

RESOLUTION NO. 22- 55

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PINELLAS COUNTY, FLORIDA, TO ADOPT THE PUBLIC PARTICIPATION GUIDELINES AND DECORUM RULES AS AMENDED; PROVIDING AN EFFECTIVE DATE.

WHEREAS, Florida Statutes § 286.0114(2), states that members of the public have an opportunity to be heard on propositions before a board or commission, “subject to rules or policies adopted by the board or commission”; and

WHEREAS, The Board of County Commissioners of Pinellas County (“BCC”) previously adopted Public Participation Guidelines and Decorum Rules in compliance with the Statute; and

WHEREAS, the BCC have elected to update and amend the Public Participation Guidelines and Decorum Rules within the limitations of Florida Statutes § 286.0114(4);

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Pinellas County, Florida, at a duly assembled meeting held on this 19th day of July, 2022, that:

Section 1. The attached document titled “Public Participation Guidelines and Decorum Rules” is incorporated herein by reference and adopted as the official policy governing public participation and public comment at Pinellas County Commission meetings and hearings.

Section 2. This Resolution shall be effective upon adoption as provided by law.

Commissioner Gerard offered the foregoing Resolution and moved its adoption, which was seconded by Commissioner Long, and upon roll call the vote was:

AYES: Justice, Long, Eggers, Flowers, Gerard, and Seel.

NAYS:

Absent not voting: Peters.

PCAO 386224

APPROVED AS TO FORM

By: Amanda S. Coffey
Office of the County Attorney

PINELLAS COUNTY COMMISSION
PUBLIC PARTICIPATION AND DECORUM RULES

I. INTRODUCTION

The Pinellas County Board of County Commissioners ("Board") values and benefits from the orderly participation of members of the public during public meetings.

Any meeting of the Board constitutes a limited public forum as defined by the United States Supreme Court, and as such all components of speech will be limited to matters of public concern in Pinellas County.

Under Florida law, the public must be afforded a reasonable opportunity to provide input on public matters before the Board for official action. The Board has the authority to reasonably regulate public input by establishing time limit restrictions on public comments, and enforcing orderly, non-disruptive conduct at public meetings. These public participation and decorum rules provide the parameters for such regulation.

In addition to appearing and speaking before the Board, members of the public may submit written comments to the Board for consideration on any item in advance of the meeting on that item in accordance with these rules.

II. DEFINITIONS

For the purpose of these guidelines, the following definitions apply:

"Board" or "County Commission" means the Pinellas County Board of County Commissioners.

"Electronic Aid" means any electronic device or medium (including but not limited to a phone, audio or video player, tablet, or computer) that a Speaker wishes to present publicly before the Board to aid in communicating the Speaker's message. This does not include devices or aids utilized as an accommodation under the Americans with Disabilities Act.

"Handout" means any written material(s) a Speaker wishes to provide to the Board in connection with their public comment.

"Political Candidate Campaigning" means any statement (verbal, written, graphical, or in any other format) which involves the endorsement of any political candidate that is made for the purpose of campaigning.

"Speaker" means any member of the public who is presenting public comment before the Board in compliance with this policy.

"Visual Aid" is any non-electronic item (including signs, placards, banners, posters, maps, or models) the Speaker wishes to present publicly before the Board to aid in communicating the Speaker's message. This does not include cue cards, Speaker notes, or other materials used to help a Speaker recall information.

III. CITIZEN PARTICIPATION PROCEDURES

A. The following rules and procedures will apply to citizen participation during Board meetings, including work sessions.

B. General Procedures.

1. Official Board meetings will be held in person at the location identified on the advertised meeting agenda. Virtual attendance and participation by the public via phone or other technology may be authorized at the Board's discretion as a convenience to the public. However, the Board does not guarantee against technology failures that can occur during virtual attendance. Therefore, members of the public who wish to participate or speak at a Board meeting may choose to appear at the official meeting in person to ensure that they are heard during the meeting. Alternatively, members of the public may submit their comments in advance of a public meeting via the County's designated online comment form, or by calling the Agenda Comments telephone line at 727-464-4400 or such other number as subsequently adopted, by the deadline indicated in the notice of public meeting.
2. If a fully virtual meeting of the Board is legally authorized or required, such as under a state of emergency, the details of such virtual meeting, including options for public participation, will be advertised as required by law.
3. Anyone wishing to speak before the Board at any meeting must:
 - a. Prior to the start of the meeting, register to speak by submitting a written request to the email or mailing address designated on the County's website or the notice of public meeting, by completing a comment card and submitting the card in-person to the staff at the County staff table in the front of the meeting room, or as otherwise directed in the notice of public meeting. The registration or comment card must be submitted by the deadline indicated in the notice of public meeting and must:
 - i. Indicate whether the person wishes to speak:
 1. During the "citizen comment" period; or
 2. On a posted agenda item (and include the agenda item number).
 - ii. Provide the Speaker's municipality or unincorporated area of residence, or business address;
 - iii. Indicate whether the person wishes to speak in person or, subject to availability, by virtual means such as by telephone or other virtual platform adopted by the County for use at the meeting;

iv. Within the timeframes established in these rules or otherwise noticed by the County, include:

1. A copy Visual Aid or Electronic Aid the Speaker wishes to publicly present before the Board.
2. A copy of any Handouts the Speaker wishes to share with the Board.

b. When a Speaker's name is called, the Speaker will approach the public lectern (if in person), or unmute themselves (if virtual), and give the following information in an audible tone of voice for the minutes:

- i. Their name;
- ii. The municipality or unincorporated area in which they reside; and
- iii. If requested by the Chair, information on whether the Speaker speaks for a group of persons or a third party or represents an organization. If the person represents an organization, the Speaker must also state whether the view expressed by the Speaker represents an established policy or position approved by the organization, and whether the person is being compensated by the organization.

4. If a Speaker is no longer present in the meeting room or overflow room or in virtual attendance at the time they are recognized, the Speaker forfeits the opportunity to speak and is prohibited from transferring the time to a different individual.
5. If a Speaker chooses to appear virtually by means of telephone, video conferencing, or other technology, it is the sole responsibility of the Speaker to ensure that they have the appropriate technology to do so on their end. If at the time they are recognized the Speaker cannot be heard by the Board due to poor telephone or internet reception, technology errors, excessive background noise or interference, issues with unmuting themselves, or other issues, the Speaker forfeits the opportunity to speak and is prohibited from transferring the time to a different individual.
6. Groups of five or more individuals who wish to express their views collectively may select one Speaker to represent the group's views to the board. The group's time is still limited to the applicable time allotment of all members of the group, or 10 minutes, whichever is shorter.

C. Visual or Electronic Aids and Handouts.

1. For public safety purposes, no signs or placards mounted on sticks, posts, poles, or similar structures will be allowed in County Commission meeting rooms.

2. Visual aids that disrupt meetings or interfere with others' ability to view or participate in the meeting are not authorized.
3. Handouts the Speaker wishes to share with the Board must be provided in advance of the meeting or presented to County staff at the Agenda Staff Table in the front of the meeting room along with the comment card before the Speaker's allotted time for public comment.
4. A copy of any Visual Aid or Electronic Aid a Speaker wishes to publicly present before the Board must be provided in advance by the deadline indicated in the notice of public meeting, along with a written request explaining the necessity of the Visual Aid or Electronic Aid.
5. Visual Aids or Electronic Aids that require audio/video (AV) or other technological set up must be submitted at least seven (7) days prior to meeting or by such other deadline as indicated in the notice of public meeting. The Chair may approve or deny such a request at the Chair's discretion. If use of a Visual Aid or Electronic Aid is approved:
 - a. The Visual Aid or Electronic Aid must be handled by the Speaker.
 - b. Electronic Aids must be properly audible or observable to all members of the Board and the public, cannot require extensive set-up, and may not be disruptive. Any set-up time will be counted as part of the Speaker's allotted time.
 - c. All content must be the Speaker's own. In no event will a Speaker be authorized to display or present any visual or audio content recorded or taken from the internet, social media, television, radio, or other forms of media—including but not limited to videos, music, speech, sounds, or images—created, posted, streamed, owned, copyrighted, trademarked, or presented by any party other than the Speaker.
 - d. The Chair may immediately interrupt and terminate a Speaker's speaking privilege for violation of this provision.

D. Authorized Time for Public Comment.

1. Time for public comment will be allocated as follows:
 - a. A "citizen comment" period may be authorized at the discretion of the Board to be held at the beginning or end of each regular Board meeting, or at such other time as may be designated by the Board.
 - b. For public comment related to specific agenda items or Board actions, time will be allotted for registered Speakers prior to the Board voting on that item.
2. The Chair or the Board has the right to limit the remarks of each Speaker to 3 minutes or less. Based upon the number of individuals signed up to speak during the public

comment period, the Chair may at their discretion shorten the time available for each individual to speak to allow more Speakers to be heard.

3. The public comment period for any particular item of discussion or the citizen comment period may, at the discretion of the Board, be limited to a reasonable, set length of time, to be established prior to initiation of public comment on that topic. (For example, all public comment on Agenda Item #XX could be limited to 1 hour.) If such a time limit on public comment is established, the time may be extended for an additional reasonable time period at the discretion of the Chair.

E. Special Circumstances.

1. The Board is not required to take public comment for:
 - a. Emergency situations affecting public health, welfare, or safety if compliance with the requirements would cause an unreasonable delay in the ability of the Board to act;
 - b. Ministerial acts such as approval of minutes or ceremonial proclamations;
 - c. Meetings exempt or excepted from FS 286.011; or
 - d. Workshop meetings at which no votes will be taken.
2. The Board Chair may waive any of these procedures in their discretion.

IV. CITIZEN DECORUM GUIDELINES

- A. Public participation at board meetings is intended to allow individual members of the public to address the Board on issues of public concern in Pinellas County. The Chair is responsible for maintaining a respectful environment during public participation so that public comments can be heard and considered by the Board. Therefore, the Board Chair may interrupt or terminate any individual's speaking privilege if the Speaker's comments, attire, Visual Aids, or Electronic Aids constitute a personal attack; are slanderous, defaming, disruptive, or obscene; violate any law (including but not limited to copyright and intellectual property laws); or otherwise are in violation of this policy. The following guidelines apply to any public comment at Board meetings:
1. Speakers must be respectful of the Board, other members of the public, and others' opinions, and refrain from making personal attacks;
 2. No Political Candidate Campaigning, commercial advertising, solicitation, or defamation will be allowed as part of any presentation to the Board;
 3. Presentations to the Board must relate to issues which are in the public interest, and which pertain to Pinellas County government activities. These priorities should be considered:
 - a. Statements of matters involving public health or safety;

- b. Statements relating to Board actions or business;
 - c. Statements involving various County departments under the County Administrator; and
 - d. Statements directly pertaining to relevant Pinellas County government programs, projects, policies, or concerns.
4. Speakers should make their comments concise and to the point, presenting relevant information they wish the Board to consider.
 5. All remarks must be addressed to the Board as a body and not to any individual member of the Board.
 6. No person, other than a member of the Board and the person having the floor, may be permitted to enter into any discussion, either directly or through a member of the Board, without permission of the Chair.
 7. A Speaker's time is an opportunity to direct comments to the Board; it is not a question-and-answer session.
 8. Any Speaker who becomes disorderly or who fails to confine remarks to the identified subject or business at hand or who violates this policy may be given a verbal warning by the Chair. Following such a warning, the Speaker may continue, provided that they do so in accordance with this policy. If, after such a warning the Speaker fails to comply with this policy, the Speaker may be directed to end their comments. If the Speaker does not do so, they may be subject to removal from the meeting room. The Chair may bar any person failing to comply with this policy after receiving a warning from making any additional comments during the meeting, unless permission to continue, or to address the Board again, is granted by the majority of the Board members present.
 9. Clapping, applauding, heckling or verbal outbursts in support of or opposition to a Speaker or their remarks is discouraged. Any such activity that becomes disruptive may result in removal from the meeting. Persons exiting the Commission Chamber or meeting room must do so quietly and in a non-disruptive manner.

V. PUBLIC HEARING / QUASI-JUDICIAL PROCEDURES

- A. It is the intent of these Public Participation and Decorum Rules that all Public Hearings before the Board of County Commissioners are governed by the provisions of Section 134-14 of the Pinellas County Land Development Code. That code provides that at the conclusion of each person's presentation, any Speaker may seek the Chair's permission to ask questions of staff. Specifically:
 1. At the conclusion of the presentations by the applicant and any proponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from the applicant and/or the proponents.

2. At the conclusion of the presentation by the opponents, all affected parties may seek the Chair's permission to ask questions of or seek clarification from any opponent. The applicant's closing comments will address testimony subsequent to their presentation. Continuing rebuttal of other than directly preceding testimony will not be allowed. Because such testimony has already been submitted in writing, the following guidelines are expected to be sufficient to accommodate efficient presentations:
 - a. The applicant should present his or her entire case, including rebuttal, in no more than twenty (20) minutes;
 - b. Persons who have been authorized to represent an organization with five (5) or more members or a group of five (5) or more persons may speak for up to ten (10) minutes provided that others in the organization or group will waive their time;
 - c. All other persons may speak for up to three (3) minutes each, after completing comment cards and submitting them to the staff at the Agenda Staff Table in the front of the Board Room. The Chair will call each Speaker's name upon their turn to speak.