

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: September 1, 2026	☒ Consent	☐ Regular
	☐ Ordinance	☐ Public Hearing

Department: Facilities Development & Operations

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve: Third Amendment to the Agreement (R2022-1245) with the Friends of Mounts Botanical Garden, Inc. (FMBG) (Agreement) to extend the term of the agreement from October 18, 2026, to October 17, 2027, for the development of a new Master Plan (Master Plan) for the Mounts Botanical Garden (Garden), and to incorporate the County’s standard Digital Accessibility Compliance provision.

Summary: On October 18, 2022, the Board of County Commissioners (BCC) approved the Agreement with FMBG for the development of a new Master Plan for the Garden. The First Amendment (R2024-1325) extended the term through October 17, 2025, and the Second Amendment (R2025-1243) extended the term through October 17, 2026. To allow adequate time for continued collaboration with County staff and for the consulting firm, Perkins + Will, Inc., selected by FMBG, to develop the Master Plan proposal, FMBG is requesting to exercise the final of three (3) one (1)-year renewal options under the Agreement. FMBG has executed the Third Amendment, which extends the term to October 17, 2027, and the renewal now requires approval by the BCC. The Third Amendment extends the term of the Agreement and adds the County’s standard Digital Accessibility Compliance provision. Other than the changes set forth herein, all other terms remain the same. There is no fiscal impact associated with this item. (FDO Admin) District 2/Countywide (MWJ)

Background and Justification: FMBG and the County have collaborated on the operation and management of the Garden since 1983. In 1992, a formal agreement (1992 Agreement) was entered into by the parties to provide how Palm Beach County and FMBG would collaborate in the operation and management of the Garden. On October 18, 2022, the BCC approved the Agreement to develop a new Master Plan for the Garden. FMBG, in collaboration with County staff, is to lead and fund the process for the development of the new Master Plan. Upon completion of the Master Plan and recommendation for approval of same by FMBG, the Master Plan will be submitted to the BCC for approval. On October 8, 2024, the BCC approved the First Amendment to the Agreement, which extended the term through October 17, 2025, and incorporated standard provisions addressing Foreign Gifts and Human Trafficking. On September 16, 2025, the BCC approved the Second Amendment, which extended the term through October 17, 2026, and updated the nondiscrimination provision. The Agreement allows for three (3) one (1)-year renewal options. Upon approval of this Third Amendment, no renewal options remain. Upon BCC approval of the Master Plan, FMBG and County staff will revisit the 1992 Agreement regarding the collaboration in the operation and management of the Garden.

- Attachment:**
- 1. Location Map
 - 2. Third Amendment – Friends of Mounts Botanical, Inc.

Recommended By: <u>MJ Summit</u>	<u>July 24, 2026</u>
Department Director	Date
Approved By: <u>Paul</u>	<u>8/3/26</u>
Chief Deputy County Administrator	Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2026	2027	2028	2029	2030
Capital Expenditures					
Operating Costs					
External Revenues					
Program Income (County)					
In-Kind Match (County)					
NET FISCAL IMPACT	0.00*	0.00	0.00	0.00	0.00
# ADDITIONAL FTE POSITIONS (Cumulative)					

Is Item Included in Current Budget: Yes No X
Is this item using Federal Funds: Yes No X
Is this item using State Funds: Yes No X

Budget Account No: Fund Dept Unit Object

B. Recommended Sources of Funds/Summary of Fiscal Impact:

*This is no fiscal impact associated with this agenda item.

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Development Comments:

OFMB 7/28/2026
Contract Development and Control 7/29/26
26 7.28.26

B. Legal Sufficiency:

Chief Assistant County Attorney 8/3/26

C. Other Department Review:

Department Director

This summary is not to be used as a basis for payment.

ATTACHMENT 1
Location Map



Address: 531 N. Military Trail, WPB

THIRD AMENDMENT TO AGREEMENT

THIS THIRD AMENDMENT to the Agreement R2022-1245 dated October 18, 2022, as amended by R2024-1325 dated October 8, 2024, and R2025-1243 dated September 16, 2025 (collectively, “the Agreement”), is made and entered into on _____, by and between Palm Beach County, a political subdivision of the State of Florida, by and through its Board of County Commissioners (hereinafter referred to as “COUNTY”), and the Friends of the Mounts Botanical Garden, Inc., a Florida not-for-profit corporation (hereinafter referred to as “FMBG”) (collectively, the “Parties”).

In consideration of the mutual covenants and agreements herein contained, the parties agree as follows:

1. The term of the Agreement is renewed beginning on October 18, 2026, and continuing through October 17, 2027, pursuant to the exercise of the third and final one (1) year renewal option.
2. Section V of the Agreement is hereby modified to add the following:

S. Digital Accessibility Compliance. Consultant acknowledges that the County is a public entity subject to Title II of the Americans with Disabilities Act (ADA) and applicable federal accessibility regulations. Consultant represents and warrants that all websites, web-based applications, digital services, electronic documents, multimedia, and other electronic content created, developed, provided, submitted, maintained, or delivered under this Agreement that may be electronically displayed, accessed, distributed, or made available to the public by the County shall conform to the Web Content Accessibility Guidelines (WCAG) 2.1, Level AA, or any successor standard adopted by the U.S. Department of Justice.

All electronic documents submitted to the County, including but not limited to PDFs, reports, forms, presentations, and public-facing materials, shall be provided in an accessible format compliant with the applicable accessibility standard at the time of delivery.

Consultant shall ensure that any updates, revisions, or modifications to such digital content remain compliant throughout the term of this Agreement. Upon request, Consultant shall provide documentation reasonably demonstrating accessibility compliance. If any deliverable is determined by the County to be noncompliant, Consultant shall promptly remediate the noncompliance at no additional cost to the County and within a timeframe specified by the County. Consultant shall ensure that any third-party digital content or platforms used in performance of this Agreement either comply with the requirements herein or that an accessible alternative acceptable to the County is provided.

Failure to comply with this subsection shall constitute a material breach of this Agreement.

3. Except as specifically modified above, the terms and conditions of the Agreement are hereby confirmed and remain in full force and effect.

REMAINDER OF PAGE LEFT BLANK INTENTIONALLY

IN WITNESS WHEREOF, the Board of County Commissioners of Palm Beach County, Florida has made and executed this Amendment on behalf of the COUNTY and FMBG has hereunto set its hand the day and year above written.

ATTEST:

**MICHAEL CARUSO,
CLERK OF THE CIRCUIT...
COURT& COMPTROLLER**

**PALM BEACH COUNTY, a Political
Subdivision of the State of Florida,
by its Board of County Commissioners**

By: _____
Deputy Clerk

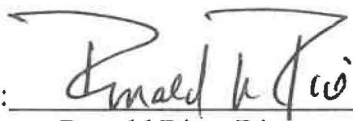
By: _____
Sara Baxter, Mayor

**APPROVED AS TO
LEGAL SUFFICIENCY**

By: _____
Chief Asst. County Attorney

**APPROVED AS TO TERMS
AND CONDITIONS**

By: MB _____
Jeniffer Ferriol, FDO Director

By:  _____
Ronald Rice, Director,
Extension Department

FRIENDS OF THE MOUNTS
BOTANICAL GARDEN, INC.

Witnesses for
Friends of Mounts:

Colin Hughes
Witness Signature

Colin Hughes
Name (typed or printed)

Kathleen Fitzgerald
Witness Signature

Kathleen Fitzgerald
Name (typed or printed)

By: Scott Scovill
Scott Scovill, President

EXHIBIT B

NONGOVERNMENTAL ENTITY HUMAN TRAFFICKING AFFIDAVIT

Section 787.06(13), Florida Statutes

(Executed in connection with Third Amendment to Agreement R2022-1245)

THIS AFFIDAVIT MUST BE SIGNED AND NOTARIZED

I, the undersigned, am an officer or representative of _____
Friends of the Mounts Botanical Garden, Inc., (FMBG) and attest that FMBG does not use
coercion for labor or services as defined in section 787.06, Florida Statutes.

Under penalty of perjury, I hereby declare and affirm that the above stated facts are true
and correct.

Scott D. Scovill

(signature of officer or representative)

Scott D. Scovill

(printed name and title of officer or representative)

State of Florida, County of Palm Beach

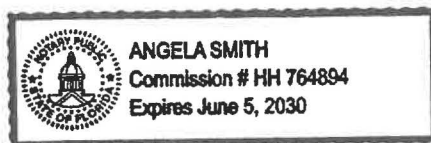
Sworn to and subscribed before me by means of ☒ physical presence or ☐ online notarization
this, 25th day of JUNE 2026, by SCOTT D. SCOVILL.

Personally known ☒ OR produced identification ☐.

Type of identification produced N/A.

Angela Smith

NOTARY PUBLIC
My Commission Expires:
State of Florida at large



(Notary Seal)

2026 FLORIDA NOT FOR PROFIT CORPORATION ANNUAL REPORT

DOCUMENT# 768221

Entity Name: FRIENDS OF THE MOUNTS BOTANICAL GARDEN, INC.

Current Principal Place of Business:

559 N. MILITARY TRAIL
W. PALM BEACH, FL 33415

FILED
Mar 19, 2026
Secretary of State
7200991817CC

FOR CDC USE ONLY

Current Mailing Address:

559 N. MILITARY TRAIL
W. PALM BEACH, FL 33415 US

FEI Number: 59-2418059

Certificate of Status Desired: No

Name and Address of Current Registered Agent:

MAY, JAMES E
C/O FRIENDS OF THE MOUNTS BOTANICAL GARDEN
559 NORTH MILITARY TRAIL
WEST PALM BEACH, FL 33415 US

The above named entity submits this statement for the purpose of changing its registered office or registered agent, or both, in the State of Florida.

SIGNATURE: JAMES E MAY 03/19/2026
Electronic Signature of Registered Agent Date

Officer/Director Detail :

Title	EXECUTIVE DIRECTOR	Title	PRESIDENT
Name	MAY, JAMES E.	Name	SCOVILL, SCOTT
Address	559 N. MILITARY TRAIL	Address	559 N. MILITARY TRAIL
City-State-Zip:	W. PALM BEACH FL 33415	City-State-Zip:	W. PALM BEACH FL 33415
Title	DIRECTOR (HONORARY)	Title	IMMEDIATE PAST PRESIDENT (HONORARY)
Name	CURRY, GRETA	Name	DOANE, REBECCA
Address	559 N. MILITARY TRAIL	Address	559 N. MILITARY TRAIL
City-State-Zip:	W. PALM BEACH FL 33415	City-State-Zip:	W. PALM BEACH FL 33415
Title	TREASURER	Title	DIRECTOR
Name	BARISH, CHARLES	Name	DELATE, MARY-THERESE
Address	559 N. MILITARY TRAIL	Address	559 N. MILITARY TRAIL
City-State-Zip:	W. PALM BEACH FL 33415	City-State-Zip:	W. PALM BEACH FL 33415
Title	DIRECTOR	Title	RECORDING SECRETARY
Name	GANNON, ANNE	Name	HOUGHTELIN, CHERYL
Address	559 N. MILITARY TRAIL	Address	559 N. MILITARY TRAIL
City-State-Zip:	W. PALM BEACH FL 33415	City-State-Zip:	W. PALM BEACH FL 33415

Continues on page 2

I hereby certify that the information indicated on this report or supplemental report is true and accurate and that my electronic signature shall have the same legal effect as if made under oath; that I am an officer or director of the corporation or the receiver or trustee empowered to execute this report as required by Chapter 617, Florida Statutes; and that my name appears above, or on an attachment with all other like empowered.

SIGNATURE: JAMES MAY EXECUTIVE DIRECTOR 03/19/2026
Electronic Signature of Signing Officer/Director Detail Date

Officer/Director Detail Continued :

Title DIRECTOR
Name KRAMER, CHRISTINA
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name MENDOZA, CLAUDIA
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name WHELAN, TIM
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name SMITH, SANDY
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name ROSS, KRISTINE
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name MARCUS, KAREN
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title VP
Name SINGER, JOSEPH
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name ZIMMERMAN, MICHAEL
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name CLIFF, BRUCE A.
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

Title DIRECTOR
Name RUSTIN, JANICE
Address 559 N. MILITARY TRAIL
City-State-Zip: W. PALM BEACH FL 33415

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

9/9/2025

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER BHS Insurance 3055 44th St SW Grandville MI 49418	INSURED Friends of the Mounts Botanical Garden Inc 559 N. Military Trail W. Palm Beach FL 33415	FRIEOFT-03	CONTACT NAME: certificates@bhsins.com	
			PHONE (A/C, No, Ext): 616-531-1900	FAX (A/C, No): 616-574-3317
			E-MAIL ADDRESS: certificates@bhsins.com	
			INSURER(S) AFFORDING COVERAGE	NAIC #
			INSURER A : Hartford Casualty Insurance Co	29424
			INSURER B : Trumbull Insurance Company	27120
			INSURER C : The Hartford	22357
			INSURER D :	
			INSURER E :	
			INSURER F :	

COVERAGES

CERTIFICATE NUMBER: 412463999

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR		TYPE OF INSURANCE		ADDL SUBR INSD WVD		POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS		
A	☒	COMMERCIAL GENERAL LIABILITY				81UUNOZ1H2S	9/30/2025	9/30/2026	EACH OCCURRENCE		\$ 1,000,000
	☐	CLAIMS-MADE ☒ OCCUR							DAMAGE TO RENTED PREMISES (Ea occurrence)		\$ 300,000
	☐								MED EXP (Any one person)		\$ 10,000
	☐								PERSONAL & ADV INJURY		\$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:								GENERAL AGGREGATE		\$ 2,000,000
	☐	POLICY ☐ PRO-JECT ☒ LOC			PRODUCTS - COMP/OP AGG				\$ 2,000,000		
	☐	OTHER:							\$		
B	☒	AUTOMOBILE LIABILITY				81UEN0Z1H9T	9/30/2025	9/30/2026	COMBINED SINGLE LIMIT (Ea accident)		\$ 1,000,000
	☐	ANY AUTO							BODILY INJURY (Per person)		\$
	☐	OWNED AUTOS ONLY	☐	SCHEDULED AUTOS					BODILY INJURY (Per accident)		\$
	☒	HIRED AUTOS ONLY	☒	NON-OWNED AUTOS ONLY					PROPERTY DAMAGE (Per accident)		\$
	☐		☐								\$
A	☒	UMBRELLA LIAB		☒	OCCUR	81RHUOZ1H42	9/30/2025	9/30/2026	EACH OCCURRENCE		\$ 5,000,000
	☐	EXCESS LIAB		☐	CLAIMS-MADE				AGGREGATE		\$ 5,000,000
	☐	DED ☒	RETENTION \$ 10,000								\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			☐ Y ☒ N	N/A	81WEOZ1H1H	9/30/2025	9/30/2026	☒ PER STATUTE	☐ OTHER	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)								E.L. EACH ACCIDENT		\$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below								E.L. DISEASE - EA EMPLOYEE		\$ 1,000,000
									E.L. DISEASE - POLICY LIMIT		\$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Palm Beach County Board of Commissioners, a Political Subdivision of the State of Florida, its Officers, Employees and Agents are included as additional insured, relative to General Liability, as required by written contract, per the insured's policy forms. A Waiver of Subrogation applies to the additional insured, relative to General Liability and Workers Compensation, as required by written contract.

CERTIFICATE HOLDER

CANCELLATION

Palm Beach County Board of County Commissioners c/o Cooperative Extension Service Department 559 N Military Trail West Palm Beach FL 33415	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 

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