



CITY OF FORT LAUDERDALE
City Commission Agenda Memo
Regular Meeting

14-0310

TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Cynthia A. Everett, City Attorney

DATE: March 4, 2014

TITLE: Resolution Adopting a Policy Governing the Reasonable Opportunity of
Members of the Public to be Heard

Recommendation

It is recommended that the City Commission adopt a resolution establishing a policy regarding the reasonable opportunity for members of the public to be heard before the City Commission and all City boards and committees.

Background

On October 1, 2013, Section 286.0114, Florida Statutes, became effective. The statutory section requires that members of the public be given a reasonable opportunity to be heard by a board or commission, that is subject to the Florida Sunshine Law, before that board or committee takes official action on a proposition. This requirement does not apply to the emergency situations affecting public health, welfare, and safety if compliance would cause an unreasonable delay; ministerial acts (i.e., minutes, proclamations); meetings exempt from the Sunshine Law and meetings during which the board is acting in a quasi-judicial capacity.

A reasonable opportunity to be heard is not defined in the statute, however, the statute makes clear that the reasonable opportunity to be heard must occur before the final decision on the proposition is taken, does not have to occur at the meeting at which the official action is taken as long as it occurs within a reasonable time of the final action, and can occur at any meeting during the decision-making process.

The statutory section also authorizes the City Commission to adopt rules or policies governing the reasonable opportunity to be heard and are limited to the following:

- Guidelines regarding the amount of time to address the board
- Procedures for allowing a representative of a group or faction to address the commission or board rather than all of its members at meetings in which a large number of individuals wish to be heard

- Procedures or forms to inform the board of: (1) desire to be heard; (2) support, opposition, or neutrality; and (3) Designation of a representative
- Designate a specified period of time for public comment

Accordingly, the proposed policy sets forth procedural rules for the City Commission and all City boards and committees in order to ensure the consistent application of Section 286.0114, Florida Statutes, and thereby reduce the potential exposure to litigation arising from this issue.

Resource Impact:

There is no fiscal impact association with this action.

Attachment:

Exhibit 1 – Resolution

Exhibit 2 – Section 286.0114, Florida Statutes

Prepared by: D'Wayne M. Spence, Assistant City Attorney

Cynthia A. Everett, City Attorney

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