bulletin board, and/or on the agency's home web page.

EXCERPT FROM THE MANUAL: The type of notice that must be given is variable, depending on the facts of the situation and the board involved. In some instances, posting of the notice in an area set aside for that purpose may be sufficient; in others, publication in a local newspaper may be necessary. In each case, however, an agency must give notice at such time and in such a manner as will enable the media and the general public to attend the meeting. AGOs [04-44](#), [80-78](#), and [73-170](#). And see, *Rhea v. City of Gainesville*, 574 So. 2d 221, 222 (Fla. 1st DCA 1991), citing to AGO [73-170](#) (stating that the purpose of the notice requirement is to apprise the public of the pendency of matters that might affect their rights, afford them the opportunity to appear and present their views, and afford them a reasonable time to make an appearance if they wish). Cf., *Lyon v. Lake County*, 765 So. 2d 785, 790 (Fla. 5th DCA 2000) (where county attorney provided citizen with "personal due notice" of a committee meeting and its function, it would be "unjust to reward" the citizen by concluding that a meeting lacked adequate notice because the newspaper advertisement failed to correctly name the committee). And see, *Suncam, Inc. v. Worrall*, No. C197-3385 (Fla. 9th Cir. Ct. May 9, 1997) (Sunshine Law requires notice to the general public; agency not required to provide "individual notice" to company that wished to be informed when certain meetings were going to occur).

While the Attorney General's Office cannot specify the type of notice which must be given in all cases, it has suggested the following notice guidelines:

- A. the notice should contain the **time and place** of the meeting and, if available, an **agenda** (or if no agenda is available, subject matter summations might be used);
- B. the notice should be **prominently displayed** in the area in the agency's offices set aside for that purpose (e.g., for cities, in city hall);
- C. **emergency sessions** should be afforded the **most appropriate and effective notice** under the circumstances and special meetings should have at least twenty-four (24) hours' reasonable notice to the public; and
- D. the use of **press releases** and/or **phone calls** to media is highly effective. On matters of **critical public concern** such as rezoning, budgeting, taxation, appointment of public officers, etc., **advertising in the local newspapers of general circulation** would be appropriate.

12. Does the Sunshine Law require that an agenda be made available prior to committee meetings or restrict the committee from taking action on matters not on the agenda?

SHORT ANSWER: No, agendas are not required for most meetings; however, it is good governance to notice and advertise as much as possible the purpose of the meeting. Note that [Section 120.525, Florida Statutes](#), requires that regular school board meetings post an agenda at least seven (7) days before the meeting.

EXCERPT FROM THE MANUAL: The Attorney General's Office recommends publication of an agenda, if available, in the notice of the meeting; if an agenda is not available, subject matter summations may be used. However, the courts have held that the Sunshine Law does not mandate that an agency provide notice of each item to be discussed via a published agenda. Such a specific requirement has been rejected because it could effectively preclude access to meetings by members of the general public who wish to bring specific issues before a governmental body. See, *Hough v. Stembridge*, 278 So. 2d 288 (Fla. 3d DCA 1973). And see, *Yarbrough v. Young*, 462 So. 2d 515 (Fla. 1st DCA 1985) (posted agenda unnecessary; public body not required to postpone meeting due to inaccurate press report which was not part of the public body's official notice efforts). Thus, the Sunshine Law has been interpreted to require notice of meetings, not of the individual items which may be considered at that meeting. However, other

statutes, codes, or ordinances may impose such a requirement and agencies subject to those provisions must follow them.

The Sunshine Law does not require boards to consider only those matters on a published agenda. "[W]hether to impose a requirement that restricts every relevant commission or board from considering matters not on an agenda is a policy decision to be made by the legislature." *Law and Information Services, Inc. v. City of Riviera Beach*, 670 So. 2d 1014, 1016 (Fla. 4th DCA 1996).

For example, [Section 120.525\(2\), Florida Statutes](#), requires that agencies subject to the Administrative Procedure Act (which includes School Boards) must prepare an agenda in time to ensure that a copy may be received at least seven (7) days before the event by any person in the state who requests a copy and who pays the reasonable cost of the copy. The agenda, along with any meeting materials available in electronic form, excluding confidential and exempt information, shall be published on the agency's website. *Id.* After the agenda has been made available, changes may be made only for good cause. *Id.*

13. Does the Sunshine Law limit where meetings of a public committee may be held?

SHORT ANSWER: Yes. Meetings should only take place in locations where the public has access and for school board meetings they must be in their own county.

EXCERPT FROM THE MANUAL: Public access to meetings of public boards or committees is the key element of the Sunshine Law and public agencies are advised to avoid holding meetings in places not easily accessible to the public. The Attorney General's Office, therefore, has suggested that public boards or commissions avoid the use of luncheon meetings to conduct board or commission business. These meetings may have a "chilling" effect upon the public's willingness or desire to attend. People who would otherwise attend such a meeting may be unwilling or reluctant to enter a public dining room without purchasing a meal and may be financially or personally unwilling to do so. *Inf. Op. to Campbell*, February 8, 1999; and *Inf. Op. to Nelson*, May 19, 1980.

In addition, discussions at such meetings by members of the board or commission which are audible only to those seated at the table may violate the "openness" requirement of the law. [AGO 71-159](#). Public boards or commissions are, therefore, advised to avoid holding meetings at places where the public and the press are effectively excluded. [AGO 71-295](#). Cf., *City of Miami Beach v. Berns*, 245 So. 2d 38, 41 (Fla. 1971), in which the Florida Supreme Court observed, "A secret meeting occurs when public officials meet at a time and place to avoid being seen or heard by the public."

[Section 286.011\(6\), Florida Statutes](#), also prohibits boards or commissions subject to the Sunshine Law from holding their meetings at any facility which discriminates on the basis of sex, age, race, creed, color, origin, or economic status, or which operates in such a manner as to unreasonably restrict public access to such a facility. And see, [Section 286.26, Florida Statutes](#) (relating to accessibility of public meetings to the physically handicapped).

Thus, a police pension board should not hold its meetings in a facility where the public has limited access and where there may be a "chilling" effect on the public's willingness to attend by requiring the public to provide identification, to leave such identification while attending the meeting, and to request permission before entering the room where the meeting is held. [AGO 96-55](#). And see, [AGO 05-13](#) (concluding that a city may not require persons wishing to attend public meetings to provide identification as a condition of attendance. This is not to say, however, that an agency may not impose certain security measures on members of the public entering a public building, such as requiring the public to go through metal detectors. *Id.*).

14. Is the public entitled to participate in a meeting?

SHORT ANSWER: Yes, changes in the law in 2013 now provide the public with a greater opportunity to participate in public meetings of boards and committees.

EXCERPT FROM THE MANUAL: The Attorney General has noted that, "the courts of this state and this office have recognized the importance of public participation in open meetings." See [AGO 04-53](#) (and cases cited at footnote 6 therein). In *Evergreen the Tree Treasurers of Charlotte County, Inc. v. Charlotte County Board of County Commissioners*, 810 So. 2d 526 (Fla. 2d DCA 2002), the court held that a county development review committee was subject to the Sunshine Law and should have allowed public comment before making its decision on a project. Cf., [Section 286.0115\(2\)\(b\), Florida Statutes](#) (providing that "[i]n a quasi-judicial proceeding on local government land

use matters, a person who appears before the decisionmaking body who is not a party or a party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, . . .").

However, the Supreme Court has indicated that with regard to certain types of executive meetings, there may not be a right under [Section 286.011, Florida Statutes](#), for a member of the public to participate. In *Wood v. Marston*, 442 So. 2d 934, 941 (Fla. 1983), the Court examined the applicability of the Sunshine Law to a staff committee delegated the authority by the university president to recommend candidates for a university position. Reviewing the activities of a committee carrying out executive functions traditionally conducted without public input, the Court stated:

This Court recognizes the necessity for the free exchange of ideas in academic forums, without fear of governmental reprisal, to foster deep thought and intellectual growth. . . . We hasten to reassure respondents that nothing in this decision gives the public the right to be more than spectators.

However, as the court observed in *Herrin v. City of Deltona*, 38 F.L.W. D1767 (Fla. 5th DCA August 16, 2013), the phrase “open to the public,” as used in [Section 286.011, Florida Statutes](#), means that “meetings must be properly noticed and reasonably accessible to the public, not that the public has the right to be heard at such meetings.” [Section 286.0114\(2\), Florida Statutes](#), now mandates that “[m]embers of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission.” The opportunity to be heard does not have to occur at the same meeting at which the board or commission takes official action if the opportunity “occurs at a meeting that is during the decision-making process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action.”

There are exceptions to the public’s right to participate. Those include official acts pertaining to emergency situations affecting the public health, welfare, or safety, or official acts involving no more than a ministerial act, such as the approval of minutes and ceremonial proclamations. The right to participate also does not apply to certain kinds of meetings such as those exempt from the Government in the Sunshine provisions or those in which the board is acting in a quasi-judicial manner.

15. May a committee adopt reasonable rules to conduct orderly meetings?

SHORT ANSWER: Yes, a committee can limit how much time a member of the public is allowed to speak. By policy, many school boards limit discussion to three (3) minutes per speaker on topics on the agenda.

EXCERPT FROM THE MANUAL: In providing an opportunity for public participation, the Attorney General’s Office has advised that reasonable rules and policies, which ensure the orderly conduct of a public meeting, and which require orderly behavior on the part of those persons attending, may be adopted by a public board. For example, a rule which limits the amount of time an individual may address the committee could be adopted provided that the time limit does not unreasonably restrict the public’s right of access.

In fact, [Section 286.0114, Florida Statutes](#), has set forth some additional provisions on the types of guidelines a board or committee can impose on the public to regulate their participation in public meetings. Among the approved measures are guidelines that:

- A. limit the amount of time an individual has to address the board or commission;
- B. prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions;
- C. prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak on his or her behalf; or
- D. designate a specified period of time for public comment.

Although not directly considering the Sunshine Law, the court in *Jones v. Heyman*, 888 F.2d 1328, 1333 (11th Cir. 1989), recognized that “to deny the presiding officer the authority to regulate irrelevant debate and disruptive behavior at a public meeting--would cause such meetings to drag on interminably, and deny others the opportunity to voice their opinions.” Thus, the court concluded that a mayor’s actions in attempting to confine the speaker to the agenda item in the city commission meeting and having the speaker removed when the speaker appeared to become disruptive constituted a reasonable time, place and manner regulation and did not violate the speaker’s First Amendment rights. And see, *Rowe v. City of Cocoa*, 358 F. 3d 800 (11th Cir. 2004) (city council’s regulation limiting speech of nonresidents during its meetings is viewpoint-neutral and does not violate the First or Fourteenth

Amendment rights of nonresidents). Compare, [AGO 04-53](#) (statute requiring special district board to hold "a public hearing at which time qualified electors of the district may appear and be heard" does not prohibit nonqualified electors from participating).

16. Must written minutes be kept of all Sunshine Law meetings?

SHORT ANSWER: Yes, minutes must be recorded. The Superintendent acts as the recording secretary responsible for recording such minutes of a school board meeting, just as staff would record minutes for advisory committee meetings.

EXCERPT FROM THE MANUAL: [Section 286.011, Florida Statutes](#), specifically requires that minutes of a meeting of a public board or commission be promptly recorded and open to public inspection. While audio recorders may also be used to record the proceedings before a public body, written minutes of the meeting must be taken and promptly recorded. [AGO 75-45](#). The minutes required to be kept for "workshop" meetings are not different than those required for any other meeting of a public board or commission. [AGO 74-62](#).

Draft minutes of a committee meeting may be circulated to individual committee members for corrections and studying prior to approval by the committee, so long as any changes, corrections, or deletions are discussed and adopted during the public meeting when the committee adopts the minutes. AGOs [02-51](#) and [74-294](#). The minutes are public records when the person responsible for preparing the minutes has performed his or her duty even though they have not yet been sent to the committee members or officially approved by the committee. [AGO 91-26](#).

[Section 286.011, Florida Statutes](#), does not specify who is responsible for taking the minutes of public meetings. This appears to be a procedural matter which the individual boards or commissions must resolve. Inf. Op. to Baldwin, December 5, 1990.

17. Are there criminal penalties for violating the Sunshine Law?

SHORT ANSWER: Yes, there are, even though they are hardly ever enforced, unless there is willful intent to violate the Sunshine Law.

EXCERPT FROM THE MANUAL: Any member of a board or commission or of any state agency or authority of a county, municipal corporation, or political subdivision who knowingly violates the Sunshine Law is guilty of a misdemeanor of the second degree. [Section 286.011\(3\), Florida Statutes](#). A person convicted of a second-degree misdemeanor may be sentenced to a term of imprisonment not to exceed sixty (60) days and/or fined up to \$500.00. Sections [775.082\(4\)\(b\)](#) and [775.083\(1\)\(e\)](#), Florida Statutes. Cf., *Wolfson v. State*, 344 So. 2d 611 (Fla. 2d DCA 1977) (indictment charging that defendant, while serving as an elected city commissioner, met with other commissioners at a nonpublic meeting was sufficient to allege a violation of [Section 286.011, Florida Statutes](#), even though it did not allege defendant attended such meetings as a member of the commission). The criminal penalties apply to members of advisory councils subject to the Sunshine Law as well as to members of elected or appointed boards. [AGO 01-84](#) (school advisory council members).

Conduct which occurs outside the state which constitutes a knowing violation of the Sunshine Law is a second-degree misdemeanor. [Section 286.011\(3\)\(c\), Florida Statutes](#). Such violations are prosecuted in the county in which the board or commission normally conducts its official business. [Section 910.16, Florida Statutes](#).

18. Are there non-criminal infractions for violating the Sunshine Law?

SHORT ANSWER: Yes, there are potential civil fines as well that may be imposed for violations of the Sunshine Law.

EXCERPT FROM THE MANUAL: [Section 286.011\(3\)\(a\), Florida Statutes](#), imposes noncriminal penalties for violations of the Sunshine Law by providing that any public officer violating the provisions of the Sunshine Law is guilty of a noncriminal infraction, punishable by a fine not exceeding \$500.00. The state attorney may pursue such actions on behalf of the state. *State v. Foster*, 12 F.L.W. Supp. 1194a (Fla. Broward Co. Ct. September 26, 2005). Accord, [AGO 91-38](#). Cf. *State v. Foster*, 13 F.L.W. Supp. 385a (Fla. 17th Cir. Ct. January 25, 2006) (no right to jury trial is triggered when an individual faces a noncriminal violation of the Sunshine Law).

19. What materials are public records?

SHORT ANSWER: All documents prepared for public purpose, including drafts, are public records and should not be destroyed or deleted.

EXCERPT FROM THE MANUAL: [Section 119.011\(12\), Florida Statutes](#), defines "public records" to include:

all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.

The Florida Supreme Court has interpreted this definition to encompass all materials made or received by an agency in connection with official business, which are used to perpetuate, communicate, or formalize knowledge. *Shevin v. Byron, Harless, Schaffer, Reid and Associates, Inc.*, 379 So. 2d 633, 640 (Fla. 1980). All such materials, regardless of whether they are in final form, are open for public inspection unless the Legislature has exempted them from disclosure. *Wait v. Florida Power & Light Company*, 372 So. 2d 420 (Fla. 1979). Please review the complete text of [Chapter 119, Florida Statutes](#) by clicking on the hyperlink in this sentence.

20. Are Florida's public records laws limited to written documents?

SHORT ANSWER: No, emails, text messages, audio and video recordings, and other non-written documents are subject to the public records law.

EXCERPT FROM THE MANUAL: The term "public record" is not limited to traditional written documents. As the statutory definition states, "tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission" can all constitute public records. Accordingly, "the form of the record is irrelevant; the material issue is whether the record is made or received by the public agency in connection with the transaction of official business." [AGO 04-33](#). Compare, *Rogers v. Hood*, 906 So. 2d 1220, 1223 (Fla. 1st DCA 2005), in which the court ruled that unused or unvoted punch card ballots from the 2000 presidential election in Florida do not constitute public records because they do not "perpetuate, communicate, or formalize knowledge." By contrast, a voted ballot becomes a public record once it is voted because at that point, "the voted ballot, as received by the supervisor of elections in a given county, has memorialized the act of voting." *Id.*

Clearly, as technology changes the means by which agencies communicate, manage, and store information, public records will take on increasingly different forms. Yet, the comprehensive scope of the term "public records" will continue to make the information open to inspection, unless exempted by law.

21. Are emails and text messages public records too?

SHORT ANSWER: Yes, and this is worth repeating – emails and text messages are public records too.

EXCERPT FROM THE MANUAL: Email messages made or received by agency employees in connection with official business are public records and are subject to disclosure in the absence of an exemption. [AGO 96-34](#). Such messages are subject to the statutory restrictions on destruction of public records. [Section 257.36\(6\), Florida Statutes](#), provides that a public record may be destroyed or otherwise disposed of only in accordance with retention schedules established by the Division of Library and Information Services (division) of the Department of State. [Section 119.021\(2\)\(b\), Florida Statutes](#), provides that each agency shall comply with rules establishing retention schedules and disposal processes for public records which are adopted by the records and information management program of the division. See also *In re Amendments to Rule of Judicial Administration 2.051--Public Access to Judicial Records*, 651 So. 2d 1185, 1186 (Fla. 1995) (definition of "judicial records" in Rule 2.420 of the Rules of Judicial Administration, "includes information transmitted by an email system").

The nature of information--that is, that it is electronically generated and transferred--has been determined not to alter its character as a public record under the Public Records Act. [AGO 01-20](#). Thus, the email communication of factual background information and position papers from one official to another is a public record and should be retained in accordance with the retention schedule for other records relating to performance of the agency's functions and formulation of policy. *Id.* Similarly, emails sent by city commissioners in connection with the transaction of official

business are public records subject to disclosure even though the emails contain undisclosed or blind recipients and their email addresses. [AGO 07-14](#). See also [informal AGO opinion on June 8, 2007](#).

Text messages are considered public records even though some legal interpretations note that most such messages could possibly be considered transitory messages and therefore not subject to the public records laws. See informal AGO opinions on [June 2, 2009](#) and [March 17, 2010](#). Difficulty with text messages is in the storage and maintenance of such records. Despite the fact that the records are on a personal phone or device, if the text message concerns public business, it is the obligation of the owner of the device to produce the applicable text messages if requested by a member of the public.

22. What about my personal email, is that public record?

SHORT ANSWER: Typically, your personal email is not considered a public record; however, if you use a personal email account to send communications related to the work of the committee, those particular emails could be considered public records.

EXCERPT FROM THE MANUAL: The Florida Supreme Court has ruled that private email stored in government computers does not automatically become a public record by virtue of that storage. *State v. City of Clearwater*, 863 So. 2d 149 (Fla. 2003). "Just as an agency cannot circumvent the Public Records Act by allowing a private entity to maintain physical custody of documents that fall within the definition of 'public records,' . . . private documents cannot be deemed public records solely by virtue of their placement on an agency-owned computer." Id. at 154. The Court cautioned, however, that the case before it did not involve emails "that may have been isolated by a government employee whose job required him or her to locate employee misuse of government computers." Id. at 151n.2. Cf. *Grapski v. Machen*, Case No. 01-2005-CA-4005 J (Fla. 8th Cir. Ct. May 9, 2006), affirmed per curiam, 949 So. 2d 202 (Fla. 1st DCA 2007) (spam or bulk mail received by a public agency does not necessarily constitute a public record).

23. What about voicemails?

SHORT ANSWER: If voicemails are stored on a public server and they are backed up, they could be a public record.

EXCERPT FROM THE MANUAL: Thankfully, the Attorney General has not yet opined on this matter in the Sunshine Manual. However, they may be deemed to fall under the transitory messages series contemplated by the [GS1-SL-2017](#) (which covers electronic communications that are created primarily to communicate information of short-term value, such as messages reminding employees about scheduled meetings or appointments, or most voicemail messages requesting the recipient to return the call).

24. What about home addresses and telephone numbers?

SHORT ANSWER: Yes, unless otherwise exempt, the home addresses and phone numbers of committee members are public records.

EXCERPT FROM THE MANUAL: As a rule, home addresses and telephone numbers of public officers and employees are not exempt from disclosure. See [AGO 96-88](#) (home addresses and telephone numbers and business addresses and telephone numbers of members of state and district human rights advocacy committees are public records).

25. Are there any exceptions to the disclosure of home addresses and telephone numbers?

SHORT ANSWER: There are a number of possible exceptions, but you will need to consult in the appropriate statutes to make sure to maintain your information remains private.

EXCERPT FROM THE MANUAL: [Section 119.071\(4\)\(d\), Florida Statutes](#), contains a number of exemptions for specified categories of public officials and employees and their families by providing an exemption from disclosure for the home addresses, telephone numbers, photographs, and social security numbers of: active or former law enforcement personnel, including correctional and correctional probation officers; personnel of the Department of Children and Family Services whose duties include the investigation of abuse, neglect, exploitation, fraud, theft, or other criminal activities; and personnel of the Department of Health whose duties are to support the investigation of child abuse or neglect.

Home addresses, telephone numbers, photographs, and social security numbers of current or former state attorneys, assistant state attorneys, statewide prosecutors, or assistant statewide prosecutors are also included. The exemption also applies to firefighters certified in compliance with [Section 633.408, Florida Statutes](#), as well as to current or former federal prosecutors and judges. [Section 119.071\(4\)\(d\)\(1\), \(3\), and \(4\), Florida Statutes](#).

The home addresses, telephone numbers, social security numbers, photographs, and places of employment of the spouses and children of such officers and personnel and the names and locations of the schools and day care facilities attended by their children are also covered by the exemption. [Section 119.071\(4\)\(d\), Florida Statutes](#). The exemption also applies to personnel of the Department of Revenue or local governments whose responsibilities include revenue collection and enforcement or child-support enforcement. [AGO 96-57](#).

Home addresses and telephone numbers of Florida Supreme Court justices and district court of appeal, circuit court, and county judges are exempt as are the home addresses, telephone numbers, and places of employment of the spouses and children of justices and judges and the names and locations of the schools and day care facilities attended by their children. [Section 119.071\(4\)\(d\)\(1\), Florida Statutes](#).

Home addresses, telephone numbers, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers of any local government agency or water management district whose duties include hiring and firing employees, labor contract negotiation, administration, or other personnel-related duties are exempt. [Section 119.071\(4\)\(d\)\(2\), Florida Statutes](#). The same information relating to current or former code enforcement officers is also exempt. [Section 119.071\(4\)\(d\)\(5\), Florida Statutes](#). Current and former juvenile probation and detention officers and supervisors, as well as house parents and supervisors, group treatment leaders and supervisors, rehabilitation therapists, and social services counselors of the Department of Juvenile Justice, are included within this exemption. [Section 119.071\(4\)\(d\)\(7\), Florida Statutes](#). The names, home addresses, telephone numbers, and places of employment of spouses and children of such officers and personnel and the names and locations of the schools and day care facilities attended by their children are also exempt. [Section 119.071\(4\)\(d\)\(2\), \(5\), and \(7\), Florida Statutes](#).

The home addresses, telephone numbers, places of employment, and photographs of current or former guardians ad litem, as defined in [Section 39.820, Florida Statutes](#), as well as the names and other identifying information about the spouses and children of such persons, are exempt from disclosure requirements, if the guardian ad litem provides a written statement that he or she has made reasonable efforts to protect such information from being accessible through other means available to the public. [Section 119.071\(4\)\(d\)\(6\), Florida Statutes](#).

An agency that is the custodian of the personal information specified above but is not the employer of the officer, employee, justice, judge or other person, shall maintain the exempt status of the personal information only if the officer, employee, judge, other person, or the employing agency of the designated employee submits a written request for maintenance of the exemption to the custodial agency. [Section 119.071\(4\)\(d\)\(8\), Florida Statutes](#). See AGOs [04-20](#) (request submitted to property appraiser), [04-18](#) (supervisor of elections), and [97-67](#) (clerk of court). And see [AGO 05-38](#) (exemption "governs the protection of identifying information and does not discriminate as to the documents and records in which the information may be found").

The cellular telephone numbers of telephones provided to law enforcement officers and used in performing law enforcement duties are not exempt from disclosure under this exemption. Inf. Op. to Laquidara, July 17, 2003.

[Section 395.3025\(10\), Florida Statutes](#), establishes that the home addresses, telephone numbers, and photographs of hospital or surgical center employees who provide direct patient care or security services, as well as specified information about the spouses and children of such employees, are confidential and exempt from disclosure requirements. The same information must also be held confidential by the facility upon written request by other employees who have a reasonable belief, based upon specific circumstances that have been reported in accordance with the procedure adopted by the facility, that release of the information may be used to threaten, intimidate, harass, inflict violence upon, or defraud the employee or any member of the employee's family. [Section 395.3025\(11\), Florida Statutes](#).

26. I know there are standards of conduct for public officers, employees of agencies, and local government attorneys. Do those apply to me?

SHORT ANSWER: Yes.

[Section 112.313, Florida Statutes](#), is titled *Standards of conduct for public officers, employees of agencies, and local government attorneys*, and provides, in subsection (1) that “the term ‘public officer’ includes any person elected or appointed to hold office in any agency, **including any person serving on an advisory body.**” (emphasis added).

[Section 112.313\(3\), Florida Statutes](#), is titled *Doing business with one’s agency*, and provides: “No employee of an agency acting in his or her official capacity as a purchasing agent, or public officer acting in his or her official capacity, shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his or her own agency from any business entity of which the officer or employee or the officer’s or employee’s spouse or child is an officer, partner, director, or proprietor or in which such officer or employee or the officer’s or employee’s spouse or child, or any combination of them, has a material interest. Nor shall a public officer or employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the officer’s or employee’s own agency, if he or she is a state officer or employee, or to any political subdivision or any agency thereof, if he or she is serving as an officer or employee of that political subdivision.”

[Section 112.313\(7\)\(a\), Florida Statutes](#), is titled *Conflicting employment or contractual relationship*, and provides: “No public officer or employee of an agency shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, an agency of which he or she is an officer or employee, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the state or any municipality, county, or other political subdivision of the state; nor shall an officer or employee of an agency have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his or her private interests and the performance of his or her public duties or that would impede the full and faithful discharge of his or her public duties.”

27. What if you are aware of any potential conflict of interest that may arise from your serving as a member of the School Board’s advisory committee that you have been recommended for or appointed to?

If you have a conflict, or believe you may have a potential conflict, you should determine if a statutory exemption may apply as provided in [Section 112.313\(2\), Florida Statutes](#). If you believe one of the exemption provisions of [Section 112.313\(12\)\(a\)-\(j\), Florida Statutes](#), applies to you, please note which specific exemption you claim when speaking to your School Board member. You may also seek a waiver of such conflict from the School Board. If you are seeking a waiver from the School Board, you must complete the [Florida Commission on Ethics Form 4A](#) (Disclosure of Business Transaction, Relationship or Interest). Form 4A must be returned for action by the School Board.

28. What if my question is not answered here?

Please do not hesitate to contact Amy at 407-317-3411 or via email at Amy.Envall@ocps.net.

