ORDINANCE NO.: 08-26

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF ORANGE PARK, FLORIDA, CREATING A NEW CHAPTER (PROCEDURES GOVERNING CONDUCT OF PUBLIC OFFICIALS WITH RESPECT TO EX PARTE COMMUNICATIONS), ORANGE PARK TOWN CODE; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING CODIFICATION INSTRUCTIONS; PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED by the Town Council of Orange Park:

Section 1. **Creating a new Chapter 3 (Procedures Governing Conduct of Public Officials with Respect to Ex Parte Communications), Orange Park Town Code**. A new Chapter 3 (Procedures Governing Conduct of Public Officials with Respect to Ex Parte Communications), Orange Park Town Code is hereby created to read as follows:

CHAPTER 2 - ADMINISTRATION

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CHAPTER 3 - PROCEDURES GOVRENING CONDUCT OF PUBLIC OFFICIALS WITH RESPECT TO EX PARTE COMMUNICATIONS

Sec. 3-1. Purpose.

The purpose of this Section is to establish procedures to remove the presumption of prejudice from ex parte communications, that is, any communication which occurs outside of a public hearing, with local public officials who are members of any Town Council committee, board, or commission, including the Town Council, which recommends or takes quasi-judicial action as a member of such

committee, board, commission or Town Council. Further, the purpose of this Section is to entitle the appointed and elected public officials of the Town of Orange Park, Florida and its citizens to all of the benefits available pursuant to the authority of Section 286.0115, Florida Statutes.

Sec. 3-2. Definitions.

As used herein:

(a) *Town Board* means any committee, board, and commission created by the Town Charter or the Town Code, including the Town Council;

(b) *Ex parte communication* means any form of communication, either oral or written, including any other form of non-verbal communication, with public officials which occurs outside of a public hearing. Such communications include, but are not limited to: conversations, meetings, site visits, mailings, or presentations during which substantial factual information about an item is gathered by or submitted to a local public official;

(c) *Local public official* or *public official* means any elected or appointed public official of a Town Board, which recommends or takes quasi-judicial action;

(d) *Quasi-judicial* is a term which applies to the action of public officials or bodies who are required to investigate facts, or ascertain the existence of facts, hold hearings, weigh evidence and draw conclusions from them, as a basis for their official action, and to exercise discretion of a judicial nature.

Sec. 3-3. Applicability.

This Chapter shall apply to any and all quasi-judicial proceedings of a Town Board.

Sec. 3-4. Declaration of policy on ex parte communications; procedures for disclosure.

During the course of carrying out the duties and responsibilities of local public officials, situations may arise in which ex parte communications occur. Recognizing that such communications may, at times, be unavoidable, and that an outright prohibition on such communications interferes with the public's right to voice its opinions to public officials and with the performance of the duties and responsibilities of public officials, on those occasions when ex parte communications are

received by local public officials, they shall be handled in the following manner:

(a) Communications generally. All communications involving matters of a quasi-judicial nature should occur at public hearing(s), except as otherwise specifically permitted hereunder or in subsection (b) of this Chapter.

(i) Written communications. Public officials may read written ex parte communications concerning quasi-judicial matters which are before, or likely to come before, the quasi-judicial body, provided that the public official shall transmit a copy of the written communication to the secretary of the quasi-judicial body in order that such written communication may be placed on file for public inspection and made a part of the record as soon as reasonably practicable before final action on the matter.

(ii) Oral communications. Local public officials shall disclose the substance of all oral ex parte communications which have significantly influenced their preliminary views or opinions concerning a particular matter, as well as the identity of the person, group or entity with whom the communication occurred, before or during the public meeting at which a vote is taken on the matter, but preferably no later than the beginning of the last public hearing before final action on the matter, and such disclosures shall be made a part of the record before final action on the matter.

(iii) Investigations, site visits and expert opinions. Public officials may conduct investigations and site visits and receive expert opinions in deciding a specific matter before the quasi-judicial body; provided however, that such information, shall be disclosed at the public hearing and made part of the record before final action on the matter.

(b) Oral communications subsequent to first advertised public hearing. Oral communications regarding pending quasi-judicial matters which occur subsequent to the first advertised public hearing before the quasi-judicial body in a public meeting and pursuant to due notice in writing to the applicant and all interested parties who appeared before the quasi-judicial body, either orally or in writing, are permitted, provided the tape or minutes of such meeting are prepared and placed on file for public inspection within seven days from the date of such meeting or before final action on the matter, whichever occurs first.

Sec. 3-5. Process for disclosure.

All disclosures of ex parte communications must be made before or during the public meeting at which a vote is taken on a matter, and prior to the vote being taken, so that persons with opinions contrary to those expressed in the ex parte communication are provided a reasonable opportunity to respond to or refute the communication. Local public officials shall disclose the substance of all oral ex parte communications which have significantly influenced their preliminary views or opinions concerning a particular matter, as well as the identity of the person, group or entity with whom the communication occurred, before or during the public meeting at which a vote is taken on the matter, but preferably no later than the beginning of the last public hearing before final action on the matter, and such disclosures shall be made a part of the record. Disclosure alone shall not be deemed a sufficient basis for a request to defer an item.

Sec. 3-6. No penalties for nondisclosure.

The failure of a public official to disclose the substance of any ex parte communication shall not be deemed to constitute a violation of the Town Code, and public officials shall not be subject to fines or penalties as a result of such nondisclosure or non-compliance with these procedures.

Sec. 3-7. Additional rules and procedure permitted.

Each Town Board may adopt additional rules and procedures or more stringent rules and procedures relating to ex parte communications, so long as such are not in conflict with this Chapter.

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Section 3. **Conflict**. If any portion of this ordinance is in conflict with any portion of any other ordinance, then the provisions of this ordinance shall govern.

Section 4. **Severability**. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said

holding shall in no way affect the validity of the remaining portions of this ordinance.

Section 5. **Codification Instructions**. The Codifier and the Town Attorney are authorized to make the Orange Park Town Code "tables of contents" consistent with the changes set forth herein. Such editorial changes and any others necessary to make the Orange Park Town Code consistent with the intent of this ordinance are approved and directed herein.

Section 6. **Effective Date**. This ordinance shall become effective upon adoption by the Town Council.

Passed on first reading this 4th day of August, 2026.

Passed on second reading this 3rd day of September, 2026.

Winnette Sandlin
MAYOR

ATTEST:

Courtney Lacy
TOWN CLERK

FORM APPROVED:

TOWN ATTORNEY