



**CITY COMMISSION - CITY OF WILDWOOD**

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

David Fontaine – Seat 2

Joe Elliott – Seat 3

Mayor Pro Tem/Commissioner – Marcos Flores – Seat 4

Julian Green – Seat 5

Jason McHugh – City Manager

**Agenda**

**Workshop**

**March 30, 2026 9:00 AM**

City Hall Commission Chamber

100 N Main Street

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Persons with disabilities or language barriers needing assistance to participate in any of these proceedings should contact the City Clerk's Department, ADA Coordinator, at 352-330-1330, Ext. 103, forty-eight (48) hours in advance of the meeting.

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F.S.S. 286.0105 - 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.

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**1. Call to Order**

**2. Item(s) for Discussion**

A. *WILDWOOD POLICE DEPARTMENT PERSONNEL REQUEST*

B. *GOLF CART ORDINANCE UPDATE*

C. *SUNSHINE LAW AND OPEN GOVERNMENT OVERVIEW*

D. *MEETING RULES AND ORDER DISCUSSION*

**3. Adjournment**

**March 30, 2026 9:00 AM**

**CITY COMMISSION OF THE CITY OF WILDWOOD  
EXECUTIVE SUMMARY**

**SUBJECT:** Wildwood Police Department Personnel Request

**REQUESTED ACTION:** For information only.

**CONTRACT:**

Vendor/Entity:

Effective Date:

Termination Date:

Managing Division/Department:

**BUDGET IMPACT:**

**HISTORY/FACTS/ISSUES:**

The attached presentation provides staffing recommendations for the Wildwood Police Department for the Commission's consideration.

# Wildwood Police Department

PERSONNEL REQUEST



# Staffing Recommendations

- The Florida Department of Law Enforcement reported an average of 2.1 officers for every 1,000 residents in Florida
  - Wildwood PD currently staffs 1.6 officers for every 1,000 residents
- To reach the standard set by FDLE, we would need to hire an additional 18 officers to have a staff of 78 officers

## Current Request

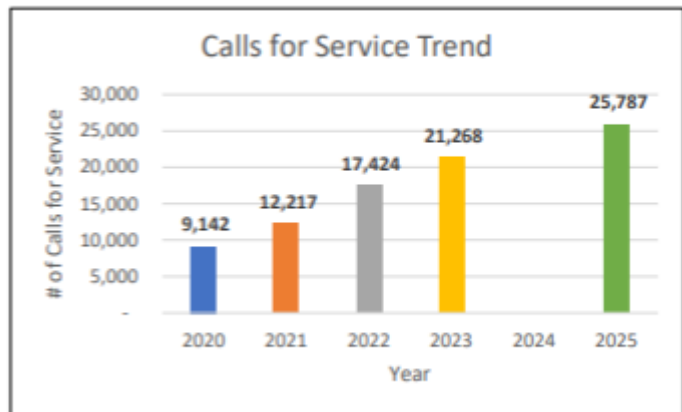
- Eight (8) new sworn positions
  - Supplement our current law enforcement-related functions
  - Create additional services necessary to provide for the continued growth of our community

# Impact of Additional Personnel

- Increased efficiency in the quality of services provided
- Maintaining our current low response time
- Increased omnipresence may have a deterrence effect on criminal activities or unsafe driving issues

Calls for Service Data:

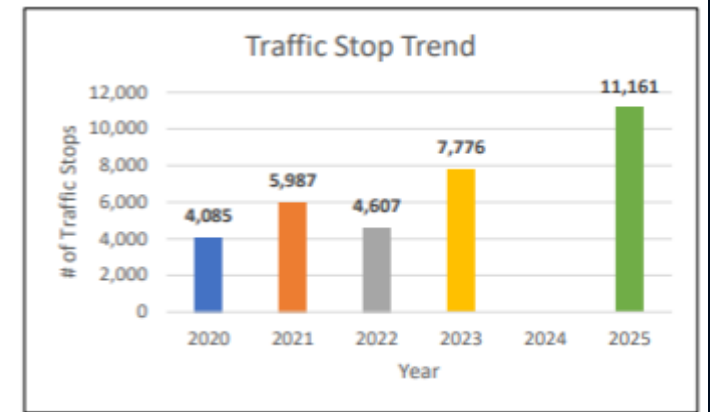
Year	Calls for Service
2020	9,142
2021	12,217
2022	17,424
2023	21,268
2024	N/A
2025	25,787



182% increase in the number of calls for service

Traffic Stops:

Year	Traffic Stops
2020	4,085
2021	5,987
2022	4,607
2023	7,776
2024	N/A
2025	11,161



173% increase in the number of traffic stops

# Additional Officers

- Swing Shift (6 officers) – By providing three swing shift officers on both opposing day off schedules, it would provide additional personnel to respond to calls for service and would also allow for extra coverage during the 6:00pm shift change.
- CID Detective (1 officer) – The increased presence of large retail chains (Wal-Mart, Target, etc.) has created an increase in the number of theft/fraud investigations. Having an additional investigator would increase the efficiency of the unit, as well as a liaison to work with local businesses.
- Training/Community Outreach Officer (1 officer) – Due to the influx of new officers, future hirings, and the maintenance training that is required for veteran officers, the necessity for premium training and meticulous record keeping is of the utmost importance. Additionally, they will provide assistance and security for our Community Outreach civilian personnel when they are working after hours or conducting activities in unsafe environments.

**CITY COMMISSION OF THE CITY OF WILDWOOD  
EXECUTIVE SUMMARY**

**SUBJECT:** Golf Cart Ordinance Update

**REQUESTED ACTION:** For information only.

**CONTRACT:**

Vendor/Entity:

Effective Date:

Termination Date:

Managing Division/Department:

**BUDGET IMPACT:**

**HISTORY/FACTS/ISSUES:**

The attached presentation outlines the proposed updates to the City of Wildwood's Golf Cart Ordinance. If directed by the Commission, staff will proceed with formalizing the proposed revisions and will present the updated ordinance to the Commission for consideration at a future City Commission meeting.



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# Golf Cart Ordinance

# Why are we updating the Ordinance?

- Safety
- Bring the ordinance in concert with updated Florida law
- Education

# Who did we coordinate with on the Ordinance?

- City Staff
- City Attorney
- FDOT and Sumter County
- The Villages Community Development Districts
- The Villages Developer
- The Villages Homeowner's Advocates



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# Ordinance Provisions

## Golf cart, low speed vehicles, and utility vehicle regulations

- I. Who can drive them –
  - I. <18 – Must possess a valid learner’s DL or a valid DL
  - II. >18 – Must possess a valid form of government-issued photographic ID
- II. Where can they be operated –
  - I. City streets depicted in the “golf cart district map” where posted speed is 30mph or less
  - II. In addition, golf carts may be operated on all city roads within or adjacent to ARD zoning, except for roads that are disallowed by city commission resolution
- III. Where they are prohibited –
  - I. Golf carts may not be operated on state or county roads within the city limits or on sidewalks adjacent to state or county roads within the city limits
  - II. Golf carts may not cross state or county-owned roads unless specifically permitted by FDOT or Sumter County, respectively
  - III. Does not regulate operation of golf carts in gated communities with private roads



# Ordinance Provisions continued

## Golf Cart Map

- I. Interactive map that will be available on the City's website that depicts which roads are permissible and which are not

## Items Not Required in the Ordinance

- I. Golf carts do not have requirements for registration or insurance
- II. Low speed vehicles require registration and insurance

## Enforcement

- I. Golf carts, low-speed vehicles, and utility vehicles shall comply with all local and state traffic laws and may be cited for traffic violations in the same manner as other vehicles
- II. Enforcement of infractions of this section shall be provided in F.S. Ch. 316, as may be amended
- III. This article is in addition to and not in lieu of Florida Uniform Traffic Control Law, F.S. Ch. 316. Golf carts shall comply with all applicable state traffic laws and provisions of this article and may be ticketed for traffic violations in the same manner as motor vehicles



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# Next Steps

- **Adopt the Ordinance**
- **Educate the public through flyers, publications, and news releases**
- **Install signage via Public Works Department**
- **Educate WWPD on enforcement**
- **Partnership with VHA on Voluntary Registration and Safety Program**



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# Golf Cart Safety



# Why Golf Cart Safety Matters

- Golf Carts are popular in Wildwood FL – on roads, pathways, and crossings.
- Confusion about laws can create safety risks.
- Golf Carts and Low Speed Vehicles (LSVs) have different regulations and requirements for operation.
- A quick review keeps everyone safer.

Florida Law: Golf Carts vs LSVs

City of Wildwood Laws

Golf Cart Safety Tips



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# Florida Law: Equipment Requirements

## Golf Carts

- Efficient brakes
- Reliable steering device
- Safe tires
- Rearview mirror
- Red reflectors in front and rear
- **Outside daylight hours**
  - Headlights
  - Brake lights
  - Turn signals
  - Windshield

*F.S. 316.212(5),(6)*

## Low-speed Vehicles (LSVs)

- Headlights
- Brake lights
- Turn signals
- Tail lamps
- Reflex reflectors
- Parking brakes
- Rearview mirrors
- Windshield
- Safety belts
- Vehicle Identification Number (VIN)

*F.S. 316.2122(1)(b)*



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# City of Wildwood Golf Cart Laws

- Drivers under 18 must have a valid Drivers License or Learner's license. Drivers over 18 must possess a valid form of government-issued photographic identification
- The number of occupants **may not exceed the number of seats.**
- Golf carts may **be operated on city streets dedicated in the official city "golf cart district map" where the posted speed limit is thirty (30) miles per hour or less.**
- Golf carts may **NOT operate on or cross county roads or state highways** unless authorized by Sumter County or the Florida Department of Transportation, respectively.
- Golf carts must meet the **additional equipment requirements to be operated outside of daylight hours.**

*Wildwood, FL. Code of Ordinances. Chapter 12, Article VII.*



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# Sharing the Road

- Yield to pedestrians and other vehicular traffic including cyclists on paths and crossings.
- Must pass with a clearance of 3 feet.
- Use hand signals or verbal cues when turning, stopping, and slowing.
- Stay alert – no phones while driving.
- Stay on designated roadways and paths.
- Use extra caution at driveways and intersections.
- Turn on your headlights at dusk and dawn.
- Never drive under the influence – **DUI laws apply!**



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# Safe & Smart Practices

- Know your cart. They do look similar.
- Make sure **everyone** has a seat – including pets!
- **Know your cart's** handling and limitations.
- **Never** leave valuables unattended.
- Avoid driving in **bad weather or poor visibility.**
- Keep arms, legs, passengers, and pets **inside the cart** at all times.
- **Never reverse** on an incline.



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# Golf Cart District Map

- This will be an interactive map that shows where golf carts can legally be driven by Florida State Statute and City Ordinance.
- The map will help to clarify the areas on which the golf carts can operate on city roads within or adjacent to real property with an ARD (age restrictive development) zoning designation.
- The map will show roads, if any, where golf carts are prohibited; such prohibited roads shall be identified by resolution of the city commission, which may be amended by further resolution from time-to-time at the discretion of the city commission.





# Parking Etiquette

- **Park in properly designated spaces** – two carts per space in and around The Villages area.
- Only use handicap spaces if the **person the placard is issued to** is present.  
*The placard belongs to the person, **not the cart**.*
- Never block sidewalks, ramps, driveways, or white hash marks designated for handicapped spaces.
- Be mindful not to obstruct other parked carts or vehicles.



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## Pro Safety Tips

- **Do not block traffic or crosswalks** while waiting to pick someone up.
- Turn off headlights when parked to **avoid battery drain**.
- Watch for **low-hanging branches or signs** along paths and sidewalks.
- **Know where carts are prohibited**, like certain sidewalks or private properties.



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**Voluntary Wildwood PD  
Golf Cart Motor Vehicle  
Index (GCMVI)**



**WWPD25MVI000000**

**352-793-2621**



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# Wildwood PD GCMVI System

- The NEW Wildwood Police Department's Golf Cart MVI Registry System Sticker should be placed on the lower level of the front seat on the passenger side as indicated by the blue arrow below
- It is also recommended that you write the same registry number assigned in a second location with permanent marker, somewhere visible to law enforcement in the interior and engine compartment



# Thank you!

Wildwood Police Department

352-330-1355

For more information,  
scan the QR code or visit

[www.WildwoodPolice-FL.gov](http://www.WildwoodPolice-FL.gov)



**Sec. 12-151. - Operation of golf carts, etc. on certain city streets.**

(a) *Definitions.*

*Golf cart.* Pursuant to F.S. § 320.01(22)(2025) a "golf cart" is defined as a motor vehicle that is designed and manufactured for operation on a golf course for sporting or recreational purposes and that is not capable of exceeding speeds of twenty (20) miles per hour.

*Low-speed vehicle.* Pursuant to F.S. § 320.01(41) (2025), a "low-speed vehicle" is any four-wheeled vehicle whose top speed is greater than twenty (20) miles per hour but not greater than twenty-five (25) miles per hour, including, but not limited to, neighborhood electric vehicles. Low speed vehicles must conform to the safety standards in 49 CFR 571.500 and F.S. § 316.2122.

(b) *Golf carts.*

- (1) Golf carts may be operated on city streets depicted in the official city "golf cart district map" where the posted speed limit is thirty (30) miles per hour or less. The map shall be adopted by resolution and may be amended by resolution from time-to-time at the discretion of the city commission. To receive approval, a resolution proposed under this article must include the requisite legislative findings as required by F.S. § 316.212, and a plan for the placement of the signage on the golf cart permitted streets. The city commission may approve or disapprove a resolution based upon its legislative determination as to whether golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume and character of motor vehicles using the road or street and such other factors as the city commission may deem appropriate.
  - a. In addition to the city streets depicted in the official city "golf cart district map," golf carts may be operated on all city roads within or adjacent to real property with an ARD (age restricted development) zoning designation, except for roads, if any, where golf carts are specifically disallowed; such disallowed roads shall be identified by resolution of the city commission, which may be amended by further resolution from time-to-time at the discretion of the city commission. The city commission may approve or disapprove such a resolution based upon its legislative determination as to whether golf carts may safely travel on or cross the public road or street, considering factors including the speed, volume and character of motor vehicles using the road or street and such other factors as the city commission may deem appropriate. For the purposes of this Section, 12-151, all properties within the developments of regional impact (DRI) known as Wildwood Springs and Villages of Wildwood, as the same may be amended from time to time, shall be treated as though they have an ARD (age restricted development) zoning designation.
  - b. Crossing state and county roads. Nothing herein shall be deemed to authorize the operation of a golf cart on a state or county owned road or right-of-way or to allow the crossing of a state or county road other than at such crossings and in such locations as shall be permitted and specified by the state, or an administrative agency thereof, or by the county.

- c. If jurisdiction of a state or county road or street is transferred to the city, the designation of such road or street for operation of golf carts shall survive such transfer and continue until further action of the city commission.
- (2) Golf carts must be operated on city streets, not on adjacent sidewalks.
- (3) All golf carts operated within the city limits of Wildwood shall be equipped with efficient brakes, reliable steering apparatus, safe tires, a rearview mirror, red reflectorized warning devices on the front and rear of the vehicle.
- (4) Operators of golf carts equipped as described above and without turn signals must use standard hand and arm signals to advise other motorists of their intention to turn or change lanes.
- (5) Golf carts equipped as described in subsection (3) above may operate on designated city streets anytime between thirty (30) minutes after sunrise to thirty (30) minutes before sunset.
- (6) Golf carts equipped with headlights, brake lights, tail lights, turn signals and a windshield in addition to items in subsection (3) above may operate on designated city streets anytime.
- (7) Use of golf carts on designated roadways within property zoned as ARD is as follows:
  - a. Golf carts that meet the minimum equipment standards established by Florida State Statutes are allowed to utilize the designated roadways between sunrise and sunset.
  - b. Golf carts equipped as described in subsection (3) above are allowed to utilize the designated roadways within property zoned ARD (age restricted development) at any time day or night.
  - c. Golf cart access to or from city streets or multimodal paths outside ARD (age restricted development) zoning designations are not required and are prohibited unless explicitly approved by the developer of the applicable ARD zoned lands or its successors or assigns.
- (8) A golf cart may not be operated on city roads or streets by any person:
  - a. Who is under 18 years of age unless he or she possesses a valid learner's driver license or valid driver license.
  - b. Who is 18 years of age or older unless he or she possesses a valid form of government-issued photographic identification.
- (9) Golf carts may not be operated on state or county roads within the city limits or on sidewalks adjacent to state or county roads within city limits. Golf carts may not cross state or county-owned roads unless specifically permitted by the Florida Department of Transportation or Sumter County, respectively.
- (10) Occupancy: The number of occupants of a golf cart must not exceed the number of seats in the golf cart, as specified by the manufacturer, except that a child under the age of seven years may ride on the lap of an adult passenger who is not operating the golf cart.

A child may not ride on the lap of the person operating the golf cart. Each occupant of the golf cart must remain seated at all times while the golf cart is in motion.

- (11) This section does not regulate operation of golf carts in gated communities with private roads.

(c) *Low-speed vehicles.*

- (1) Low-speed vehicles may be operated as permitted by and under the conditions established in F.S. § 316.2122, except upon those roads under the jurisdiction of the city and identified for prohibition of low-speed vehicles by resolution of the city commission, which may be amended by further resolution from time-to-time at the discretion of the city commission, where such prohibition is necessary in the interest of safety.
- (2) According to the requirements set forth in F.S. § 316.2122, a low-speed vehicle must be equipped with headlights, brake lights, turn signal lamps, reflex reflectors, parking brakes, rearview mirrors, windshields, seat belts and vehicle identification numbers (VIN). A low-speed vehicle must be registered and insured in accordance with F.S. § 320.02. Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.
- (3) Low-speed vehicles may be operated at any time.
- (4) Any person operating a low-speed vehicle must have in his or her possession a valid driver's license.
- (5) A low-speed vehicle must be registered and insured in accordance with the Florida Statutes.

(f) *Enforcement.*

- (1) Golf carts, low-speed vehicles, and utility vehicles shall comply with all local and state traffic laws and may be cited for traffic violations in the same manner as other vehicles.
- (2) Enforcement of infractions of this section shall be as provided in F.S. ch. 316, as may be amended.
- (3) This article is in addition to and not in lieu of the Florida Uniform Traffic Control Law, F.S. ch. 316. Golf carts shall comply with all applicable state traffic laws and provisions of this article and may be ticketed for traffic violations in the same manner as motor vehicles.

(g) *Waiver of claims; indemnification.*

- (1) Each person operating a golf cart on city streets and all persons who are passengers in such golf carts does so at his or her own risk and must operate such vehicle with due regard for the safety and convenience of other motor vehicles, bicyclists and pedestrians, and shall be deemed to have waived all claims against the city for its decision to allow the operation of such golf carts on city streets as permitted herein.
- (2) The city in so designating certain city streets for the operation of the golf carts extends such operating privileges on the express condition that the operator of such golf carts undertakes such operation at his own risk and assumes sole liability for operating the golf cart on city streets and by such operation shall be deemed to agree to defend, release,

indemnify and hold harmless the City of Wildwood, its officials and employees for and regarding any and all claims, demands or damages of any nature whatsoever arising from such operation by any person against the City of Wildwood.

**Sections 12-152 – 12-155. Reserved.**

DRAFT

**CITY COMMISSION OF THE CITY OF WILDWOOD  
EXECUTIVE SUMMARY**

**SUBJECT:** Sunshine Law and Open Government Overview

**REQUESTED ACTION:** For information only.

**CONTRACT:**

Vendor/Entity:

Effective Date:

Termination Date:

Managing Division/Department:

**BUDGET IMPACT:**

**HISTORY/FACTS/ISSUES:**

The attached presentation was prepared by the City Attorney to provide an overview on Sunshine Law as it pertains to the City Commission.

# SUNSHINE LAW AND OPEN GOVERNMENT OVERVIEW

Hunt Law Firm, PA

# THE HISTORY OF FLORIDA'S SUNSHINE LAW

In 1967, the Florida Legislature passed the Government-in-the-Sunshine law, which became the nation's first open meetings law. It was codified at Chapter 286, Florida Statutes.

In 1992, Florida voters approved a proposed constitutional amendment guaranteeing Florida citizens a right of access to public records and meetings. It became Article I, Section 24 of the Florida state constitution.



# WHAT ARE THE REQUIREMENTS OF THE SUNSHINE LAW?

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- There are 3 basic requirements under the Sunshine Law:
  - Meetings of the Commission must be open to the public;
  - The Commission must give the public reasonable notice of its meetings; and
  - The Commission must keep minutes of its meetings.

# WHAT CONSTITUTES A MEETING UNDER THE SUNSHINE LAW?

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- A "meeting" of a body subject to the Sunshine Law is broadly defined to include any gathering - formal or informal - during which two or more members of the body discuss the official business of the body. Accordingly, business-related discussions between members of the collegial body may only take place at open, properly-noticed meetings. Members may not discuss the business of the collegial body with each other through private phone conversations or e-mail discussions.
- Members may distribute documents to each other, but they may not discuss or exchange comments on those documents outside of a public meeting.
- A single member of a board who has been delegated the authority to act (i.e. take official action) on behalf of the board may be subject to the Sunshine Law.
- Members may also discuss business with third parties (i.e., non-members of the body), provided the members do not use a third party as a liaison for business-related communication with other members.

# OPEN TO THE PUBLIC

All meetings must be open to allow the public to attend and observe.

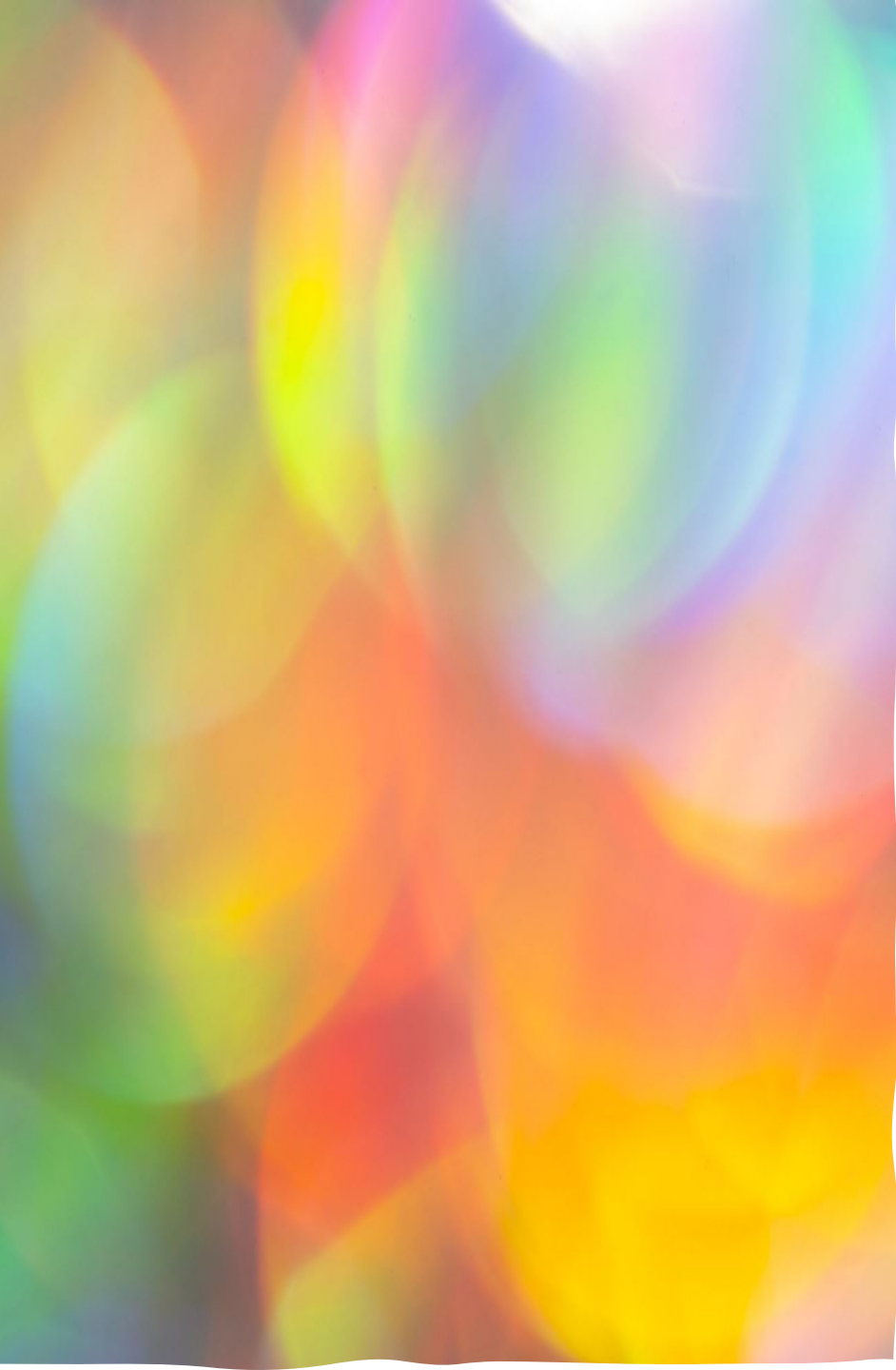
Sec. 286.011(6), F.S., prohibits public boards or agencies from holding public meetings at any facility or location where discrimination occurs "or which operates in such a manner as to unreasonably restrict public access to such a facility."

Public agencies cannot hold meetings at locations where the public or the press have limited access or where the requirements of access have a chilling effect on the public's willingness to attend. See e.g., AGO 96-55, but see AGO 05-13.

# CHILLING EFFECT

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- The Attorney General's Office 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.
- The fact that a meeting is held in a public room does not make it public within the meaning of the Sunshine Law; for a meeting to be "public," the public must be given advance notice and provided with a reasonable opportunity to attend. *Bigelow v. Howze*, 291 So. 2d 645, 647-648 (Fla. 2d DCA 1974).
- Accordingly, a school board workshop held outside county limits over 100 miles away from the board's headquarters violated the Sunshine Law where the only advantage to the board resulting from the out-of-town gathering (elimination of travel time and expense due to the fact that the board members were attending a conference at the site) did not outweigh the interests of the public in having a reasonable opportunity to attend. *Rhea v. School Board of Alachua County*, 636 So. 2d 1383 (Fla. 1st DCA 1994).



# WHAT HAS BEEN CONSTRUED AS A “MEETING” OF A PUBLIC BOARD OR COMMISSION?

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- The Sunshine Law has been implicated concerning gatherings of board members including:
  - Luncheon meetings
  - Social gatherings
  - Field inspection trips
  - Bus tours
  - Conference sessions or workshop meetings amongst board members

# ATTENDING MEETINGS OF ANOTHER PUBLIC BOARD

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- Several Attorney General Opinions have considered whether one or more members of a board may attend or participate in a meeting of another public board. For example, in AGO 99-55, the Attorney General's Office said that a school board member could attend and participate in the meeting of an advisory committee appointed by the school board without prior notice of his or her attendance. However, the opinion cautioned that "if it is known that two or more members of the school board are planning to attend and participate, it would be advisable to note their attendance in the advisory committee meeting notice."
- Moreover, while recognizing that commissioners may attend meetings of a second public board and comment on agenda items that may subsequently come before the commission for final action, the Attorney General Opinions have also advised that if more than one "commissioner is in attendance at such a meeting, no discussion or debate may take place among the commissioners on those issues." AGO 00-68. Accord AGO 98-79 (city commissioner may attend a public 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 because "the city commission's discussions and deliberations on the proposed ordinance must occur at a duly noticed city commission meeting"). See also AGOs 05-59 and 77-138.

# SUNSHINE LAW

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Communications Outside Meetings

FLORIDA'S GOVERNMENT IN THE SUNSHINE LAW PROVIDES A RIGHT OF ACCESS TO GOVERNMENTAL PROCEEDINGS AT BOTH THE STATE AND LOCAL LEVELS. IN THE ABSENCE OF STATUTORY EXEMPTION, IT APPLIES TO ANY GATHERING (FORMAL OR INFORMAL) OF TWO OR MORE MEMBERS OF THE SAME BOARD TO DISCUSS SOME MATTER WHICH WILL FORESEEABLY COME BEFORE THAT BOARD FOR ACTION.

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# PARRIS V. STATE JUDGE CIKLIN'S CONCURRING OPINION

"Meetings of two or more fellow government officials who are subject to the Sunshine Law are not allowed if any words of any type pertaining to any possible foreseeable issue will be communicated in any way unless they are open to the public to whom reasonable notice has been provided."

*Parris v. State*, 359 So. 3d 1178 (Fla. 4th DCA 2023) (J. Ciklin, concurring)

# JUDGE CIKLIN

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"There is rarely any purpose for a private meeting or communication between two or more government officials who are both subject to the Sunshine Law. Those who engage in such activity widely open themselves to allegations that some aspect of the governmental decisional process has unlawfully occurred behind closed doors.

"Any aspect of the decisional process—ranging from whether to conduct a meeting in the first instance to the concept of terminating administrative staff to the seeming inane decision as to which government officials will even make a motion to begin open public discussion—is part of the official decisional process and must be wide open and advertised in advance to the public."

# DECISION MAKING PROCESS

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It is the how and the why officials decided to so act which interests the public, not merely the final decision. As the court recognized in *Times Publishing Company v. Williams*, 222 So. 2d 470, 473 (Fla. 2d DCA 1969), disapproved in part on other grounds, *Neu v. Miami Herald Publishing Company*, 462 So. 2d 821 (Fla. 1985):

"Every thought, as well as every affirmative act, of a public official as it relates to and is within the scope of his official duties, is a matter of public concern; and it is the entire decision-making process that the legislature intended to affect by the enactment of the statute before us."

- Accordingly, the law is applicable to any gathering, whether formal or casual, of two or more members of the same board or commission to discuss some matter on which foreseeable action will be taken by the public board or commission. *Sarasota Citizens for Responsible Government v. City of Sarasota*, 48 So. 3d 755, 764 (Fla. 2010).
- "Under Florida law, there is no such thing as an 'informal' conference or 'unofficial' caucus or pass-you-in-the hallway information gathering (or sharing) by two or more government officials subject to the Sunshine Law which would thereby remove such communication from the Sunshine Law's ambit. Indeed, such 'innocuous' meetings have been held to be illegal and nothing short of the unlawful crystallization of secret decisions to a point just short of public discussion and ceremonial acceptance." *Parris v. State*, 359 So. 3d 1178 (Fla. 4th DCA 2023) (Ciklin, J., concurring specially).

MONROE COUNTY V.  
PIGEON KEY HISTORICAL  
PARK, INC., 647  
SO. 2D 857, 868 (FLA. 3D  
DCA 1994)

"[T]he Sunshine Law does not provide that cases be treated differently based upon their level of public importance."



# PROHIBITED COMMUNICATIONS

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Members of boards subject to the Sunshine Law may not engage in private discussions with each other about board business, either in person or by telephoning, emailing, texting or any other type of electronic communication (i.e. social media, blogs).

See *Gilliams v. State*, 359 So. 3d 784 (Fla. 3d DCA 2023).





# PROHIBITED COMMUNICATIONS, CONT.

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Board members may not take action on or engage in private discussions of board business via written correspondence, text messages, Facebook messages, or any form of electronic communication.

- *Linares v. District School Board of Pasco County*, No. 17-00230 (Fla. 6th Cir. Ct. January 10, 2018).



Example-AGO 09-19 wherein the Attorney General advised members of a city board that they may not engage on the city's Facebook page in an exchange or discussion of matters that could foreseeably come before the board for official action.

# COMMISSIONER MEETINGS WITH STAFF

Ordinarily, the Sunshine Law does not prohibit an individual board member from discussing public business or information with agency staff or other nonboard members. See *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755 (Fla. 2010).

However, board members cannot use a third party to facilitate an otherwise unlawful communication. Thus, staff cannot act as a conduit of information amongst board members.

# MEETINGS WITH STAFF

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- Courts have found that ordinarily informational briefings held by agency staff with individual members of a board do not violate the Sunshine Law. See *Sarasota Citizens for Responsible Gov't v. City of Sarasota*, 48 So. 3d 755 (Fla. 2010) and AGO 81-42.
- However, board members should not poll other board members regarding their intended votes either individually or through agency staff. See also *Blackford v. Sch. Bd.*, 375 So. 2d 578 (Fla. 5<sup>th</sup> DCA1979). And see AGO 96-35, AGO 89-23, and AGO 75-59.
- Thus, the County Manager may meet individually with board members to discuss public business, but the manager cannot "act as a liaison for board members by circulating information and thoughts of individual councilmembers to the rest of the board." AGO 75-59

COURTS CONSISTENTLY INTERPRET THE SUNSHINE LAW TO  
PROHIBIT “EVASIVE DEVICES” DESIGNED TO CIRCUMVENT  
OPEN GOVERNMENT. - AGO 2023-04

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Evasive Devices and Liaisons

WHILE AN INDIVIDUAL BOARD MEMBER IS NOT PROHIBITED FROM DISCUSSING BOARD BUSINESS WITH STAFF OR A NON-BOARD MEMBER, THESE INDIVIDUALS MAY NOT BE USED AS A LIAISON TO COMMUNICATE INFORMATION BETWEEN BOARD MEMBERS. FOR EXAMPLE, A BOARD MEMBER CANNOT ASK STAFF TO POLL THE OTHER BOARD MEMBERS TO DETERMINE THEIR VIEWS ON A BOARD ISSUE.

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See AGO 23-04

# COMMUNITY FORUMS SPONSORED BY PRIVATE ORGANIZATIONS

Sunshine Law does not apply to candidates unless they are an incumbent seeking re-election. See AGO 92-05.

Generally speaking, the Attorney General has concluded that the Sunshine Law does not apply to meet the candidate forums or events sponsored by private entities where candidates for public office, including incumbent candidates, discuss their political philosophies and beliefs, so long as members of the same board do not discuss foreseeable action amongst themselves. AGO 92-05 and AGO 94-62.

However, caution should be exercised as such private events cannot be used to circumvent the Sunshine Law.

# CAUTION RE COMMUNITY EVENTS!

- Inf. Op. to David Jove, Jan. 12, 2009: Hallandale Beach City Attorney inquired about whether the Sunshine Law applied to a forum hosted by a city council member in which other council members were invited to attend and discuss matters which may foreseeably come before the city commission.
- Attorney General focused on the fact that the event was being held by a city commission member and found that the Sunshine Law did apply.
- All requirements of s. 286.011, F.S., were required to be satisfied including notice provided by the city council. See also *City of Bradenton Beach v. Metz*, No. 2017 CA 003581 (Fla. 12th Cir. Ct. August 9, 2019).

# ADDITIONAL WARNING!

## SERIOUSLY, DO NOT BE A CONDUIT.

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- Private events or forums should not be used to evade the Sunshine Law.
- Example: State v. Foster, 12 F.L.W.Supp. 1194a (Fla. Broward Co. Ct. September 26, 2005).
  - Involved a private breakfast event attended by several members of the City Commission as well as the Sheriff.
  - City Commission members individually asked questions of Sheriff in each other's presence.
- Court found that the Sunshine Law would apply to such a meeting and the Sheriff was essentially acting as a "common facilitator" of information amongst members of the same board.

# WHAT ARE THE PENALTIES AND SANCTIONS FOR A VIOLATION OF SUNSHINE LAW?

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- Unintentional Violations - are non-criminal infractions punishable by a fine up to \$500.00.
- Knowing Violations - are second-degree misdemeanors punishable by a fine of not more than \$500.00 and a jail term of not more than 60 days.
- Suspension or removal from office - a board member may be suspended or removed from office under the general provisions of § 112.52 (for commission of a felony or misdemeanor).
- Attorneys Fees and Court Costs - fees and costs may be awarded at both the trial and appellate level if a violation is found.

# BOTTOM LINE

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Remember NOT to talk to, email, text, or correspond with fellow board or commission members about any matters that may foreseeably come before the board for discussion or decision outside the confines of a duly noticed and open public meeting.

WHEN IN DOUBT,  
TALK IT OUT!

Call the City Attorney If Any Question Regarding the Sunshine Law.

# THANK YOU

## Sources

Joshua E. Bills, Esq.

[Florida Government-In-The-Sunshine Manual](#)

<https://www.myfloridalegal.com/open-government/training>

[https://www.volusia.org/core/fileparse.php/5945/urlt/FL\\_Sunshine\\_Law\\_Presentation.pdf](https://www.volusia.org/core/fileparse.php/5945/urlt/FL_Sunshine_Law_Presentation.pdf)

<https://www.fl-counties.com/wp-content/uploads/2025/06/Open-Government-Meetings-PPT2.pdf>

**CITY COMMISSION OF THE CITY OF WILDWOOD  
EXECUTIVE SUMMARY**

**SUBJECT:** Meeting Rules and Order Discussion

**REQUESTED ACTION:** For information only.

**CONTRACT:**

Vendor/Entity:

Effective Date:

Termination Date:

Managing Division/Department:

**BUDGET IMPACT:**

**HISTORY/FACTS/ISSUES:**

The attached memo prepared by the City Manager reviews the Commission Meeting Rules and Order and outlines feedback received regarding the same. Staff is asking that the Commission review the current Meeting Rules and Order and provide direction on any desired changes.



# Memorandum

**To:** Wildwood City Commission  
**From:** Jason McHugh, AICP, CPM, City Manager  
**Date:** March 24, 2026  
**Re:** Meeting Rules and Order Discussion

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Dear Mayor and Commissioners:

I have received feedback from more than one City Commission member regarding the Meeting Rules and Order, which were established with the City Commission's adoption of Resolution No. R2023-08 on March 20, 2023, in an effort to formally establish the procedures for the conduct of all meetings of the City Commission. In turn, these rules set the format of the City Commission agendas the Executive Department populates and disseminates ahead of the Commission meetings and workshops.

In my opinion, the Meeting Rules and Order and the format of the City Commission agenda continues to work well for the City and provides the framework for an efficient meeting, without degrading the public's opportunity for input into the decision-making process, and for Department Heads to interface with the City Commission on various projects.

However, the City Attorney and I have reviewed the Meeting Rules and Order and have found some minor, non-substantive changes that we intend to propose at the appropriate time. Some of the feedback I have received from Commission members regarding the Meeting Rules and Order include:

- 1) Authority of one Commissioner to request a topic to be placed on a future agenda (without majority vote)
- 2) Request that "Amendments to the Agenda" be added after the "Call to Order"
- 3) Request for "Financial & Contracts & Agreements" to be processed like the Consent Agenda
- 4) Concern related to how responses to the Public Forum are handled by the Commission
- 5) Question regarding the length of time for Public Comment (currently limited to 4 minutes) being sufficient

I have attached a copy of Resolution R2023-08 for your review in preparation of the discussion. Should the Commission wish to make any changes to the Meeting Rules and Order, Staff will process the modifications for consideration at a future City Commission meeting.

**RESOLUTION NO. R2023-8**

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA ADOPTING A POLICY ENTITLED "MEETING RULES AND ORDER" PURSUANT TO SECTION 3-8.1 OF THE CHARTER OF THE CITY OF WILDWOOD; PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, Section 3-8.1 of the Charter of the City of Wildwood allows for the City Commission to adopt its own rules and procedures for the conduct of its meetings; and,

**WHEREAS**, the City of Wildwood has determined there is a need to adopt a policy that establishes rules and procedures for the conduct of Commission meetings.

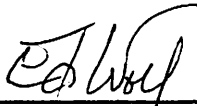
**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WILDWOOD, FLORIDA, THAT:**

1. The City Commission hereby adopts the policy entitled "Meeting Rules and Order" pursuant to City Charter Section 3-8.1.

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

**DONE AND RESOLVED** this 20<sup>th</sup> day of March, 2023, by the City Commission of the City of Wildwood, Florida.

**CITY COMMISSION  
CITY OF WILDWOOD, FLORIDA**

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

ATTEST:   
\_\_\_\_\_  
Susan Patterson, City Clerk

# MEETING RULES AND ORDER

## CITY OF WILDWOOD



**WILDWOOD**  
FLORIDA

**Adopted: March 20, 2023**

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**SECTION 1**  
**SCOPE**

**1.1 SCOPE**

These rules shall establish the procedures for the conduct of all meetings of the City Commission of the City of Wildwood. The purpose of these rules is to establish procedures which will be convenient for the public, be fair to all members of the City Commission and contribute to orderly conduct of city business. For any items not addressed in these rules, the ruling of the Chair shall govern unless overruled by a majority of the City Commission.

## **SECTION 2 PRESIDING OFFICER**

### **2.1 DEFINITION**

A. The presiding officer at the City Commission meeting shall be the mayor or in his/her absence, the mayor pro tem, and in his/her absence, the City Commission member in attendance at the meeting with the longest continuous tenure on the City Commission.

B. If the meeting is being chaired by a Commission member other than the highest ranking presiding officer of the City Commission, upon the arrival of a higher ranking presiding officer, the officer shall immediately relinquish the chair upon the conclusion of the business at hand.

### **2.2 DESIGNATED DUTIES**

The presiding officer shall be well-versed in these rules and shall also preserve order and decorum at all Commission meetings. He/she shall maintain control of the meeting and keep it focused.

### **2.3 CALL TO ORDER**

The presiding officer shall take the chair precisely at the hour appointed for the meeting and shall call the City Commission to order.

### **2.4 RECESS DURING MEETINGS**

The presiding officer has the power to call for a recess. Recesses requested by any other Commission members require a majority vote of the City Commission.

## **SECTION 3 ROLL CALL**

### **3.1 ROLL CALL**

As the first order of business, the mayor shall note the absence of any member of the City Commission. The city clerk shall notate the attendance of each member in the minutes.

### **3.2 QUORUM**

A. A majority of all members serving on the City Commission shall constitute a quorum at any meeting of the City Commission.

B. In the absence of a quorum, two (2) or more members may adjourn any regular, special, or workshop meeting to a later date.

### **3.3 TARDINESS**

If a Commission member arrives after a meeting has convened, the tardiness will be reflected in the minutes under Roll Call, next to the Commission member's name. The arrival of the Commission member will be indicated in the appropriate section of the minutes. If a vote is taken prior to the Commission member's arrival, the member's absence will be noted in the vote in the minutes.

### **3.4 ABSENTEEISM**

A. Absence from three (3) consecutive regular meetings of the City Commission, without being excused by the City Commission, may result in the forfeiture of the seat of the member. The city clerk shall notify the City Commission of the third consecutive absence of any Commission member.

B. When a Commission member leaves a meeting and does not return, the member needs only to inform the presiding officer that he/she will not return to the meeting. The presiding officer will inform the City Commission and the public of same.

### **3.5 ATTENDANCE BY COMMUNICATIONS TECHNOLOGY MEDIA**

A. A Commission member who, due to extraordinary circumstances such as a physical disability or illness, is unable to attend a scheduled Commission meeting, may participate and vote in a Commission meeting by the use of communications media technology, that is currently utilized by the city, provided a quorum is physically present at the meeting and a majority of the City Commission members present vote in favor of approving such participating.<sup>1</sup> An absent Commission member may not be counted for purposes of constituting a quorum.

B. The communications media utilized must enable the absent member to participate in the discussions, to be heard and/or seen by the other Commission members

and the public, and to hear discussions taking place during the meeting. (AGO 92-44 and 94-55). With regard to quasi-judicial hearings, an absent Commission member must have access to all of the evidence presented to the Commission members present, and must have sufficient means to judge the credibility of witnesses and otherwise fully participate as if physically present, in order to vote.

C. The city shall incur the cost for the use of communication media technology in an amount not to exceed One Hundred Dollars (\$100.00) per meeting. Costs exceeding the maximum amount shall be borne by the absent Commission member.

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<sup>1</sup>Whether the absence of a Commission member constitutes an extraordinary circumstance is a determination that must be made in the good judgment of the City Commission. (AGO 03-41). The Attorney General's Office "has been reluctant to extend the participation in public meetings of public officials by electronic means to situations other than those involving a serious medical condition and the presence otherwise of a quorum at the public meeting.

## **SECTION 4 DECORUM**

### **4.1 ORDER AND DECORUM**

The presiding officer shall be responsible for maintaining the order and decorum of meetings. It shall be the duty and responsibility of the presiding officer to ensure that the rules of operation and decorum contained herein are observed. The presiding officer shall maintain control of communication between the Commission members and between the City Commission, staff and public. The City Commission and members of staff shall work to preserve appropriate order and decorum during all meetings.

### **4.2 COURTESY**

All members of the City Commission shall accord the utmost courtesy to each other, to city employees, and to public members appearing before the City Commission and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Commission members shall confine their remarks to the issues before the City Commission.

### **4.3 COMMUNICATION BY COMMISSION MEMBERS**

A. Commission members should request the floor from the presiding officer before speaking.

B. When one member of the City Commission has the floor and is speaking, other Commission members shall not interrupt or otherwise disturb the speaker, nor shall they engage in side conversations with other Commission members.

### **4.4 ADDRESSING CITY STAFF**

Every Commission member desiring to question the city staff shall address the question to the city manager. The city manager shall be entitled either to answer the inquiries him/herself, designate some member of the city staff for that purpose, or request that the question be discussed at a later date.

### **4.5 COMMUNICATION WITH MEMBERS OF THE PUBLIC ADDRESSING COMMISSION**

A. The presiding officer shall open the floor for public testimony as appropriate.

B. Commission members may question a person addressing the City Commission at the conclusion of the person's comments or upon expiration of the person's time to speak. Such questions should be directed to the person through the presiding officer, unless the presiding officer grants the City Commission member permission to directly question the person.

C. Staff members, through the city manager, shall be a resource to the City Commission to answer questions arising during discussion between Commission members and members of the public. Communications in this regard shall be through the presiding officer.

D. Members of the public shall direct their questions and comments through the presiding officer.

#### **4.6 CITY STAFF ADDRESSING CITY COMMISSION**

A. Members of the city staff and employees of the city shall observe the same rules of procedures and decorum applicable to members of the City Commission. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under his/her direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is preserved at all times by city employees at Commission meetings.

1. Staff members specifically assigned to address an agenda item may approach the lectern and await recognition by the presiding officer.

2. Any staff member requesting to address the City Commission on matters not specifically assigned shall be recognized through the city manager, who in turn shall be recognized by the presiding officer, and shall approach the lectern, if requested, stating his/her name for the record, limiting his/her remarks to the matter under discussion.

3. All remarks and questions shall be addressed to the City Commission as a whole and not to any individual member thereof.

4. No staff member, other than the staff member having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

#### **4.7 INTERRUPTION OF MEETING**

Persons demonstrating disruptive behavior at meetings or violating established rules of order will be called to order by the presiding officer. If such conduct continues, the presiding officer may call a recess, request the removal of such person(s) from the City Commission chambers upon a finding of "disorder", adjourn the meeting if determined to be the appropriate action, or take such other appropriate action as permitted by law.

#### **4.8 DEFINING DISORDER AND DISRUPTION**

A. The City charter empowers the City Commission to expel any member of the audience who is disorderly while the City Commission is in session.

B. A speaker who is disorderly at a meeting may be removed upon a finding by the presiding officer that such disorder causes a “disruption”. Disorder at public meetings usually takes one of three forms:

1. Refusal to confine the speech to the subject matter being addressed.
2. Refusal to conform to time limits on speaking:
  - a. Courts have held that a valid removal order for time limit or subject limit violations should include advising the speaker of available, alternative methods of presenting his/her views, such as:
    - 1) leaving a written transcript of the speech for the record;
    - 2) mailing the speech to each member of the City Commission; and/or
    - 3) appearing at future meetings to discuss the subject.
3. The speaker's demeanor and conduct during the meeting.

C. Disruption includes any conduct that significantly violates generally or specifically established rules of order and truly disrupts the meeting. Examples are:

1. Violent or tumultuous conduct threatening the safety of another.
2. Conduct creating danger to another's property.
3. Provoking or engaging in a fight.
4. Use of words that may threaten or outrage others.
5. Not speaking on the subject matter being addressed and refusing to do so when requested by the presiding officer.
6. Using obscene, profane, or vulgar language.

D. A speaker may not be removed merely because the content of the speech is not politically pleasing or acceptable.

#### **4.9 ENFORCEMENT OF ORDER**

Any Commission member may request the presiding officer to enforce the rules of decorum upon a motion and majority vote by the City Commission.

#### **4.10 SERGEANT-AT-ARMS**

The Police Chief or their designee shall be sergeant-at-arms of the City Commission meetings and shall carry out all orders and instructions given by the presiding officer for the purpose

of maintaining order and decorum at the City Commission meeting.

#### **4.11 REMOVAL FROM MEETING**

Upon the instructions of the presiding officer, it shall be the duty of the sergeant-at-arms to escort and/or remove any person from the room who disrupts the meeting. The sergeant-at-arms should attempt to calm the person and explain the law on trespass and Section 871.01, Florida Statutes, Disturbing Schools and Religious and Other Assemblies. If the individual refuses or resists removal, he/she may be placed under arrest.

#### **4.12 RE-ENTRY TO MEETING**

The length of time a removed offender must remain outside a meeting, or whether he/she may reenter during the same meeting shall be decided by a majority vote of the City Commission.

**SECTION 5  
ORDER OF BUSINESS**

**5.1 ORDER OF BUSINESS**

A. The business of the City Commission shall be taken up for consideration and disposition in substantially the following order:

**1. Call to Order with Pledge of Allegiance and Invocation**

The presiding officer calls the meeting to order at the designated time.

**2. Consent Agenda/Informational Items**

Items listed under the Consent Agenda are considered and adopted by City Commission on one (1) motion. If discussion on a Consent Agenda item is desired by an individual Commission member, that item will be removed from the Consent Agenda and will be considered in the appropriate section of the Agenda.

**3. Presentations and/or Proclamations**

Organizations, individuals, and groups are recognized through proclamations or certificates.

Presentations are scheduled by individuals or businesses to inform Commission of issues, projects, etc., and provide an opportunity for discussion by the City Commission. No more than two (2) presentations shall normally be scheduled for any given Commission meeting.

Other than motions to adopt proclamations, the City Commission shall not take formal action upon issues or matters presented under presentations at the same meeting. If formal action is desired, such matters shall be deferred and scheduled for a subsequent or future Commission meeting for consideration. The City Commission may, however, by a majority vote, act on items they deem necessary and appropriate. Items not requiring Commission action shall be directed to the city manager for consideration and further action.

**4. Public Hearings – Timed – Legislative**

**5. Public Hearings – Timed – Quasi-Judicial**

**6. Public Forum**

Speaker's card to be completed and submitted to the clerk on duty. There will be no response to the speaker by the City Commission or city staff. Commission

members desiring to address a comment will do so under paragraph 14 of this section.

**7. Ordinances First Reading Only**

**8. Resolutions for Approval**

**9. Financial & Contracts & Agreements**

**10. General Items for Consideration/Discussion and Other Business**

**11. Appointments**

**12. City Manager Reports**

The city manager may provide updates on current city activities, report on issues raised at previous Commission meetings or special recognitions, and respond to comments of the public forum in paragraph 6 of this Section. These are non-action items. Notwithstanding the foregoing, the City Commission may direct the city manager to further pursue the items addressed in the city manager reports.

**13. Other Department Reports**

**14. Commission Members Reports**

Commission members may give updates on the activities of individual members of the City Commission or respond to comments of the public forum in paragraph 6 of this Section. These are non-action items.

**15. City Attorney Report**

The city attorney may provide updates on current litigation or other pending legal matters.

**16. Adjournment**

B. The City Commission may modify the order of business, and add or delete agenda headings, upon a majority vote of the City Commission.

## **SECTION 6 AGENDAS**

### **6.1 PREPARATION**

The city manager's office shall prepare agendas for all formal and informal meetings.

### **6.2 POSTING OF NOTICE AND AGENDA**

A. Posting of Notice and Agenda. For every regular or special meeting, the city clerk, or other authorized person, shall post a notice of the meeting, specifying the time and place at which the meeting will be held, and an agenda containing a brief description of all items of business to be discussed at the meeting. The notice and agenda may be combined in a single document.

B. Location of Posting. The notice and agenda shall be posted on the City's website.

C. Posting for Regular Commission Meetings. For any regular Commission meeting of the City Commission, the notice and agenda shall be posted no later than seventy-two (72) hours prior to the time set for the meeting.

D. Posting for Special Commission Meetings. For any special meetings of the City Commission, the notice and agenda shall be posted and provided to Commission members, no later than forty-eight (48) hours prior to the time for the meeting. Special meetings may be convened by the mayor. The City Commission shall prescribe the means of serving or furnishing notice to its members.

E. Posting for Emergency Commission Meetings. In cases where immediate action by the City Commission must be taken in order to prevent and/or respond to conditions where property, equipment, public health or life is endangered, the notice and agenda shall be posted and provided to Commission members as soon as practicable.

### **6.3 SUBMISSION OF ITEMS**

All reports, communications, ordinances, resolutions, contract documents or other matters to be considered at a Commission meeting must be delivered to the city manager within the time frame determined by him/her. The office of the city manager shall arrange an agenda packet, with all attachments, that will be submitted to the City Commission, by Thursday, the week before the meeting.

### **6.4 PLACING AN ITEM ON THE AGENDA FOR ACTION BY COMMISSION MEMBERS**

A. Any Commission member may request an item be placed on a future agenda:

1. During a meeting.

2. By advising the city manager of the item during the preparation of the agenda.

## **6.5 PLACING AN ITEM ON THE AGENDA (THE PUBLIC)**

- A. A member of the public may request an item be placed on a future agenda:
  1. During public comments at a meeting and upon consensus of the City Commission.
  2. By contacting a Commission member who in turn requests through the city manager that the item be placed on the agenda during the preparation process of the agenda.

## **6.6 AGENDA CONTENTS**

A. Description of Matters. All items of business to be discussed at a meeting of the City Commission shall be briefly described in the agenda. The description should set forth as clearly as practical a description of the item and the proposed action to be considered so that members of the public will know the nature of the action under review and consideration.

B. Availability of the Agenda to the Public. The agenda for any regular or special meeting shall be made available to the general public as soon as it is practical after delivery to the City Commission members.

C. Limitation to Act on Only Items on the Agenda. No action shall be taken by the City Commission members on any item not on the posted agenda, subject only to the exceptions listed below:

1. Upon a majority determination that an "emergency situation" (as defined by State Law) exists; or
2. Upon a determination by a majority vote of the City Commission that there is a need to take immediate action and that the need to take the action came to the attention of the city officials subsequent to the posting of the agenda.

## **6.7 MODIFICATION OF AGENDA**

A. The City Commission, by a majority vote or general consent of its members, may modify the agenda at a meeting by:

1. Adding an additional item per the request of a Commission member or the city manager.
2. Proposing the rearranging of agenda items.
3. Removing (including tabling or postponing) an agenda item per the

request of a Commission member or the city manager.

## **6.8 DISTRIBUTION**

The agenda will be posted on the City's website once completed. A link to the agenda shall be provided via email to the local news media who have requested it. A reasonable number of extra copies of the agenda will be available for the public at the meeting.

Agendas will be emailed to individuals who provide the office of the city manager with a valid email address.

## **SECTION 7 CONSENT AGENDA**

### **7.1 PURPOSE**

The use of the consent agenda is a tool for shortening the time spent on unnecessary discussion and the number of motions made at a Commission meeting. The consent agenda items are considered as one (1) item of business and is an agenda heading. It contains routine items which are not considered controversial in nature, and which do not need further discussion. The items on the consent agenda will usually be ones that the City Commission is familiar with or self-explanatory enough to the point that no discussion is needed. The consent agenda, therefore, is a list of items that can be acted upon officially by the City Commission, without discussion, by means of a single motion and vote. A motion is made and seconded that the consent agenda be approved as submitted.

### **7.2 REMOVAL OF AGENDA ITEMS FROM CONSENT**

A. Items may be removed from the consent agenda and considered during the regular agenda per a Commission member's request. If an item needs discussing, it is removed from the consent agenda at that time by the Commission member requesting the same and discussed and acted upon separately in its normal sequence on the regular agenda.

B. The City Commission may remove an item upon the request of a member of the public if there is a majority consensus of the City Commission to do so, provided, however, that requests to move a site plan or a plat shall be granted. If approved, the item will be considered in its normal sequence on the agenda.

### **7.3 MINOR QUESTIONS**

A Commission member may ask questions on any item without it being pulled from the consent agenda when clarification is sought that will not involve extended discussion. The question will be addressed prior to the motion for adopting the consent agenda. Commission members are encouraged to seek clarification prior to the meeting, if at all possible.

### **7.4 PUBLIC HEARINGS EXCLUDED**

In general, items for "Public Hearings" are not considered under the consent agenda as they are open to public comment and discussion.

### **7.5 DETERMINATION OF CONSENT ITEMS**

The city manager shall determine the items to be placed on the consent agenda. Items that may be included on the consent agenda include, but are not limited to, the following:

- Informational items
- Site Plans
- Plats
- Budgeted Financial Items that Meet the Requirements of the Procurement Policy

## **SECTION 8 PUBLIC COMMENTS**

### **8.1 PURPOSE**

These procedures are established to provide an orderly method for the City Commission to receive comments from the public on specific agenda items and general matters at public meetings. Public presentations to the City Commission shall be in accordance with the following rules and guidelines, which shall be enforced by the presiding officer.

### **8.2 PUBLIC COMMENTS**

#### **A. Public Hearing Items**

1. Individuals addressing "Public Hearing" items do not have to ask for, nor complete a 'Public Comment' card for time to address the City Commission prior to the meeting.

2. Individuals present to address specific agenda items listed under "Public Hearings" will address the City Commission, using the guidelines established for same, at the time the item is considered by the City Commission.

3. The presiding officer will read the agenda item being considered, open the public hearing, and ask for public comments on the item. Individuals wishing to address the City Commission will raise their hands at the appropriate time and the presiding officer will call upon the individuals to approach the lectern.

4. The City Commission may recall an individual to provide additional information or to answer questions.

5. The speaker shall be limited to four (4) minutes time. Any unused time by a speaker may not be donated to another speaker.

#### **B. Agenda Items Listed Under Consent Agenda**

1. The City Commission will determine if an agenda item listed under the consent agenda will be removed and opened for discussion if an individual submits a public comment card to address the same.

2. The presiding officer may allow a speaker who has completed a public comment card on an agenda item under the consent agenda to address the City Commission prior to action being taken on the consent agenda. If the City Commission indicates that it has no discussion on the item after the speaker addresses the City Commission, it will remain on the consent agenda.

3. The speaker shall be limited to four (4) minutes.

4. The City Commission may recall an individual to provide additional information or to answer questions.

**C. Public Forum After Public Hearings**

1. Individuals who wish to address items not specifically listed on the agenda will be given the opportunity to address the City Commission under the agenda heading of “Public Forum” after the heading of “Public Hearings”.

2. Individuals may request to speak by completing a “Public Comment” card at the meeting and submitting it to the clerk.

3. The speaker shall be limited to four (4) minutes. Time may not be donated to another speaker.

4. The City Commission may respond to selected comments under the heading of “City Commission Reports”. The city manager may also respond to selected comments under the heading of “City Manager Reports”.

**8.3 ADDRESSING PUBLIC COMMENTS**

The City Commission may address the comments from the public as stated above. There shall be no input or additional remarks from the audience while the City Commission is addressing comments. The City Commission may recall an individual to the lectern to provide additional information or to answer questions.

**8.4 ACTION ON ITEMS**

The City Commission shall not take formal action upon issues or matters presented by the citizenry under public comments at the same meeting. If formal action is required, the item will be scheduled for the next regular Commission meeting for consideration. Items not requiring Commission action shall be directed to the city manager for consideration and further action. The City Commission may, by a majority vote, act on items that are declared by the City Commission to constitute an emergency.

**8.5 WORKSHOPS AND SPECIAL MEETINGS**

Public comments are not scheduled as an agenda heading for workshops and special meetings. The City Commission shall make such a determination at the beginning of the special meeting or workshop as to whether public comments will be allowed. A decision to allow public comments shall be approved by a majority vote, or in the case of a workshop, by a consensus of the City Commission.

## **SECTION 9 MOTIONS**

### **9.1 PRESIDING OFFICER; RIGHTS AND PRIVILEGES**

The presiding officer may discuss and vote on matters being considered by the City Commission. The presiding officer may make motions and discuss issues from the chair. When doing so, he/she shall relinquish the chair to the mayor pro tem or the next Commission member in line until a vote is taken on the matter. The presiding officer may second a motion without relinquishing the chair; he/she may not be deprived of any of the rights and privileges of any other Commission member by reason of holding such position.

### **9.2 RECOGNITION BY PRESIDING OFFICER**

Commission members desiring to speak shall address the presiding officer, and upon recognition by the presiding officer, shall confine themselves to the subject matter under discussion.

### **9.3 INTRODUCTION OF MOTION.**

- A. The presiding officer may call for a motion on business to be acted upon.
- B. Business to be acted upon is brought before the City Commission by motion in the affirmative only. A motion may also follow the presentation of a report or communication.
- C. There can be only one main motion on the floor at a time; it requires a second by another Commission member. A main motion is debatable, and all discussion must be germane to the motion.
- D. To make a motion, a Commission member must be recognized by the presiding officer. The maker will have the right to speak first in the discussion.

### **9.4 SECOND TO A MOTION**

- A. The purpose of a second to a motion is to place the motion before the City Commission for discussion and action. A second merely implies that the seconder agrees that the motion should come before the meeting and not that he/she necessarily favors the motion.
- B. The requirement of a second is for the presiding officer's guidance as to whether the motion should be placed before the City Commission for consideration. The purpose of a second is to prevent time from being consumed by the City Commission having to consider a motion that only one person desires to see introduced.
- C. A motion that fails to obtain a second dies.

### **9.5 STATING THE MOTION**

- A. Neither the making nor the seconding of a motion places it before the City

Commission; only the presiding officer can place the motion before the City Commission for discussion. The presiding officer may change the wording in order to make it easier to understand provided the meaning is not changed. When the presiding officer has placed the motion before the City Commission, the motion is pending and open to discussion.

B. All discussions must deal only and specifically with the subject of the motion. When the remarks of a Commission member begin to stray from the topic at hand, it is the duty of the presiding officer to interrupt the speaker and insist that the discussion be to the point. When discussion has been exhausted, the presiding officer puts the issue to a vote.

C. After the vote, the presiding officer announces whether the motion carries or fails. If a Commission member disputes the result as announced or the presiding officer is unable to determine the vote, the presiding officer shall ask for a roll call vote to make certain of the decision.

## **9.6 INTERRUPTIONS**

A Commission member, once recognized by the presiding officer, shall not be interrupted when speaking unless the presiding officer or another Commission member calls a point of order, or unless the speaker chooses to yield to questions for another member. If Commission members, while speaking, are called to order, they shall cease speaking until the issue regarding order is determined, and if in order, they shall be permitted to proceed.

## **9.7 POINT OF ORDER**

A. When a Commission member questions a procedure or notices a violation of the rules that he/she considers will do harm if allowed to pass, the member can make a point of order without waiting for recognition from the presiding officer and may interrupt another member speaking. This action calls the attention of the presiding officer to the procedure being questioned or the violation of a rule when the presiding officer fails to notice it or neglects to call it.

B. A point of order must be raised when the breach occurs. After any discussion or business has intervened, it is too late. Points of order should not be raised on minor irregularities of a purely technical character.

C. The point of order interrupts business. The presiding officer either rules that the point of order is well taken and orders the mistake, omission, or violation to be corrected, or rules that the point of order is not well taken and resumes business at the point where it was interrupted.

## **9.8 APPEAL ON RULING OF POINT OF ORDER**

A. Commission members have no right to criticize a ruling of the presiding officer on a point of order unless they appeal the decision. An appeal is by motion, which allows two (2) members who disagree with a ruling to submit it to the entire Commission for a decision. An appeal requires a motion and its purpose is to reverse the ruling of the presiding officer.

This motion requires a second and is immediately open for discussion. The appeal must be made immediately after the ruling has occurred.

B. Upon an appeal, the presiding officer must state the reason for the decision. Commission members may speak only once. When Commission members are through with discussion, the presiding officer may speak a second time.

C. A majority of the City Commission may reverse or modify the presiding officer's decision. A motion to appeal is lost or fails with a tie vote and sustains the decision of the presiding officer.

### **9.9 WITHDRAWAL OF MOTION**

A. A Commission member may withdraw his/her motion at any time before it is put to a vote. When a motion is withdrawn, it is no longer under consideration. The second need not be withdrawn as the withdrawal of the motion makes the second moot.

B. A seconder cannot prohibit the maker from withdrawing the motion by refusing to withdraw the second.

### **9.10 MOTION TO RECONSIDER**

The reconsideration of issues previously acted upon is discouraged, but any member of the Commission may make a motion to reconsider any action taken by the City Commission during the meeting at which such action was taken. A matter may be reconsidered by the City Commission if a member on the prevailing side of the vote requests reconsideration. Such a motion may be made at a meeting where such action is taken or at a subsequent meeting of the City Commission.

### **9.11 SECONDARY MOTIONS**

A. When any main motion is upon the floor and the subject matter is under discussion, no motion shall be received except the following, which must also have a second, and such motions shall have precedence in the following order, to-wit:

1. Discussion can take place on the motion:
  - a) To amend the main motion
  - b) To appeal the ruling on a point of order.
2. Discussion cannot take place on the motion:
  - a) To table, postpone, continue, defer, extend, delay
  - b) To call the question.

B. A secondary motion is a procedural motion that is considered before a vote on a main motion. When a secondary motion is made, it becomes the immediately-pending motion,

while the main motion remains pending.

## **9.12 AMENDMENT TO MOTION**

A. When a main motion is made, it can be amended. Commission members can make as many amendments as they like until the main motion accurately reflects the will of the majority. Only one (1) amendment at a time to the main motion shall be entertained. There shall be no amendments to amendments to the main motion.

B. To present an amendment to a motion, a Commission member must first be recognized by the presiding officer. An amendment must be moved and seconded. Amendments must be specifically worded. The presiding officer shall restate the motion to amend and also read how the main motion will change if the amendment is passed. Discussion can only take place on the amendment. Once discussion has been exhausted, the presiding officer shall call for a vote on the amendment.

C. If an amendment is approved, prior to the vote being taken on the main motion, the City Commission member who seconded the main motion has the right to withdraw the second if he/she does not agree with the main motion as amended. If the second is withdrawn, the presiding officer shall ask for another second to the motion. If the maker withdraws the main motion, the main motion is moot.

## **9.13 RECESS DURING MEETINGS**

A. A recess is a short intermission within a meeting that does not destroy its continuity as a single gathering, and after which proceedings are immediately resumed at the point at which the meeting was interrupted.

B. The presiding officer has the power to call for a recess. Recesses requested by other Commission members require a majority vote of the City Commission. The presiding officer will announce the amount of time allotted for the recess.

## **9.14 MOTION TO TABLE**

A. 'Table' shall mean the resetting or rescheduling of an item or issue placed on an agenda for consideration by the City Commission which includes, but is not limited to, extensions, continuances, delays, deferrals, and postponements.

B. Motions shall not be tabled; only items or issues can be tabled.

C. The time frame in which a tabled issue or item will be considered or reconsidered shall be determined by the City Commission, except when provided by city code or state law. The City Commission shall determine when the issue or item will be next considered, the extent of discussion to be permitted, and where the item or issue will be placed on the agenda. An item or issue shall not be tabled indefinitely.

### **9.15 CALL THE QUESTION**

If a Commission member desires to close the discussion on a pending motion so that it will come to an immediate vote, he/she can 'call the question'. Because it takes away the right of Commission members to continue discussion, it requires a motion, a second, and a majority vote.

There is no discussion on this motion. In making the motion, the maker cannot interrupt a speaker.

### **9.16 ADJOURNMENT**

Adjournment is announced by the presiding officer asking if there is any further business. If there is none and there are no objections, the presiding officer shall call for a motion to adjourn the meeting. Upon a motion, second, and majority vote of the City Commission the meeting shall be adjourned.

### **9.17 FAILURE TO OBTAIN A MOTION**

Failure to obtain a motion by the City Commission to act upon an issue or item being considered, which requires Commission action to dispose of same, shall be considered a denial or rejection of the item or issue.

## **SECTION 10 VOTING**

### **10.1 QUORUM**

The presence of three (3) Commission members at a meeting shall constitute a quorum for the transaction of business, however, no action shall be taken on items that require the affirmative vote of a supermajority of the City Commission at a meeting where only three (3) Commission members are present.

### **10.2 MAJORITY**

A. Three (3) Commission members present at a meeting shall constitute a majority.

B. No action of the City Commission, except as otherwise provided by law and/or except raising a quorum, shall be valid or binding unless adopted by the affirmative vote of at least three (3) members of the City Commission.

C. A super majority is one (1) more than half the number of members on the Commission. Thus, a five-member Commission requires four (4) votes, which votes must all be in the affirmative or negative.

### **10.3 VOTING REQUIREMENTS AND CONFLICTS**

A. The sections of the Florida Statutes pertaining to voting requirements and conflicts are summarized as follows:

1. Florida Statutes, Chapter 286.012, Voting Requirement

Each Commission member present at a meeting is required to vote on official matters and a vote recorded in the minutes for each unless there is a conflict of interest.

2. Florida Statutes, Chapter 112.3143(3)(a), Voting Conflicts

No Commission member shall vote in an official capacity upon any measure which would inure to his or her special private gain or loss, or which he/she knows would inure to the special private gain or loss of any principal by whom he or she is retained, of the parent organization or subsidiary of a corporate principal by which he or she is retained, of a relative, or of a business associate. Commission members are required to abstain from voting and must publicly announce the nature of their interests before the vote. A memorandum of voting conflict must be filed with the city clerk within 15 days after the vote occurs, disclosing the nature of their interests in the matters. The city clerk will provide the form to the City Commission member after the vote is taken.

#### **10.4 EFFECT ON QUORUM DUE TO ABSTENTION FROM VOTING**

When a Commission member is required to abstain from voting, the City Commission member is disqualified from voting and may not be counted for purposes of determining a quorum (AGO 85-40).

#### **10.5 VOTES TO BE STATED 'AYE'**

A. In putting a motion to a vote, the presiding officer shall first call for the positive vote, and all who wish to vote in favor of the motion to indicate by saying "aye"; the presiding officer then calls for the negative vote and those who wish to vote against the motion to indicate by saying "aye". The presiding officer must always call for the negative vote, no matter, how nearly unanimous the positive vote may appear. When there is any possibility of confusion, the presiding officer, before calling for the vote, should make sure that the members understand the effect of a positive vote and of a negative vote.

B. The votes shall be reflected in the minutes as "yea" for a positive vote and "nay" for a negative vote.

#### **10.6 SILENCE CONSTITUTES POSITIVE VOTE**

Silence by a member of the City Commission during the taking of a vote shall be recorded as a positive vote.

#### **10.7 CHANGE OF VOTE**

When the presiding officer calls for a vote, Commission members shall not be permitted to change their votes as recorded.

#### **10.8 ROLL CALL VOTE**

A roll call vote shall be taken upon the request of any Commission member. The names of Commission members shall be called in the following order: the maker of the motion, the seconder of the motion, Commission members in order of tenure on the Commission, and the presiding officer. The order for Commission members with the same tenure shall be determined by the highest to the lowest vote-getter. The name to be called first shall be advanced one position in each successive roll call vote for that meeting, except that the presiding officer shall always be called last.

#### **10.9 VOTING BY PROXY**

Proxy voting is prohibited by state law.

#### **10.10 ABSENCE OF COMMISSION MEMBER DURING A VOTE**

When a Commission member leaves the room to attend to other matters and the City Commission takes a vote, the member cannot vote on the subject matter when he/she returns

to the room. The Commission member's name will not be reflected in the vote. The minutes will indicate when the member left the room and returned. If the vote has not been taken by the time the Commission member returns to the meeting, the Commission member shall vote. A Commission member is prohibited from leaving the room to avoid voting on a motion.

#### **10.11 CONFLICT OF INTEREST**

When a Commission member announces there is a conflict of interest on an issue or item, the member is prohibited from voting on or discussing the measure and must "abstain". Prior to the vote being taken, the City Commission member must publicly announce the nature of the conflict of interest in the issue or item from which the member is abstaining.

#### **10.12 VOTE CONSTITUTES**

**A. Tie Vote:**

1. A tie vote shall be recorded as a failed or rejected motion.
2. In the event of a tie vote, the City Commission may, by a majority vote, have an item or issue brought back before Commission for reconsideration at the next meeting at which a full Commission is present.

## **SECTION 11 MINUTES**

### **11.1 PURPOSE**

Florida Statutes, Chapter 286, requires that minutes of meetings be taken. Although the statute does not detail what minutes should include, the proper content of minutes is suggested by their purpose. The purpose of minutes is to provide an official record or proof of Commission actions. Therefore, at a minimum, the minutes should include two sorts of material. First, the actions taken by the City Commission should be stated specifically enough to be identifiable and provable. Second, proof of any conditions necessary to action, i.e., a quorum. More may be desired by the City Commission but is legally unnecessary.

### **11.2 ADOPTION**

The minutes of previous meeting(s) for adoption shall be listed on the agenda. Such minutes may be approved without reading. Copies of the minutes shall have been distributed to Commission members prior to the meeting. A motion is required to adopt the minutes.

### **11.3 REVISIONS**

A. Revisions to the minutes may be made by Commission members at the meeting that the minutes are considered for adoption.

B. The City Commission may revise the minutes, if found to be incorrect, upon the majority vote of the City Commission.

### **11.4 REMARKS BY COMMISSION MEMBERS WHEN ENTERED INTO MINUTES**

A Commission member may request, through the presiding officer, the privilege of having an abstract of his/her statement on any subject under consideration by the City Commission entered into the minutes. If the City Commission consents thereto, such statement shall be entered into the minutes.

### **11.5 VERBATIM TRANSCRIPTS**

A. In accordance with Florida Statutes, Chapter 286.0105, individuals deciding to appeal any decision made by the City Commission are responsible for ensuring that a verbatim record of the proceedings is made.

B. The office of the city clerk is not required to prepare verbatim transcripts or parts of any minutes of City Commission meetings unless the City Commission, by a majority vote, directs verbatim transcripts for the audible parts of any minutes it deems necessary and proper for the conduct of the internal affairs of the city.

**SECTION 12  
AMENDMENTS**

**12.1 AMENDMENTS**

A. These Rules and Order may be amended by Resolution adopted by a majority vote of the entire Commission at any regular meeting of the City Commission.

B. Any of the foregoing rules may be temporarily suspended for the meeting then in session by a unanimous vote of the members of the Commission then present, unless such waiver is in conflict with the City Charter or state or local law.



Speaker's Card  
Request to Address the City Commission

Name: \_\_\_\_\_  
*(Please Print)*

City Commission Meeting Date: \_\_\_\_\_

Agenda Item: \_\_\_\_\_

Provide a brief overview of what you wish to discuss:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Speaker Information

Do you represent an organization? Yes \_\_\_\_\_ No \_\_\_\_\_

Name of organization: \_\_\_\_\_

Speaker street address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone number (optional): \_\_\_\_\_

Email address (optional): \_\_\_\_\_

**NOTE: ONCE COMPLETED, THIS CARD BECOMES A PUBLIC DOCUMENT**