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RESOLUTION NO. 05-103

A RESOLUTION OF THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, RELATING TO LOBBYING THE FLORIDA LEGISLATURE TO AMEND SECTION 119.07, FLORIDA STATUTES, THE STATE'S "SUNSHINE LAW" TO PROVIDE AN EXEMPTION FROM PUBLIC RECORDS THE NAMES AND E-MAIL ADDRESSES OF RECIPIENTS OF COMMUNITY NEWS BULLETINS OR NEWS UPDATES; AND SEEKING SUPPORT FROM ALL NEIGHBORING COMMUNITIES WITH THIS INITIATIVE; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the mayor and village council are concerned with the privacy interests of all residents and persons receiving e-mail news mail or news bulletins from the village; and,

WHEREAS, under Florida law all village records and documents are considered public records and are subject to distribution to the general public, unless a specific exemption applies under the state's "Sunshine" statute, section 119.07, Florida Statutes; and,

WHEREAS, municipalities, counties, and other local and regional governmental entities desire to issue news letters or bulletins to residents as to upcoming events and local points of interest; and

WHEREAS, often the most expedient method of providing these new letters is via the internet, which provides swift, inexpensive and reliable communication to the community; and

WHEREAS, under Florida law, the local governmental entity cannot protect the privacy of recipients of the email communication from third parties, thus allowing telemarketers, and various interest groups to obtain the e-mail lists, thus allowing the interest groups to invade the privacy of local residents; and

WHEREAS, the Mayor and Village Council desire to lobby the state legislature to modify section 119.07, Florida Statutes, to allow an exception for local governments, from disclosing the e-mail addresses of recipients of mass news letters, mailings or bulletins, so that the privacy rights of residents are protected from being bombarded with "junk mail" and e-mail solicitations by various interest groups.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND VILLAGE COUNCIL OF THE VILLAGE OF PALMETTO BAY, FLORIDA, AS FOLLOWS:

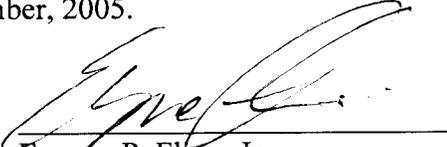
Section 1. The above whereas clauses are incorporated by reference.

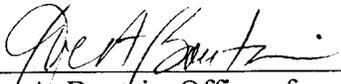
1 **Section 2.** The village council seeks the support of all local municipalities, counties,
2 and local governmental entities within Florida to support the village's efforts to lobby the Florida
3 Legislature to amend section 119.07, Fla. Stat., to provide an exception from public records for
4 local governmental e-mail lists, which lists are to be used solely for informational and news
5 related purposes. This request is to protect privacy rights of e-mail recipients from the
6 dissemination of their e-mail address to special interest groups. The contents of the news and
7 informational e-mails shall not be exempt from public records.

8 **Section 3.** This resolution shall take effect immediately upon approval.

9 **PASSED and ADOPTED** this 5 day of December, 2005.

10
11 Attest: 
12 Meighan Pier
13 Village Clerk


Eugene P. Flinn, Jr.
Mayor

14
15 APPROVED AS TO FORM:
16 
17
18 Eve A. Boutsis, Office of
19 Village Attorney
20 Nagin, Gallop & Figueredo, P.A.

21
22 FINAL VOTE AT ADOPTION:
23
24 Council Member Ed Feller YES
25
26 Council Member Paul Neidhart YES
27
28 Council Member John Breder YES
29
30 Vice-Mayor Linda Robinson YES
31
32 Mayor Eugene P. Flinn, Jr. YES

33
34 K:\VillageClerk\December 5, 2005\Res-Sunshine Amdmt.doc