

Ordinance No. 2025-4816

An ordinance of the City of Sanford, Florida amending the provisions of Section 2-7 of the *Code of Ordinances of the City of Sanford (City Code)* relating to the protection of City sensitive communications and materials relative to City operations, programs, projects and activities; providing for legislative findings and intent; providing for implementing administrative actions; providing for a savings provision; providing for conflicts; providing for severability; providing for codification and the correction of scrivener's errors and providing for an effective date.

Whereas, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law; and

Whereas, the City Commission of the City of Sanford has deemed approval of this Ordinance to be in the best interest of the residents and citizens of the City of Sanford and to further the public health, safety and welfare; and

Whereas, the City Commission of the City of Sanford has complied with all procedural and substantive requirements of controlling law in enacting this Ordinance; and

Whereas, legislative coding is used in this Ordinance and the following coding may be used: underlined words shall constitute additions to the current text of the *City Code*, and ~~strike throughs~~ shall constitute deletions to current text of the *City Code*.

Now Therefore, Be it enacted by the People of the City of Sanford:

Section 1. Legislative Findings And Intent.

The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the recitals (whereas clauses) set forth herein as the legislative and administrative findings and intent of the City Commission which, together with the agenda materials, memorandum and staff reports, to the extent that they exist, shall be maintained consistent with the maintenance schedule for ordinances, as public records of the City.

Section 2. Protection Of City Sensitive Communications And Materials Relative To City Operations, Programs, Projects And Activities. The provisions of Section 2-7, protection of City sensitive communications and materials relative to City operations, programs, projects and activities, of the *Code of Ordinances of the City of Sanford (City Code)*, are revised to read as follows:

Sec. 2-7. Protection of City sensitive communications and materials relative to City operations, programs, projects and activities.

(a) The City Manager may establish certain areas of the facilities and buildings of the City such that an expectation of privacy or security is exhibited, expected and needed. The necessity of the expectation of privacy or security may be based upon matters such as those involving homeland security, financial security, the integrity of law enforcement or other public safety activities such as those enumerated in this Section, the protection of personnel identifying information that can be used for implementing identity theft or other illicit purposes, legally founded privacy, cybersecurity records and systems, medical information and records or records and information that, as a result of related issues, matters or purposes which require, in the sound judgment of the City Manager, based upon sound and generally accepted public management practices and principles, the protection of sensitive communications and materials relative to City operations, programs, projects and activities or other protected interests; provided, however, the City shall not prohibit access to public records that are not exempt or confidential or to traditional public forums or designated public forums. The City Manager shall have the power and authority to prescribe limited public forums consistent with the provisions of this Section and to provide for signage and notices that identify such areas.

(b) With regard to areas of the facilities and buildings of the City where an expectation of privacy or a security requirement has been determined to exist, the City Manager shall ensure that the areas are posted with signs and notices that indicate to the general public that it is prohibited to make audio recordings, make video recordings or engage in photography of any type or nature or to otherwise compromise the security based or privacy based information.

(c) The City Manager shall advise the City Commission whenever areas of City facilities or buildings are determined to be the subject of this Section and the City Manager or, upon delegation, the City's Human Resources and Risk Management Director shall periodically survey the signage placed within or relative to City facilities and buildings and determine the appropriateness of the placement of such signage.

(d) The provisions of State law such as, by way of example only, those set forth within Sections 119.071(3), 119.0713, and 119.0725, Florida Statutes, address the security of records, information and systems of the City such as those relating to threat response plans; emergency evacuation plans; security training; security plans; the technology, processes and practices of City owned or operated City utility systems to protect the City utility's networks, computers, programs and data from attack, damage or unauthorized access; protection of the security of existing or proposed City information technology systems pertaining to City utilities; City cybersecurity efforts, plans and actions; and the critical infrastructure of the City and the City shall protect all such vital public security matters. The City Manager, in conjunction with the City Clerk, the City

Attorney, the City Finance Director and the City's Human Resources and Risk Management Director, shall ensure that City employees engage in sound data governance, public records management and receive adequate training on the legal requirements and security requirements with regard to protecting confidential, exempt or sensitive records; critical City infrastructure; and other matters relating to the security of City systems and facilities for the protection of the public.

(e). It is prohibited and unlawful for any person to violate the provisions of this Section. If an area is posted or notice is provided to the effect that the making of audio recordings, the making of video recordings or engaging in photography of any type or nature is prohibited, it is prohibited and unlawful for any person to attempt to conduct, conduct or assist in conducting any such activity. It is prohibited and unlawful for any person to otherwise compromise the security based or privacy-based information. The City may proceed with any legal remedy or code enforcement process available to the City under controlling state law and the penalty provisions of Section 1-7 of the *City Code* shall be fully applicable as well as debarment from City facilities in accordance with the provisions of controlling law.

(f) (e) Notwithstanding the general provisions of this Section, it is prohibited and unlawful for a City employee to record or photograph any other City employee unless directed to do so by supervisory authority.

Section 3. Implementing Administrative Actions.

The City Manager, or designee, is hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions to bring into effect the provisions of this Ordinance.

Section 4. Savings.

The prior actions of the City of Sanford relating the protections of City information, records and areas within City facilities or buildings, as well as all other security measures of the City, which occurred prior to the effective date of this Ordinance, and any and all related matters, procedures or processes, are hereby ratified and affirmed.

Section 5. Severability.

If any section or portion of a section of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity, force or effect of any other section or part of this Ordinance.

Section 6. Conflicts.

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Section 7. Codification; Scrivener's Errors.

(a). The provisions of Section 2 of this Ordinance shall be codified as determined to be appropriate by the Code codifier and all other sections shall not be codified said codification to be in either the *City Code* or *Land Development Regulations* of the City in the discretion of the Code codifier.

(b). The sections of this Ordinance may be renumbered or re-lettered and the words of this Ordinance may be changed to section, article or some other appropriate word or phrase to accomplish codification in the absolute discretion of the Code codifier.

(c). Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the authorization of the City Manager, or designee, without the need for a public hearing.

Section 8. Effective Date.

This ordinance shall become effective and be enacted immediately upon its passage and adoption.

Passed and adopted this 27th day of January, 2025.

Attest:

**City Commission of the City of Sanford,
Florida**

Traci Houchin, MMC, FCRM
City Clerk

Art Woodruff
Mayor

For use and reliance of the Sanford
City Commission only. Approved as to
form and legality.

William L. Colbert, City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

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The City is of the view that the following exception(s) to the Business Impact Estimate requirement, that are checked off in a box below, apply to the above-referenced proposed ordinance. Although, the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;
- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;

- b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
- c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
- d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):

Section 2-7 of the *City Code* generally provides that the City Manager may establish certain areas of the facilities and buildings of the City as being those where an expectation of privacy or security is exhibited, expected and needed.

The necessity of the expectation of privacy or security may be based upon matters such as those involving homeland security, financial security, the integrity of law enforcement or other public safety activities, the protection of personnel identifying information that can be used for implementing identity theft or other illicit purposes, legally founded privacy, cybersecurity records and systems, medical information and records or records and information that, as a result of related issues, matters or purposes which require, in the sound judgment of the City Manager, based upon sound and generally accepted public management practices and principles, the protection of sensitive communications and materials relative to City operations, programs, projects and activities or other protected interests. It is prohibited to violate Section 2-7 of the *City Code*.

The City, of course, shall not prohibit access to public records that are not exempt or confidential or to traditional public forums designated public forums. The City Manager shall have the power and authority to prescribe limited public forums and to provide for signage and notices that identify such areas.

The Ordinance also requires a periodic survey the signage placed within or relative to City facilities and buildings and determine the appropriateness of the placement of such signage.

Further the Ordinance recognizes the provisions of State law such as, by way of example only, those set forth within Sections 119.071(3), 119.0713, and 119.0725, *Florida Statutes*, which address the security of records, information and systems of the City such as those relating to threat response plans; emergency evacuation plans; security training; security plans; the technology, processes and practices of City owned or operated City utility systems to protect the City utility's networks, computers, programs and data from attack, damage or unauthorized access; protection of the security of existing or proposed City information technology systems pertaining to City utilities; City cybersecurity efforts, plans and actions; and the critical infrastructure of the City. The Ordinance ensures that City employees will engage in sound data governance, public records management and receive adequate training on the legal requirements and security requirements with regard to protecting confidential, exempt or sensitive records; critical City infrastructure; and other matters relating to the security of City systems and facilities for the protection of the public..

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:

None. There would be no staff or other costs associated with the enactment of Ordinance No. 2025-xxx. The provisions of Section 2-7 of the City Code are, however, intended to protect City sensitive communications and materials relative to City operations, programs, projects and activities in a manner that would protect the City against First Amendment and other claims relating to access to facilities and offices of the City.

3. Estimate of direct compliance costs that businesses may reasonably incur:

None.

4. Any new charge or fee imposed by the proposed ordinance:

None.

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:

None.

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:

None, unless a business owner were to engage in proscribed behavior.

7. Additional information

Reference to the City staff report/agenda memorandum and the public hearings on the proposed Ordinance may be of assistance.