

RESOLUTION NO. 2015-36

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA PROVIDING FOR RULES OF DECORUM FOR MEETINGS AND HEARINGS OF THE CITY COMMISSION AND ITS APPOINTED BOARDS AND COMMITTEES.

WHEREAS, the City Commission wishes to provide uniform rules of decorum for the orderly operations of public meetings and public hearings scheduled before the City Commission and its appointed boards and committees; and

WHEREAS, pursuant to Chapter 286.0114, Florida Statutes, members of the public are given a reasonable opportunity to be heard on a proposition before a board or commission; and

WHEREAS, pursuant to Chapter 286.0114, Florida Statutes, the City Commission is empowered to provide rules, policies and procedures for public meetings consistent with Florida law; and

WHEREAS, pursuant to Chapter 286.0114, Florida Statutes, emergency meetings, ministerial and ceremonial acts, litigation meetings and quasi-judicial hearings are exempt; and

WHEREAS, pursuant to Chapter 286.0114, Florida Statutes, boards and commissions may maintain orderly conduct and proper decorum in a public meeting; and

WHEREAS, pursuant to Chapter 871.01, Florida Statutes, and consistent with Weidner v. State, 380 So.2d 1286 (Fla. 1980), whoever willfully interrupts or disturbs a lawful assembly of people commits a misdemeanor of the second degree; and

WHEREAS, consistent with Jones v. Heyman, 888 F.2d 1328 (11th Cir. 1989) and Brown v. City of Jacksonville, 2006 U.S. Dist. LEXIS 8162, No.3:06-CV-122-J-20MMH, 2006 WL 385085, (M.D. Fla. Feb.17, 2006), the presiding officer at a local government meeting has a significant governmental interest in managing an efficient public meeting agenda, in conserving time, in ensuring that others have an opportunity to speak, and in preventing disruptions, and removing a disruptive individual from the meeting is a reasonable time, place and manner restriction of speech; and

WHEREAS, public meetings are attended by a diverse group of individuals, including minor children, and such meetings are routinely broadcast live on the internet and by cable television providers;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ST. AUGUSTINE, FLORIDA, THAT:

Section 1. Notice: Disruptive Behavior. The speaker may present their viewpoint in this limited public forum without using terminology or gestures that cause a disruptive environment for public officials in the discharge of their duties or cause a disruptive environment hostile to the participation of other members of the public. Any person violating the rules of decorum as described in this section or otherwise displaying disruptive behavior, such as but not limited to, shouting, noisemaking, issuing threats,

harassing or intimidating members of the public, interfering with the duties of elected or appointed officials and City staff during a public meeting, or otherwise interrupting or disrupting the proceedings may be removed from the public assembly pursuant to law. Each speaker must comply with the following rules of decorum when addressing the commission, board or committee:

- (a) The speaker may not address the commission, board or committee from the audience.
- (b) The speaker may only approach the podium to speak when recognized by the chairperson.
- (c) The speaker may not approach the dais without the chairperson's permission.
- (d) The speaker must direct questions and comments at the commission, board or committee, through the chairperson.
- (e) The speaker must observe the time limits set for public comment.
- (f) The speaker at a public hearing must limit his or her comments to the subject of the hearing.
- (g) The speaker must avoid making irrelevant, repetitive, personal, impertinent or slanderous comments.

A speaker violating these rules of decorum or otherwise disrupting a meeting may be gaveled out of order by the chairperson, and if the speaker willfully refuses to abide by the lawful order of the chairperson to cede the floor and cease and desist all disruptive behavior, the speaker may be removed for disrupting a public assembly pursuant to Chapter 871.01, Florida Statutes.

ADOPTED IN REGULAR SESSION of the City Commission of the City of St.

Augustine, Florida, this 9th day of November, 2015.

ATTEST:

Darlene Galambos
Darlene Galambos, City Clerk

Nancy E. Shaver

Nancy E. Shaver, Mayor-Commissioner

(SEAL)

