



Kevin Madok, CPA

Clerk of the Circuit Court & Comptroller – Monroe County, Florida

August 18, 2017

Department of State
Administrative Code & Register
500 S Bronough Street
Tallahassee FL 32399-0250

To Whom It May Concern,

Attached is an electronic copy of Ordinance No. 013-2017 amending Section 18-27(c) of the Monroe County Code by the addition to Section 18-27(c)(1) of Bernstein Park's updated hours; and amending Chapter 18, Article II, to include a Section on conduct specific to Bernstein Park for children's park regulation and restroom facilities' hours; and providing for severability; providing for repeal of all Ordinances inconsistent herewith; providing for incorporation into the Monroe County Code of Ordinances; and providing for an effective date.

This Ordinance was adopted by the Monroe County Board of County Commissioners at a regular meeting, held in formal session, on August 16, 2017. Should you have any questions, please feel free to contact me at (305) 295-3130.

Respectfully Submitted,

Kevin Madok, CPA, Clerk of
the Circuit Court & Comptroller &
ex-officio to the Monroe County
Board of County Commissioners

by: Pamela G. Hancock, D.C.

cc: Project Management
County Attorney
Facilities
BOCC
File

KEY WEST
500 Whitehead Street
Key West, Florida 33040
305-294-4641

MARATHON
3117 Overseas Highway
Marathon, Florida 33050
305-289-6027

PLANTATION KEY
88820 Overseas Highway
Plantation Key, Florida 33070
305-852-7145

PK/ROTH BUILDING
50 High Point Road
Plantation Key, Florida 33070
305-852-7145

ORDINANCE 013 - 2017

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING SECTION 18-27(c) OF THE MONROE COUNTY CODE BY THE ADDITION TO SECTION 18-27(c)(1) OF BERNSTEIN PARK'S UPDATED HOURS; AND AMENDING CHAPTER 18, ARTICLE II, TO INCLUDE A SECTION ON CONDUCT SPECIFIC TO BERNSTEIN PARK FOR CHILDREN'S PARK REGULATION AND RESTROOM FACILITIES' HOURS; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, under Florida Statutes Section 125.01(1)(f), the Board of County Commissioners (BOCC) for Monroe County is granted the authority, among others, to provide parks, playgrounds and recreation areas; and

WHEREAS, BOCC finds that the creation of parks and recreation areas are in the best interests of the citizens of Monroe County; and

WHEREAS, under Florida Statutes Section 125.74(1)(g), the County Administrator has the authority to supervise the care and custody of all County property; and

WHEREAS, the County desires to clarify the hours of operation for Bernstein Park and the hours set forth herein are effective at the stated Park; and

WHEREAS, the County desires to limit access of restroom facilities at Bernstein Park only to the hours the park is open; and

WHEREAS, the County desires to set aside as safe as possible an area for minor children to play within Bernstein Park, thus, restricting access to the children's park as set forth herein;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT THE MONROE COUNTY CODE IS HEREBY AMENDED AS FOLLOWS:

SECTION 1: Section 18-27(c) *Park hours*. Shall be amended as follows:

(c) *Park hours.*

- (1) The parks and beaches listed above are open to the public, Monday through Sunday, for 7:30 a.m. until sunset with the following exceptions:

- Bay Point Park is open every day from 7:30 a.m. until 10:30 p.m.;
- Bernstein Park is open every day from 7:00 a.m. until 10:00 p.m.;
- Big Coppitt Volunteer Fire Department is open every day from 7:30 a.m. until 10:00 p.m.;
- Burr Beach Park is open every day from sunrise until sunset;
- Friendship Park is open every day from 7:30 a.m. until 8:30 p.m.;
- Key Largo Community Park is open every day from 7:00 a.m. to 9:00 p.m.;
- Murray E. Nelson Government Center Park is open every day from 7:00 a.m. until 9:00 p.m.;
- Big Pine Key Park is open every day from 7:30 a.m. to 8:30 p.m.;
- Watson Field Park is open every day from 7:30 a.m. to 10:00 p.m.

SECTION 2: ARTICLE II. CONDUCT IN SPECIFIC PARKS. Shall be amended as follows by creating an additional separate section titled “Bernstein Park” to include the following language:

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Bernstein Park means the area described as follows: Lots 1, 2, 3, 4, and 5, Block 57, George L. McDonald’s Plat of Part of Stock Island, less the Westerly eight feet of Lot 1 and less the Easterly 30 feet of Lot 5, according to the plat thereof as recorded in Plat Book 1, Page 55, of the Public Records of Monroe County, Florida. Also a parcel of submerged land lying South of such Block 57, less that portion sold to Stock Island Utility Company by Warranty Deed recorded in Official Records Book 886, Pages 2446-2450, of the Public Records of Monroe County, Florida, TWP. 67/68 RNG. 25 SEC. 35, 36 & 2 RE# 12385 OR 380-381-382.

Children’s Park means the portion of Bernstein Park that the County Administrator or his designee has, for purposes of public safety and welfare, caused to be enclosed by fencing of any type, including, but not limited to chainlink fencing and post-and-rail fencing, and has posted with signs identifying the enclosed area as a children’s park.

- (b) *Restrooms to be closed during certain hours.* Restroom facilities at Bernstein Park shall be closed from 10:00 p.m. to 7:00 a.m. and no person shall enter or use such facility for any purpose during those hours.

- (c) *Children’s park regulation.* No person over the age of 14 other than a parent, guardian, or other responsible person is allowed in the designated children’s park area(s) unless accompanied by a child 14 years of age or younger.

SECTION 3: SEVERABILITY. If any portion of this ordinance is for any reason held invalid or declared to be unconstitutional, inoperative or void, such holding shall not affect the remaining portions of this ordinance. If this ordinance or any provision thereof shall be held to be inapplicable to any person, property or circumstances, such holding shall not affect its applicability to any other person, property or circumstances.

SECTION 4: CONFLICT WITH OTHER ORDINANCES. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of said conflict.

SECTION 5: INCLUSION IN CODE OF ORDINANCES. The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the County of Monroe, Florida, as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

SECTION 6: TRANSMITTAL AND EFFECTIVE DATE. This Ordinance shall be filed with the Department of State and shall be effective as provided in section 125.66(2), Florida Statutes.

PASSED AND ADOPTED by the Board of County Commissioners of Monroe County, Florida, at a regular meeting of said Board held on the 16th day of August, 2017.

Mayor George Neugent

Yes

Mayor Pro Tem David Rice

Yes

Commissioner Danny Kolhage

Yes

Commissioner Heather Carruthers

Absent

Commissioner Sylvia Murphy

Yes

FILED FOR RECORD
2017 AUG 18 PM 3:13
CLK. CIR. CL.
MONROE COUNTY, FLA

(SEAL)

Attest: KEVIN MADOK, Clerk

BOARD OF COUNTY COMMISSIONERS
OF MONROE COUNTY, FLORIDA

By *Kevin Madok*
Deputy Clerk

By *George L. Neugent*
Mayor/Chairperson

MONROE COUNTY ATTORNEY'S OFFICE
APPROVED AS TO FORM
Patricia Eables
PATRICIA EABLES
ASSISTANT COUNTY ATTORNEY
DATE: 8-1-17

THE REPORTER

RECEIVED

Published Weekly

Tavernier, Monroe County, Florida AUG 2 2017

PROOF OF PUBLICATION

STATE OF FLORIDA COUNTY OF MONROE

Before the undersigned authority personally appeared **RICHARD TAMBORRINO** who on oath, says that he is **PUBLISHER** of **THE REPORTER**, a weekly newspaper published in Tavernier, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

July 28, 2017.

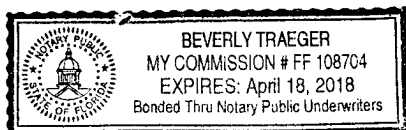
Affiant further says that the said **THE REPORTER** is a newspaper published at Tavernier, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, each week (on Friday) and has been entered as a second class mail matter at the post office in Tavernier, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that **THE REPORTER** is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Richard Tamborrino
Richard Tamborrino, Publisher

Sworn to and subscribed before me this

28 Day of July, 2017

Beverly Traeger
Notary
(SEAL)



Ad# 0003192407

NOTICE OF INTENTION TO CONSIDER ADOPTION OF COUNTY ORDINANCE

NOTICE IS HEREBY GIVEN TO WHOM IT MAY CONCERN that on August 16, 2017 at 3:00 P.M., or as soon thereafter as may be heard, in the Harvey Government Center, 1200 Truman Avenue, Key West, Monroe County, Florida, the Board of County Commissioners of Monroe County, Florida, intends to consider the adoption of the following County ordinance:

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA AMENDING SECTION 18-27(c) OF THE MONROE COUNTY CODE BY THE ADDITION TO SECTION 18-27(c)(1) OF BERNSTEIN PARK'S UPDATED HOURS; AND AMENDING CHAPTER 18, ARTICLE II, TO INCLUDE A SECTION ON CONDUCT SPECIFIC TO BERNSTEIN PARK FOR CHILDREN'S PARK REGULATION AND RESTROOM FACILITIES' HOURS; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL OF ALL ORDINANCES INCONSISTENT HERewith; PROVIDING FOR INCORPORATION INTO THE MONROE COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

Pursuant to Section 286.0105, Florida Statutes, notice is given that if a person decides to appeal any decision made by the Board with respect to any matter considered at such hearings or meetings, he will need a record of the proceedings, and that, for such purpose, he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

ADA ASSISTANCE: If you are a person with a disability who needs special accommodations in order to participate in this proceeding, please contact the County Administrator's Office, by phoning (305) 292-4441, between the hours of 8:30 a.m. - 5:00 p.m., no later than five (5) calendar days prior to the scheduled meeting; if you are hearing or voice impaired, call "711".

Dated at Key West, Florida,

CONTINUED IN NEXT COLUMN

this 19th day of July, 2017.

KEVIN MADOK, Clerk of the Circuit Court (SEAL) and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida

Published July 28, 2017
The Reporter

AUG 2 2017

MONROE COUNTY ATTORNEY

FLORIDA KEYS
KEYNOTER

Published Twice Weekly
Marathon, Monroe County, Florida

PROOF OF PUBLICATION

**STATE OF FLORIDA
COUNTY OF MONROE**

Before the undersigned authority personally appeared **RICHARD TAMBORRINO** who on oath, says that he is **PUBLISHER** of the **FLORIDA KEYS KEYNOTER**, a twice weekly newspaper published in Marathon, in Monroe County, Florida: that the attached copy of advertisement was published in said newspaper in the issues of: (date(s) of publication)

July 26, 2017

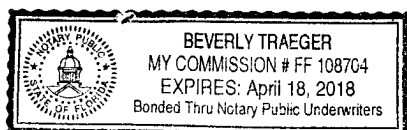
Affiant further says that the said FLORIDA KEYS KEYNOTER is a newspaper published at Marathon, in said Monroe County, Florida, and that the said newspaper has heretofore been continuously published in said Monroe County, Florida, twice each week (on Wednesday and Saturday) and has been entered as a second class mail matter at the post office in Marathon, in Monroe County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement. The affiant further says that he has neither paid nor promised any person, firm, or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper(s) and that The Florida Keys Keynoter is in full compliance with Chapter 50 of the Florida State Statutes on Legal and Official Advertisements.

Richard Tamborrino
Richard Tamborrino, Publisher

Sworn to and subscribed before me this

26 Day of July, 2017

Beverly Traeger
Notary
(SEAL)



Ad# 0003192405

**NOTICE OF INTENTION TO
CONSIDER ADOPTION OF
COUNTY ORDINANCE**

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CONTINUED IN NEXT COLUMN

COUNTY CODE OF ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

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Dated at Key West, Florida, this 19th day of July, 2017.

KEVIN MADOK, Clerk of the Circuit Court (SEAL) and ex officio Clerk of the Board of County Commissioners of Monroe County, Florida

Published July 26, 2017
Florida Keys Keynoter

July 24, 2017
Key West Citizen



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

August 18, 2017

Honorable Kevin Madok
Clerk of the Circuit Court
Monroe County
500 Whitehead Street, Suite 101
Key West, Florida 33040

Attention: Ms. Pam Hancock

Dear Mr. Madok:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Monroe County Ordinance No. 013-2017, which was filed in this office on August 18, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb