

M E M O R A N D U M

TO: Mayor Schneier and Town Commissioners
CC: Howard Tipton, Town Manager
FROM: Maggie D. Mooney, Esq., Town Attorney
Amy Farrington, Esq.
REPORT DATE: October 24, 2025
MEETING DATE: November 3, 2025
SUBJECT: Ordinance 2025-08 Adopting an Email and Communication Policy

Background

The Town Commission directed the Town Attorney, Town Manager, and Town Clerk to develop an ordinance establishing uniform guidelines for the use of electronic communications to ensure ongoing compliance with Public Records and Sunshine laws. This direction followed the Town Attorney's recommendations to modify existing policies and practices relating to the use of electronic communications (emails and text messaging). A copy of an April 15, 2025, Memorandum leading to these recommendations is attached. On September 22, 2025, a proposed new ordinance relating to an email and communication policy was presented to the Town Commission at a Workshop for discussion. After receiving input and feedback from the Town Commission on the proposed policy, by consensus agreement, the Town Commission directed the Town Manager and Town Attorney to bring Ordinance 2025-08 (and a separate ordinance and resolution to complement the new policy), to first reading at a regular Town Commission meeting.

Summary of Ordinance 2025-08– Email and Communication Policy, Chapter 20 of Town Code

The purpose of this Ordinance is to establish consistent and standardized guidelines for the use of electronic communications by certain elected and appointed officials and others representing the Town in an official capacity. This Ordinance does not in anyway replace or supersede the existing obligations set forth in Chapters 119 (Florida's Public Records law) and 286, Florida Statutes (Florida's Sunshine Law). Rather, the purpose of this Ordinance is to codify

specific local requirements and practices to ensure that email communications and text message usage relating to Town business are compliant with those laws. This Ordinance is intended to provide clear requirements for those individuals that are subject to the policy. The Town appreciates volunteers who donate their time to the Town's boards and committees and this Ordinance intends to provide instruction to protect both the individual and the Town's potential liability and exposure.

The Ordinance, as drafted, would be applicable to "Covered Individuals". Covered Individuals include: the Town Commissioners; Advisory Board members (including individuals serving on the Planning and Zoning Board, Zoning Board of Adjustment, and Consolidated Retirement System Board of Trustees); the Town Manager; the Town Attorney; Committee members and Volunteers serving on a Town created committee or board; and any other individual, volunteer, professional consultant, or representative conducting official Town business that works independently or autonomously and is not required to receive annual Town employee training on the Town's employment policies and procedures. All Town Staff (except the Town Manager) are excluded from this policy because they report directly to the Town Manager and are governed by the Town's employment policies (which provide public records compliance requirements and are subject to oversight through the Town Manager's office).

The policy requires Covered Individuals to use Town-issued accounts to conduct Town business so that records may be properly retained and produced. Specifically, the Ordinance provides for the following:

- If communications related to Town business is received on a personal email account, it is to be forwarded to the Town-issued email account.
- If Town business is received on a personal mobile device via text messaging, the message including the text and associated images shall be immediately forwarded to a Town-Issued email account, Town-issued device or the Town Clerk (as applicable).
- Any usage of personal social media accounts for issues related to Town business must similarly be provided to the Town Clerk.

Intentional or repeated violations by Covered Individuals, other than elected officials, are subject to the progressive enforcement measures outlined in the policy.¹ Intentional or repeated violations of the policy and usage requirements would result in a shifting of liability (from the Town to individuals who intentionally or repeatedly violate the policies) and would also result in removal for certain individuals subject to the new policy.

Following a discussion about this proposed policy at the September 22, 2025, workshop, the Town Commission provided direction relating to the number of warnings that should be given to Covered Individuals before they are removed from their position. Based upon the Town Commission's input, the policy includes a written violation notice that includes documentation outlining the specific violation. For a violation after the written notice, the individual shall be immediately removed from the position. The policy delegates to the Town Manager the authority

¹ Elected officials may only be removed by action of the Governor. See, Fla. Stat. 112.52.

to remove any advisory board member, committee member or volunteer who intentionally or repeatedly violates the policy a total of two (2) times. The Town Manager administers the violation enforcement provisions except as applied to elected officials, the Town Manager, and Town Attorney. A removed individual may appeal by filing a written appeal to the Town Clerk within seven (7) days. Appeals will be held at the next Town Commission meeting, and the determination of the Town Commission is final.

This Ordinance would also apply to the Town Manager and the Town Attorney as both are directly appointed by, and accountable to, the Town Commission. Enforcement and penalties associated with violations by the Town Manager or Town Attorney would be subject to direct review by the Town Commission, with the Mayor or designee serving as the administrative contact for notices and documentation.

In addition to these Town policies, an individual subject to the requirements of Public Records and Sunshine Law and who violates those laws remains subject to civil and criminal penalties as provided in Florida law. Intentional or repeated violations specifically eliminate the Town's obligation to indemnify individuals violating the policy.

Cybersecurity Provision

Cybersecurity best practices are also included in the draft Ordinance and include requirements for mandatory training and annual certification of training. Regular cybersecurity training requirements will reduce the Town's risk exposure and work to protect Town resources.

Civility Standards

Finally, the Ordinance incorporates the Town's existing civility standards into Town Code. The Town Commission has long adhered to these standards on how public meetings are conducted, the expectations relating to civil discourse, and how officials communicate with the public. This codifies those existing standards and emphasizes the importance of civility throughout the Town's work.

Following the workshop on September 22, 2025, modifications have been made in response to direction by the Town Commission. The violation enforcement includes an initial written notice followed by removal for subsequent violations, and the civility standards are aligned with the existing Town policy as applied to agendas and meeting procedures. Additionally, the Town Attorney clarified procedures for contractors who are not issued an official email account or device.

The policies and guidelines provided in Ordinance 2025-08 are intended to align with and reinforce the existing obligations in the Public Records and Sunshine laws by codifying processes, procedures, and guidance for compliance by Covered Individuals. We recommend the adoption of this Ordinance to provide enforceable standards that protect the Town, the individuals serving the Town, and public records. Ordinance 2025-08 is a more extensive policy than the existing policies in Resolutions (2008-30 and 2013-41). Accordingly, Resolution 2025-27 that repeals Resolutions 2008-30 and 2013-41 is also being advanced for separate consideration by the Commission. Additionally, Ordinance 2025-09 is also being advanced separately to specifically incorporate into the relevant sections of the Town Code, the Town Commission's authority to remove members of committees and advisory boards (Planning and Zoning Board, Zoning Board

of Adjustment, and Consolidated Retirement System Board of Trustees), and the ability to delegate such authority to the Town Manager. While it is implicit that the Town Commission has the power to remove the members that they appoint from these boards, we recommend specifically enumerating that power in the Town Code to avoid any potential future challenges.

Staff Recommendation

Based upon the foregoing, the Town Attorney, Town Manager, and Town Clerk recommend that the Town Commission pass Ordinance 2025-08 on first reading and forward the Ordinance to the November 3, 2025, Regular Meeting for second reading and public hearing

Attachments (Available in the Town Clerk's Office)

- A. Ordinance 2025-08
- B. Resolution 2008-30
- C. Resolution 2013-41
- D. April 15, 2025, Memorandum
- E. Business Impact Estimate

End of Agenda Item