



**CITY COMMISSION - CITY OF WILDWOOD**

**Mayor/Commissioner – Ed Wolf – Seat 1**

Mayor Pro-Tem/Commissioner – Pamala Harrison-Bivins – Seat 2

Robby Strickland – Seat 3

Don C. Clark – Seat 4

Julian Green – Seat 5

Bill Ed Cannon – City Manager

**AGENDA**

**SPECIAL MEETING**

**October 3, 2014 – 11:00 AM**

City Hall Commission Chamber

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Persons with disabilities needing assistance to participate in any of these proceedings should contact the City Clerk's Department, ADA Coordinator, at 352-330-1330, Ext. 102, forty-eight (48) hours in advance of the meeting.

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F.S.S. 286.0105A - If a person decides to appeal any decision made by the Commission with respect to any matter considered at this meeting, they will need a record of the proceedings, and that for such purpose they 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.

The City of Wildwood DOES NOT provide this verbatim record.

City Hall Commission Chamber - 100 N. Main Street, Wildwood, FL 34785

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**1. CALL TO ORDER:**

- INVOCATION
- FLAG SALUTE
- PLEASE TURN OFF ALL CELL PHONES AND PAGERS

**2. CONSENT AGENDA/INFORMATIONAL ITEMS**

*(A consent agenda may be presented by the Mayor at the beginning of a meeting. Items may be removed from the consent agenda on the request of any one Commissioner. Items not removed may be adopted by general consent without debate. Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Commission.)*

- a. Minutes for approval: None

**3. PRESENTATIONS AND/OR PROCLAMATIONS**

**4. PUBLIC HEARINGS – 7:00 PM**

**5. PUBLIC FORUM – 10 minute time limit**

**6. ORDINANCES FIRST READING ONLY (NO VOTE)**

- a. **ORDINANCE O2014-41 AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILDWOOD REQUIRING THE REGISTRATION AND MAINTENANCE OF PROPERTIES IN FORECLOSURE; PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; ESTABLISHING REQUIREMENTS FOR MORTGAGES; MAKING CERTAIN ACTS UNLAWFUL; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.** (Attachments. Staff recommends approval)

**7. RESOLUTIONS FOR APPROVAL**

- a. **RESOLUTION R2013-35 A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ADDING A NEW POLICY 8.23 PUBLIC RECORDS POLICY TO THE CITY OF WILDWOOD PERSONNEL RULES AND REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.** (Attachments. Staff recommends approval).

8. **FINANCIAL & CONTRACTS & AGREEMENTS**
9. **GENERAL ITEMS FOR CONSIDERATION/DISCUSSION and OTHER BUSINESS**
  - a. Recreation requests approval for the Wildwood Middle High School Annual Homecoming Parade to be held on October 10, 2014.
10. **APPOINTMENTS**
11. **CITY MANAGER REPORTS**
12. **CITY ATTORNEY REPORTS**
13. **CITY CLERK REPORTS**
14. **OTHER DEPARTMENT REPORTS**
15. **COMMISSION MEMBERS REPORTS**
16. **ADJOURNMENT**

**IMPORTANT DATES (No Attachments)**

1. October 13, 2014 – City Commission Meeting – 7:00 p.m.
2. October 27, 2014 – City Commission Meeting – 7:00 p.m.

**ORDINANCE NO. 02014-41**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF WILDWOOD REQUIRING THE REGISTRATION AND MAINTENANCE OF PROPERTIES IN FORECLOSURE; PROVIDING FOR FINDINGS; PROVIDING FOR DEFINITIONS; ESTABLISHING REQUIREMENTS FOR MORTGAGEES; MAKING CERTAIN ACTS UNLAWFUL; PROVIDING PENALTIES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, property subject to a mortgage in default often ends up in situations causing neighborhood blight as a result of lack of adequate monitoring, maintenance and security; and

WHEREAS, the recent wave of foreclosures during the current economic recession has caused a significant increase in properties becoming vacant within the City; and

WHEREAS, the abandonment of real property due to foreclosure often results in property becoming deteriorated and a public nuisance; and

WHEREAS, mortgagees have an interest in maintaining real property that is subject to foreclosure proceedings so the property does not become an eyesore to the neighborhood or a public nuisance; and

WHEREAS, it is in the public interest to address, through code enforcement, the safety, aesthetic, and economic concerns caused by real property in foreclosure; and

WHEREAS, the City Commission's intent by imposing the registration and other requirements set forth in this ordinance, is to decrease the likelihood of vacant real property and real property in foreclosure from becoming public eyesores and public nuisances; and

WHEREAS, the City desires to provide a local mechanism to collect and share information regarding foreclosed real properties so these properties can quickly move into the hands of owners who can make productive use of them for the economic well-being of the community; and

WHEREAS, the City Commission of the City of Wildwood, Florida, hereby finds this ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Wildwood.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the City Commission of Wildwood, Florida, as follows:

**Section 1. Title.**

This Ordinance shall be known and may be cited as "Wildwood Abandoned and Neglected Property Registration Ordinance".

**Section 2. Purpose and intent.**

It is the purpose and intent of the City to establish a process to address the amount of real property located within the City which is in the default or foreclosure process. It is the City's further intent to establish a program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned and neglected properties.

**Section 3. Definitions.**

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Abandoned real property* means any real property that is vacant or shows evidence of vacancy, and is under a current notice of default and/or notice of mortgagee's sale by the lender or a pending tax assessor's lien sale and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure or sale.

*Accessible property* means a property that is accessible through a comprised/breached gate, fence, wall, etc.

*Accessible structure* means a structure/building that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

*Enforcement officer* means any full time law enforcement officer, building official, zoning inspector, code enforcement officer, fire inspector or building inspector employed within the City.

*Evidence of vacancy* means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but not be limited to, overgrown and/or dead vegetation, accumulation of abandoned personal property, utilities being shut off, lack of response to notices, returned or forwarded mail, unsecured doors, absence of, or

condition of, personal belongings on the property, statements by neighbors, passers-by, delivery agents or government agents, among other evidence that the property is vacant.

*Foreclosure* means the legal process by which a parcel, tract, lot or other defined area of real property, placed as security for a real estate loan, is prepared for sale by the lender/mortgagee to satisfy the debt if the borrower/mortgagor defaults. This definition shall include all processes, activities and actions, by whatever name, associated with the described process.

*Private property* means all lands and improvements other than public lands and improvements.

*Property Management Company* means a local property manager, property maintenance company or similar entity responsible for the maintenance of real property.

*Public property* means canals, all waterways, lands and improvements owned by a governmental body or any governmental agency including but not limited to easements and rights-of-way, but excluding the campus of any institution of the state university system.

*Neglected real property* means any improved property that is in default or foreclosure, whether occupied or abandoned, which is not maintained as required by Wildwood Code of Ordinances. These properties include, but are not limited to, those under a current notice of default and/or notice of mortgagee's sale by the lender, or a pending tax assessor's lien sale, and/or properties that have been the subject of a foreclosure sale where the title was retained by the beneficiary of a mortgage involved in the foreclosure, and any properties transferred under a deed in lieu of foreclosure or sale.

*Vacant* means any building/structure that is not legally occupied.

#### **Section 4. Applicability.**

This article shall be considered cumulative and not superseding or subject to any other law or provision for same, but shall rather be an additional remedy available to the City above and beyond any other state, county and/or local provisions for same.

#### **Section 5. Registration of abandoned and/or neglected real property.**

(a) Any mortgagee who holds a mortgage on real property located within the City shall perform an inspection of the property that is the security for the mortgage within ten (10) days of the issuance of a notice of default by the mortgagee. Each

abandoned or neglected real property in default shall be registered by the mortgagee with the City of Wildwood.

(b) Registration pursuant to this Section shall contain the name of the mortgagee, the direct mailing address of the mortgagee, a direct contact name and telephone number of the mortgagee, including facsimile number and e-mail address and, in the case of a corporation or out-of-area mortgagee, the local property management company responsible for the security and maintenance of the property.

(c) An annual non-refundable registration fee in the amount of \$125.00, per property, shall accompany the registration form.

(d) This Section shall also apply to properties that have been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale.

(e) Properties subject to this Section shall remain under the annual registration requirement, and the security and maintenance standards of this Section as long as they remain in default or foreclosure.

(f) Any person or corporation that has registered a property under this Section must report any change of information contained in the registration within ten days of the change.

#### **Section 6. Maintenance requirements.**

(a) All properties in the City, including properties subject to this Section, shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices, except those required by federal, state, or local law; discarded personal items, included, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned or not being properly maintained. Weeds, overgrown brush or dead vegetation over ten (10) inches tall are prohibited.

(b) The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

(c) Front, side, and rear yard landscaping shall be maintained in accordance with the City's standards.

(d) Yards shall be landscaped and maintained pursuant to the standards set forth in the Code. Landscape shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod. Landscaped areas shall not include weeds, gravel, broken concrete, asphalt or similar material.

(e) Maintenance shall include, but not be limited to, watering, irrigation, cutting, and mowing of required landscape and removal of all trimmings.

(f) Pools and spas shall be maintained so the water remains free and clear of pollutants and debris. Pools and spas shall comply with the requirements of the City Code of Ordinances.

(g) Failure of the mortgagee and/or property owner of record to properly maintain the property may result in a violation of the City Code and issuance of a citation or Notice of Violation/Notice of Hearing by a City's code enforcement officer. Pursuant to a finding and determination by the City's Code Enforcement Board or Special Magistrate, the City may take the necessary action to ensure compliance with this section. Where property is abandoned or neglected, the City's code enforcement officer may bring a case against either the mortgagee, even if the property is not yet owned by the mortgagee, or the property owner or both.

(h) Compliance with this ordinance does not relieve the owner of any applicable obligations set forth elsewhere in the City of Wildwood Code of Ordinances, the City of Wildwood Land Development Regulations, or within any covenants, conditions and restrictions and/or homeowner's association rules and regulations.

## **Section 7. Security requirements.**

(a) Abandoned or neglected real properties subject to this Section shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

(b) A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property and/or structure. Broken windows shall be secured by either replacing, glazing or boarding of the window.

(c) Any excavations or swimming pools, (whether finished or unfinished) must be filled in with dirt or properly barricaded or secured.

(d) When a property becomes abandoned or neglected and the mortgagee has been notified, the mortgagee shall assume responsibility or, if out of the area contract with a local property management company, to perform biweekly inspections to verify compliance with the requirements of this section, and any other applicable laws.

(e) The abandoned or neglected property shall be posted with the name and 24-hour contact phone number of the local property management company. The posting shall be and contain the following language:

THIS PROPERTY IS MANAGED BY:

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AND IS INSPECTED ON A REGULAR BASIS  
TO REPORT PROBLEMS OR CONCERNS CALL:

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The posting shall be placed on the interior of a window facing the street to the front of the abandoned or neglected property so it is visible, or secured to the exterior of the building/structure facing the street to the front of the property so it is visible or, if no such area exists, on a stake of sufficient size to support the posting in a location as close as possible to the main door entrance of the property. Exterior posting shall be constructed of and printed with weather-resistant materials.

(f) The local property management company shall inspect the abandoned or neglected property as needed to ensure that the property is in compliance with this ordinance.

(g) Failure of the mortgagee and/or property owner of record to properly maintain the abandoned or neglected property may result in a violation of the City Code and issuance of a citation or Notice of Violation/Notice of Hearing by a City's code enforcement officer. Pursuant to a finding and determination by the City's Code Enforcement Board or Special Magistrate, the City may take the necessary action to ensure compliance with this Section, and place a lien on the property and assign it as provided herein.

**Section 8. Opposing, obstructing enforcement officer; penalty.**

Whoever opposes, obstructs or resists any enforcement officer, or any person authorized by the enforcement officer, in the discharge of duties as provided in this Code, upon conviction, shall be punished as provided by law. In addition to any criminal enforcement, the City or any individual may pursue any available civil remedies deemed appropriate and necessary.

**Section 9. Immunity of enforcement officer.**

Any enforcement officer, or any person authorized by the enforcement officer, shall be immune from prosecution, civil or criminal, for reasonable, good faith trespass upon real property while in the discharge of duties imposed by this Code.

#### **Section 10. Additional authority.**

The code enforcement officer shall have authority to require the mortgagee and/or owner of record of any property affected by this ordinance, to implement additional maintenance and/or security measures including, but not limited to, securing any and all door, window or other openings, or other measures as may be reasonably required to help prevent further decline of the property.

#### **Section 11. Penalties.**

The provisions of this ordinance may be enforced and penalties imposed on mortgagees and/or owners of record for violations of this article as provided by law. Without limiting the City's right to impose any other penalties as provided by law, or to enforce this article by any other lawful means, a violation of this article shall be subject to code enforcement procedure and penalties. Nothing under this ordinance shall be construed as imposing liability on local property managers acting on a mortgagee's behalf pursuant to this ordinance.

Upon failure of the mortgagee to comply with the maintenance or security requirements under this ordinance, the City Manager or designee may take such appropriate action deemed necessary to remedy a maintenance and security failure on property subject to this article. Any such action taken on such premises shall be charged against the real estate upon which the building or structure is located and shall be a lien upon such real estate. Any such lien shall be superior to all other liens except those of state, county or municipal taxes and shall be on a parity with liens of state, county or municipal taxes. Further, such lien shall bear interest at the maximum rate permitted by state law and costs of collection, and shall continue to be a lien against the real estate until paid.

#### **Section 12. Severability.**

If any Section, subsection, sentence, clause, phrase or provision of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not be construed to render the remaining provisions of this ordinance invalid or unconstitutional.

#### **Section 13. Effective date.**

This ordinance shall take effect immediately upon its final adoption by the City Commission.

PASSED AND ORDAINED this \_\_\_\_ day of \_\_\_\_\_, 2014, by the City Commission of the City of Wildwood, Florida.

SEAL

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

ATTEST:

\_\_\_\_\_  
Cassandra Lippincott, City Clerk

\_\_\_\_\_  
Ed Wolf, Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Approved as to form:

\_\_\_\_\_  
Ashley S. Hunt, City Attorney

**CITY COMMISSION OF THE CITY OF WILDWOOD**

**EXECUTIVE SUMMARY**

**SUBJECT:** Personnel Policy Section 8.23 - Public Records Policy

**REQUESTED ACTION:** Boards Discretion

Work Session (Report Only)      **DATE OF MEETING:** October 3, 2014  
 Regular Meeting                       Special Meeting

**CONTRACT:**     N/A                                      Vendor/Entity: \_\_\_\_\_  
Effective Date: \_\_\_\_\_                      Termination Date: \_\_\_\_\_  
Managing Division / Dept: \_\_\_\_\_

**BUDGET IMPACT:**                      None

Annual                      **FUNDING SOURCE:** \_\_\_\_\_  
 Capital                      **EXPENDITURE ACCOUNT:** \_\_\_\_\_  
 N/A

**HISTORY/FACTS/ISSUES:**  
Resolution R2014-035 adds policy 8.23 to the Rules and Regulations so all employees know how to handle public records requests. This policy clarifies who does what with public records requests and sets the fee shedule.

Staff recommends approval.

RESOLUTION NO. R2014-35

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ADDING  
A NEW POLICY 8.23 PUBLIC RECORDS POLICY TO THE CITY OF WILDWOOD PERSONNEL  
RULES AND REGULATIONS, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, staff at the City of Wildwood has determined there is a need to add a Public Records Policy ; and

**WHEREAS**, staff at the City of Wildwood has put together a Public Records Policy.

**NOW THEREFORE, BE IT RESOLVED**, by the City Commission of the City of Wildwood Florida:

**SECTION 1:** Policy 8.23 Public Records Policy is hereby added to the City of Wildwood Personnel Rules and Regulations as attached.

**SECTION 2:** This Resolution shall take effect immediately upon its final adoption by the City Commission of the City of Wildwood, Florida.

**PASSED AND RESOLVED** this 3rd day of October, 2014, by the City Commission of the City of Wildwood, Florida.

CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA

ATTEST: \_\_\_\_\_  
Cassandra Lippincott, City Clerk

\_\_\_\_\_  
Ed Wolf, Mayor

## **Policy 8.23: PUBLIC RECORDS REQUEST POLICY**

### **A. SUBJECT: Procedure for accepting and fulfilling public records requests.**

#### **1. PURPOSE**

The purpose of this Public Records Request Policy is to provide guidance to City of Wildwood Departments on how to coordinate a public records request from any entity making that request and ensure all requests comply with Florida Statute Chapter 119, also known as the “Public Records Act.”

#### **2. POLICY**

a. This policy is to provide guidelines and overall general procedures Citywide. Directors will inform all affected employees within their work areas of this policy and its requirements.

b. It is the policy of the City of Wildwood that all municipal records, with the exception of exempted records shall be open for personal inspection by any person.

c. For the purpose of this policy, “reasonable” time to provide access to public records is during normal working hours – Monday – Friday, 8:00 a.m. – 5:00 p.m., excluding holidays or other times of closure. The City will within a reasonable time period make every effort to respond fully to all public records requests. At all times records will be inspected, reviewed and copied under supervision by the custodian of the public records requested, or the custodian’s designee, pursuant to F.S. 119.07(4)(d).

d. The City Manager shall designate the City Clerk to act as the City’s centralized public records contact person for tracking public records requests submitted to all City departments. In the absence of any specific designation, the City Clerk shall be the default centralized public records contact person.

e. The Department Heads shall act as Record Management Liason Officers of their respective departments and will assist the City Clerk where necessary. Department Heads should know and train their employees on what public records are available in their departments and what sensitive information those records may contain.

f. The City Clerk will receive public records training and shall be responsible for arranging training and compliance of the Public Records Act in accordance with Florida Statute Chapter 119.

#### **3. DEFINITIONS**

What is a Public Record?

Section 119.011(11). F.S., 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 a true determining factor for a public record as those records that “perpetuate, communicate, or formalize knowledge.” *Rogers v. Hood*, 906, So. 2d, 420 (Fla. 1979).

#### **4. PROCEDURES**

When a City employee receives a public records request, the following procedures will apply:

##### *I. Requests for Readily Available Documents*

a. “Readily available documents” are those that are easily retrievable, regularly disseminated to the public, and do not require additional review in order to determine whether they contain exempt information, such as meeting minutes, program information sheets, engineering maps, and personnel files (which have already had exempt information redacted.) Any City employee who receives a request for this type of information should comply as soon as practicable by either referring it to a department supervisor or providing review and/or a copy of the information requested, as appropriate. After assisting the requestor, staff should transmit information regarding any unusual requests to the City Clerk’s office, with a copy to the City Attorney, to inform them about what was requested and provided. Since the documents are readily available, there should not be any charge for the labor in retrieving the requested documents, but any copies purchased by the requestor should be charged as outlined under Section 6. FEES below..

##### *II. Requests for Other Documents*

a. Although it cannot be required of them, all requestors should be encouraged to put their public records requests in writing. This will assist staff in clarifying the exact scope of the request. Caution should be taken so as not to appear to be requiring the request in writing.

b. An attempt should be made to determine exactly what the person is requesting. Requestors should specify whether they wish to simply inspect records or obtain copies.

c. Notify the City Clerk of the public records request and provide a copy of any written request and completed Public Records Request Form (Exhibit A).

d. Notification to the City Clerk should be done as soon as possible but no later than 2 days from receipt.

e. If the request is verbal, write down as much information as possible regarding the request on the Public Records Request Form i.e., person making the request including contact information, what documents are being requested and any specific information such as dollar amount threshold, delivery expectations, time expectations, etc.

***NOTE: A public records request does not have to be in writing as a prerequisite for completing a public records request. Also a requestor does not need to provide a name nor do they need to provide a reason for the request.***

f. Upon receipt of a public records request, whether written or verbal, the City staff person receiving the public records request must complete the City of Wildwood Public Records Request Form (Exhibit A) to the extent possible based on information known or offered by the requestor. Forward the completed City of Wildwood Public Records Request Form along with any written or documented request to the City Clerk for data input.

g. The Public Records Act does not require agencies to change formats of an existing public record to comply with a public records request. Public Records will be provided in the format of an existing record and will not be altered by scanning and downloading to provide electronically or downloading to a computer disk or thumb drive.

h. The Public Records Act does not require the City to produce an employee to answer questions regarding the records produced.

i. Once the City Clerk has received your information a tracking number will be assigned, detailed data regarding the public records request will be input into a data base tracking program. You will be requested to coordinate with the City Clerk the coordination and compilation of the requested records to completion.

j. The City Clerk will document and maintain communication with the City department possessing the public records through to completion and will document and notify the department when all aspects of the public records request have been satisfied.

k. Department Heads receiving an e-mailed Public Records request from the City Clerk's office will respond as soon as possible as to whether they have any responsive documents and what the estimated amount of retrieval time will be. If any of the responsive documents are stored off-site, the department will promptly notify the City Clerk's office as to the estimated time for retrieval.

l. If Departments that have responsive records in their possession indicate that the retrieval of the records will take more than 15 minutes, the City Clerk's office will contact the requestor with an estimated special service charge for the retrieval. Departments should provide the City Clerk's office with the name and hourly pay rate, including benefits, of the employee who will be doing the retrieval. They should select the lowest paid employee capable of efficiently retrieving the records. A special service charge is in addition to the actual cost of copying.

m. The City Clerk will direct and provide all correspondence to the requestor of the records unless arrangements are made between the City Clerk and the department possessing the public records.

n. The City Clerk's office shall notify the requestor of the estimate and confirm whether the requestor is willing to pay the special service charge and copying charges, if any. The

City Clerk's office will confirm with the requestor that the City must be paid in advance of the requestor's receipt of the records. For large requests, (those requiring more than \$100 in labor charges or more than \$100 in copy charges), the City shall require an advance deposit of 100% of the estimated sums prior to beginning retrieval.

o. The City shall make every effort to respond fully to all Public Records Act requests as quickly as possible and the City Clerk's office shall be responsible for monitoring timely performance.

p. For those public records requests that become and/or are made on behalf of litigation, backups must be made to comply with requirements of law.

q. If litigation is pending or reasonably anticipated, records relating to that litigation should not be disposed of in any manner and the City Manager and City Attorney should be provided notice. The City Manager and/or City Attorney will provide notice when it is permissible to dispose of records relating to litigation.

r. E-mail which is a public record but contains exempt information should be produced but the exempt information must first be redacted. If in doubt as to whether an e-mail message is a public record or contains exempt information, the Department Head should contact the City Clerk, who will consult with the City Attorney as necessary.

s. Broad or general requests. Agencies cannot deny a public records request based on the fact that the request is too broad or that it does not specifically identify the records requested. Therefore, in the absence of statutory exemption, an agency must produce the records requested regardless of the number of documents involved.

t. "Standing" or "continuing" public records requests. The City cannot honor public records requests that demand future copying or production (i.e., "please forward all future meeting minutes..."). The Public Records Act requires production of present documents that are available and does not contain provisions to require a custodian to foresee the future as future documents may or may not be generated.

u. Requests for information v. requests for records. The City is required to provide access to public records; it is not required to provide information from the records. Example: A reporter wants to know how many employees earn over \$50,000 a year. The City has a file of annual salaries. The requestor should request to inspect the payroll file as the City is not required to give out *information* from that record.

v. The record series entitled "Transitory Messages," found in the Florida Department of State General Schedule for Local Governments GS1-L, is designed to cover certain Email communications, as well as other information with short-term administrative value. The transitory message series is defined as follows:

Transitory messages consist of those records that are created primarily for the informal communication of information, as opposed to communications designed for the perpetuation or

formalization of knowledge. Transitory messages do not set policy, establish guidelines or procedures, certify a transaction, or become a receipt. The informal nature of transitory messages might be compared to the communication that might take place during a telephone conversation or verbal communications in an office hallway. Transitory messages would include, but would not be limited to: E-mail messages with short-lived or no administrative value, voice mail, self-sticking notes, and telephone messages. Retention is defined as retaining until obsolete, superseded, or administrative value is lost.

### III. Media Requests

a. Requests from the media for Public Records shall be handled consistently with the procedures outlined above. All staff members receiving a request directly from the media shall immediately inform the City Clerk's office and the City Manager's office of the request.

## **5. EXCEPTIONS TO PUBLIC RECORDS INFORMATION**

Although documents that perpetuate, communicate, or formalize knowledge are public records, not all information found in that public record is necessarily subject to dissemination or release. For example, employee personnel files are public records. However, information such as social security numbers is protected and is not to be released.

The following public documents/instruments are examples of sensitive material that is either exempt from the Public Records Act or some other statutory exemption:

- 911 recordings
- EMS run logs (patient information)
- Fire run logs (patient information)
- Employee records (Florida retirement records, drug screens, medical records)
- Attorney client communications/bills
- Settlement documents
- Medical records unless requested by legal representative or court order
- Home address, phone numbers, social security numbers, and photographs of current or former Human Resources directors and any information regarding their spouse or children
- Home addresses, telephone numbers, social security numbers, and photographs of active or former law enforcement, fire and code enforcement personnel and places of employment of the spouses and children
- Bank account numbers and debit, charge, and credit card numbers held by an agency
- Any information that would identify or help locate a child who participates in government-sponsored recreation programs or camps or the parents or guardians of such child, including, but not limited to, the name, home address, telephone number, an social security numbers of such child
- A public record that was prepared by an agency attorney (including an attorney employed or retained by the agency) or prepared at the attorney's express direction, that reflects a mental impression, conclusion, litigation strategy, or legal theory of the attorney or agency,

and that was prepared exclusively for civil or criminal litigation or for adversarial administrative proceedings, or that was prepared in anticipation of imminent civil or criminal litigation or imminent adversarial administrative proceedings

- Information or plans that can jeopardize the security of public buildings including construction plans, floor plans, and types of security systems (Example: Water Treatment Plant blueprints)

This list is not all encompassing. City departments should seek guidance from the City Clerk or the City Attorney if they are unsure of what constitutes sensitive information prior to release of the public record(s). In other words, if in doubt, check with the City Clerk's office or the City Attorney.

All public records requests involving personnel files will be directed to Human Resources with notice to the City Clerk. The City Clerk will work with HR to ensure compliance.

Documents that contain protected sensitive material will be redacted and the document will then be released to satisfy the public records request.

Requests for documents which may contain information which is exempt from disclosure under Florida law may be delayed until the records can be reviewed and redacted as necessary.

Personal computers, smartphones, personal email accounts, and the like, should ***not*** be used for City business as those records are considered public records and must be retained and accessible in accordance with state law. Any emails in connection with city business received in a personal email account ***shall*** be promptly forwarded to your city email account.

## 6. FEES

All fees imposed for duplication of public records will comply with the Public Records Act, Chapter 119, F.S. Fees may only be imposed for duplication of public records.

Unless specifically stated otherwise through state statute, the following statutory fees will apply to copying of public records:

### Paper size 8 1/2" x 11" or 8 1/2" x 14"

Single sided page \$ .15 per page

Double sided page \$ .20 per page

### Paper size 11" x 17"

Single and double sided page \$ .20 per page

### All Other Copies

Actual cost of duplication

### Certified Copy

1+ pages: \$1.00 per page

### Audio Tape and CD Fees\*

Audio Tapes Actual cost to City

Data CD Actual cost to City

Audio CD Actual cost to City

\* Audio Tapes and/or CDs (if applicable) will take several days to reproduce.

A charge per copy shall also be made when necessary to make multiple copies of a document in order to properly redact exempt information contained in the document.

Exception:

City maps, aerial photographs, large format photos may be reproduced and charged a fee to cover the materials used for those duplications. Also, departments may include a reasonable labor and overhead charge associated with the duplication.

No sales tax shall be charged.

Extensive Information Technology/Clerical or Supervisory Assistance:

Where the nature or volume of a request requires extensive use of information technology resources or extensive clerical or supervisory assistance, the City may charge a special reasonable service charge based on the cost actually incurred for the extensive use of information technology resources or the labor cost of the personnel that is actually incurred for the clerical or supervisory assistance required.

Florida Courts have stated that “extensive” means taking more than 15 minutes to locate, research, review, redact, copy or remain present while the requestor copies, and/or answers questions and re-files the material.

To assess the fee for employee hours spent in excess of 15 minutes, City departments will ascertain the hourly rate paid to the City position(s) compiling and providing the duplication.

Occasionally, requestor may need to review records directly. The City shall permit records to be inspected, copied and photographed, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records. Because of exemptions to Chapter 119 of the Florida Statutes, there may be sensitive information the public is not authorized to see. These reviews need to be scheduled after consultation with the City Manager and/or City Attorney.

Law Enforcement Records:

Copies of Law Enforcement records shall be subject to fees as outlined in F.S. 321.23

Deposits:

If a request requiring extensive resources by nature, City Departments may require a “deposit” before starting the reproduction. The member conducting the request should review the materials needed, develop an estimate for the cost for reproduction, and notify the requesting person or entity of the amount to reproduce the records and the need for a deposit. Any requestor having an account delinquent more than thirty (30) days will be required to pay in advance the estimated cost for providing the public records documents requested.

Cost overages will be billed the balance; extra monies will be refunded.

Once the City has received the fees associated with reproduction, the City must provide the copied information.

Cash, personal check on a local bank, money order, or certified check shall be paid prior to the delivery of the materials. Any check, money order, or certified check shall be made payable to “City of Wildwood”.

## **7. COORDINATION WITH CITY ATTORNEY’S OFFICE**

Routine public records requests do not require clearance or advice from the City Attorney’s office. All public records requests pertaining to any matter for which litigation is pending must be referred to the City Attorney’s office. Administrators and department heads must determine whether the agency involved is in litigation before releasing records.

City staff should also contact the City Attorney’s office if they cannot determine if a record is exempt from disclosure. The City Attorney’s office may be consulted prior to a final denial of a request if it meets the requirements of exempt records. Denial must be made in writing with the statutory exemption cited.

## **7. RECORDS RETENTION**

Public records must be kept/destroyed in accordance with retention schedules set forth by the Division of Library and Information Services (division) of the Department of State of Florida.

<http://dliis.dos.state.fl.us/recordsmgmt/publications.cfm>

Florida law provides a schedule for the length of retention of various types of public records. Staff shall contact the office of the City Clerk for assistance in determining the correct retention schedules and to arrange for destruction in accordance with the state mandated procedures. In no event shall staff proceed with destruction of records that are the subject of a current Public Records Act request or records that are currently at issue in pending litigation.

## **8. METHODS FOR REQUESTING PUBLIC RECORDS**

Request public records:

### E-mail:

Requests may be made via an e-mail message. E-mail requests should be as detailed and specific as possible.

### Mail:

To request public records by mail, a request may be sent to: City Clerk, 100 N. Main Street, Wildwood, FL. 34785.

### In person:

The City Clerk’s office is located at 100 N. Main Street, Wildwood, FL. 34785. Calling ahead will make visits more efficient. Requestors will be asked to fill out a form.

## 9. REVOCATION

This policy supersedes and revokes all other prior Public Records Request Policies adopted by the City.

EFFECTIVE DATE: October 3, 2014

LAST REVISED: \_\_\_\_\_

## CITY COMMISSION OF THE CITY OF WILDWOOD

### EXECUTIVE SUMMARY

**SUBJECT:** Wildwood Middle High School Homecoming Parade

**REQUESTED ACTION:** \_\_\_\_\_

- Work Session (Report Only)
- Regular Meeting

**DATE OF MEETING:** October 3,2014  
 Special Meeting

**CONTRACT:**  N/A  
 Effective Date: \_\_\_\_\_  
 Managing Division / Dept: \_\_\_\_\_

Vendor/Entity: \_\_\_\_\_  
 Termination Date: \_\_\_\_\_

**BUDGET IMPACT:** \_\_\_\_\_

- Annual
- Capital
- N/A

**FUNDING SOURCE:** \_\_\_\_\_  
**EXPENDITURE ACCOUNT:** \_\_\_\_\_

**HISTORY/FACTS/ISSUES:**

The Wildwood Middle High School Homecoming Committee has submitted the annual special event permist request for a Homecoming Parade. The Wildwood Police Department will need to administer cross road stops, Public Works will need a copy of the route... All have been emailed the proposed Parade route, along with the request and written directions of the proposed route.

The Homecoming Representative, Ms. Tammy Gorby, will be present at the meeting October 3<sup>rd</sup> to answer any questions that may arise.



City of Wildwood, Florida  
Development Services Department  
100 N. Main St., Wildwood, FL 34785  
Tel: 352.330.1330 Fax: 352.330.1334  
www.wildwood-fl.gov

Staff Use Only

Fee Paid: \_\_\_\_\_

Method of Payment: \_\_\_\_\_

Receipt Number: \_\_\_\_\_

Temporary Use/Special Event Application

Applicant's Name: Ms. Tammy Gorby

Business/Organization Name: Wildwood Middle High School

Address: 700 Huey St. Wildwood, FL 34785

Phone: 352-603-9403 Email: tammy.gorby@sumter.k12.fl.us

Property Owner(s): Wildwood Middle High School

Address: 700 Huey St. Wildwood, FL 34785

Phone: 352-748-1314 Email: \_\_\_\_\_

Type of Event: Homecoming Parade

Proposed Use: City Streets for Homecoming Parade and City Police

Beginning Date: Oct. 10, 2014 Ending Date: Oct 10, 2014 Hours of Operation: 4:00 pm - 5:00 pm

Property Information:

Address (if any): \_\_\_\_\_

Parcel Number(s): \_\_\_\_\_ Current Zoning: \_\_\_\_\_

The following items must be submitted at least three (3) weeks prior to event start date for application to be reviewed.  
The proposed use must meet all criteria set forth in the City of Wildwood Ordinance No. 476.

- \$100.00 non-refundable application fee (per site).
- Notarized, dated permission letter from the property owner(s).
- Letter stating times and dates of the event. attached w/ map
- Site plan indicating the placement of all materials and outlining the traffic flow and any other pertinent information. attached
- If a tent will be used for the event, a copy of the flame-retardant seal must be provided.
- Copy of State of Florida Dept. of Highway Safety and Motor Vehicles License.
- State of Florida Dept. of Highway Safety and Motor Vehicles Temporary "supplemental" application (form HSMV 86042).
- List of phone numbers and contact information on-site.

A fire safety inspection must be completed prior to start of sale (contact Sumter County Fire Department upon approval of permit.)

Applicant's Signature: Ms. Tammy Gorby Date: 8/29/2014

Conditions: \_\_\_\_\_ Staff Use Only

Application Approved By: \_\_\_\_\_ Date: \_\_\_\_\_

