

RESOLUTION NO. 14-49

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ADOPTING A POLICY GOVERNING THE REASONABLE OPPORTUNITY OF MEMBERS OF THE PUBLIC TO BE HEARD BEFORE OFFICIAL ACTION IS TAKEN ON A PROPOSITION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida, in its 2013 Regular Session, enacted Chapter 2013-227, Laws of Florida, creating Section 286.0114, Florida Statutes, establishing requirements with respect to the public's right to a reasonable opportunity to be heard prior to official action being taken by certain public boards and commissions; and

WHEREAS, Section 286.0114, Florida Statutes, provides that a board or commission may adopt rules or policies governing the opportunity of members of the public to be heard before official action is taken, consistent with the provisions of Section 286.0114(4), Florida Statutes; and

WHEREAS, the City Commission of the City of Fort Lauderdale is a board or commission as defined by Section 286.0114, Florida Statutes; and

WHEREAS, the City Commission is adopting the policies set forth in Section 1 of this Resolution in compliance with Section 286.0114, Florida Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. Adoption of Policy. The City Commission of the City of Fort Lauderdale (herein "City Commission") hereby adopts the following policies governing the reasonable opportunity of members of the public to be heard pursuant to Section 286.0114, Florida Statutes:

1. Except as provided in Section 2 of this Resolution, before the City Commission, city boards or committees take an official action on a proposition, members of the public shall be provided a reasonable opportunity to be heard on that proposition as outlined herein.

2. The following guidelines are adopted regarding the members of the public exercising their opportunity to be heard on a proposition before the City Commission, city board or committee:

(a) Request to be Heard Form. Individuals or representatives of groups of individuals shall make their request to be heard on a particular proposition before the City Commission, board or committee on a form provided by the City Clerk's Office. Such form shall provide space for the inputting of information such as the name of the requestor, the proposition as it is identified on the agenda, whether the requestor supports or opposes the proposition or is neutral, whether the requestor is a designated representative of a group, whether an individual has been designated to speak on the requestor's behalf, and any other items determined to be necessary by the City Clerk to fulfill the provisions of this policy.

The City Clerk shall provide the Mayor; and the city board or committee staff liaison shall provide the chairperson with all completed Request to be Heard forms prior to the time the Mayor or chairperson announces the proposition for discussion at a public meeting.

(b) Written Comments. Individuals or representatives of groups of individuals shall have the option, in lieu of an oral communication to the City Commission, city board or committee at a public meeting, to provide written comments on any proposition before the City Commission, board, or committee for its consideration. Written comments may be submitted to the City Clerk or respective staff liaison forty-eight (48) hours prior to the public meeting by mail, hand delivery, or an electronic means designated by the City Clerk. The City Clerk or staff liaison shall forward such comments to the respective City Commission, city board or committee members. Written comments submitted in this manner shall constitute an opportunity to be heard.

3. The following guidelines are adopted regarding the amount of time to be given an individual speaker to address a proposition before the City Commission, city board or committee at a public meeting on behalf of themselves or a group:

(a) Speaker. A speaker will be allowed three (3) minutes to be heard on a proposition unless additional time is granted as provided in Section 3(b).

(b) Additional Time. Additional time may be allowed by the City Commission, city board or committee when the speaker has made a written request on the Request to be Heard form. The request shall include the reason additional time is being requested and the amount of time being

requested by the speaker.

(c) The City Commission, city board or committee, shall consider the request for additional time in light of the complexity of the proposition, the reason given for the request for additional time, the amount of time requested, the length of the agenda, and the amount of time available for the meeting.

(d) The Mayor or chairperson may limit the time for a speaker to be heard on a proposition if that speaker has exercised their opportunity to be heard at some time during the decision-making process on the proposition before the City Commission, board or committee. The exercise of the opportunity to be heard must have been within a reasonable proximity in time to the official action as determined by the Mayor or chairperson.

4. Prior to the City Commission, city board or committee taking an official action on a proposition, the Mayor or chairperson shall provide an opportunity for the public comment on the proposition at the time the proposition is brought before the City Commission, city board or committee. The Mayor or chairperson shall announce the names of the speakers from the forms previously provided pursuant to 2(a). above and indicate the amount of time the speaker has been given to speak.

5. The opportunity to be heard need not occur at the same meeting at which the City Commission, city board or committee takes official action on a proposition if the opportunity occurs at a meeting that is during the decision making process and is within reasonable proximity in time before the meeting at which the City Commission, city board or committee takes official action.

SECTION 2. Exceptions. The requirements in Section 1 of this Resolution do 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 City Commission, city board or committee to act; or

2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations; or

3. A meeting that is exempt from Section 286.011, Florida Statutes; or

4. A meeting during which the City Commission, city board or committee is acting in a quasi-judicial capacity; provided however, that this subsection does not affect the right of a person to be heard as otherwise provided by law.

SECTION 3. Order and Decorum. The provisions of Sections 1 and 2 of this Resolution do not prohibit the City Commission, city board or committee from maintaining orderly conduct and proper decorum in a public meeting.


SECTION 4. Validity. Any action taken by the City Commission, city board or committee which is found to be in violation of this Resolution is not void as a result of that violation.

SECTION 5. Severability. The sections, subsections, paragraphs, sentences, clauses and phrases of this Resolution are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Resolution shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of the Resolution.

SECTION 6. That all resolutions or parts of resolutions in conflict herewith, be and the same are hereby superseded.


SECTION 7. That this Resolution shall be in full force and effect immediately upon and after its passage.

ADOPTED this the 4th day of March, 2014.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JONDA K. JOSEPH