

# Board of County Commissioners Okaloosa County, Florida

Title: Providing the Public a Reasonable Opportunity to be Heard

Date Adopted: January 21, 2014

Effective Date: January 21, 2014

Revised: March 7, 2017

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## SECTION 1: AUTHORITY

F.S. 286.0114

Resolution No. 2014-40

Resolution No. 2017-67

## SECTION 2: PURPOSE

To enact rules to ensure the public's right to participate at public meetings.

## SECTION 3: APPLICABILITY

This policy applies to meetings of the Board of County Commissioners and all other County advisory boards, commissions, councils and committees, referred to hereinafter as "Sunshine Boards," that have not previously adopted their own rules and policies in conformity with the scope and limitation allowed in Section 286.0114, F.S.

## SECTION 4: PUBLIC PARTICIPATION

A. **Right to be Heard.** Pursuant to Section 286.0114, F.S., members of the public shall be given a reasonable opportunity to be heard on a proposition before official action is taken by a Sunshine Board. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from Section 268.011, F.S.;
4. An informal meeting or work session where no official action or a proposition will be taken; or

5. A meeting during which the Sunshine Board is acting in a quasi-judicial capacity.

Public input shall be limited to three (3) minutes per speaker, with the Chairman having the option of allowing additional time. For meetings in which a large number of speakers wish to be heard, the Chairman may require a representative of a group or faction address the Sunshine Board, rather than each member of such group or faction.

**B. Time to be Heard.** Each published agenda for a Sunshine Board meeting where action is proposed to be taken shall include a period at the beginning of each meeting for public comment. The Sunshine Board shall allow members of the public an opportunity to be heard prior to taking official action on any proposition. Such opportunity to be heard need not be provided at the same meeting in which official action on the proposition is to be taken, but shall be allowed at a meeting during the decision making process that is within a reasonable proximity in time to the meeting in which the Sunshine Board takes official action.

**C. Request to be Heard.** Members of the public who wish to provide comment to the Sunshine Board shall come duly before the Sunshine Board during the designated period of time on the agenda. Advanced notice shall not be required.

**D. Decorum.** Members of the public addressing the Sunshine Board shall provide their full name and address on the record. All remarks shall be addressed to the Sunshine Board as a whole, and not to any one member thereof, and such remarks shall indicate the speakers support, opposition or neutrality on a proposition. Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Sunshine Board may be required to leave the meeting and may be barred from further comment before the Sunshine Board at the meeting from which they were ejected.

**E. Non-Agenda Items.** A non-agenda item shall be defined as any item that is not on the published agenda. Non-agenda items shall be introduced only when deemed by the Chairman or another Sunshine Board member to require urgent attention.

1. Adequate information shall be given to all Sunshine Board members on non-agenda items that are being requested.

2. The procedure for the public's right to be heard, described in Section 4, herein, shall be followed prior to the Sunshine Board taking action on a non-agenda item, unless compliance would cause an unreasonable delay in the ability of the Sunshine Board to act in a situation affecting the public health, welfare or safety.

3. A vote of a supermajority of Board members shall be required to approve a non-agenda item.