

**ORDINANCE NO. 14-006**

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF FORT PIERCE, FLORIDA; AMENDING CHAPTER 2, ARTICLE II OF THE CODE OF ORDINANCES; REMOVING SECTION 2-29(c)(2) COMMENTS FROM THE PUBLIC; CREATING SECTION 2-35 ADDRESSING THE COMMISSION GENERALLY FOR PROVIDING CONFORMANCE WITH SECTION 286.0114, FLORIDA STATUTES, AND MAINTAINING PROPER DECORUM IN A PUBLIC MEETING; REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

**WHEREAS**, the Florida Legislature has enacted Section 286.0114, Florida Statutes, which became effective October 1, 2013, requiring that members of the public be given a reasonable opportunity to be heard on a proposition before a board or commission, including those of any municipal corporation of the state; and

**WHEREAS**, said Section 286.0114, Florida Statutes, provides that the reasonable opportunity for the public to be heard may be made subject to reasonable rules or policies adopted by such boards or commissions; and

**WHEREAS**, the City Commission of the City of Fort Pierce, Florida, (hereinafter "City Commission") has previously adopted City policies to encourage public participation by providing for a public comment section for City Commission and City board and commission meetings to allow members of the public ample opportunity to speak; and

**WHEREAS**, the City Commission and the City's boards and commissions also follow such policies by providing members of the public an opportunity to be heard on agenda items at public meetings; and

**WHEREAS**, the City Commission desires to confirm and restate these City policies regarding public comment at meetings of the City Commission and the City's boards and commissions to provide for conformity with the requirements of Section 286.0114, Florida Statutes, and thereby provide members of the public a reasonable opportunity to be heard on propositions before the City Commission and the City's boards and commissions.

**NOW, THEREFORE, BE IT RESOLVED** by the City Commission of the City of Fort Pierce, Florida, as follows:

**Section 1. Sec. 2-29(c) is amended as follows:**

(c) ~~(4)~~ *Request for placement on agenda.* Any person desiring to appear before the City Commission on a matter set for public hearing may appear and speak for a reasonable length of time as determined by the commission. As to any subject which is either not set for public hearing or does not otherwise appear on the agenda, persons desiring to speak to the commission may make written request to the city manager no later than noon on the Monday preceding the regular City Commission meeting. Such request must state the subject matter of the individual's appearance and should include any background materials pertinent to the issue. The city manager shall review the request to determine if the item might be handled administratively; or, determine whether the subject matter is an item of city business and whether a majority of the commissioners wish it to be placed on the agenda. If so, the city manager shall submit the item for placement on the agenda to the city clerk no later than 12:00 noon on the Wednesday preceding the regular City Commission meeting and shall direct appropriate staff to be prepared to answer any questions the commission may have. The mayor may impose a time limitation of five (5) minutes, or allow such additional time he or she determines necessary and appropriate for such person to make presentation. Such person shall state his or her name, address, and the subject on which he or she wishes to speak.

~~(c)(2) *Comments from the public.*—Any person who may wish to be heard at a regular meeting of the commission and who has not requested permission to be heard within the time limitations as hereinabove provided, may be heard during comments from the public for a period of three (3) minutes or such additional time as may be deemed appropriate by the mayor. Anyone wishing to be heard shall state his or her name, address, and the subject on which he or she wishes to speak.~~

Section 2. Section 2.35 is hereby created so that the same shall read as follows:

**Sec. 2.35 – Addressing the commission generally.**

- (a) *Limited participation.* The city manager, city clerk, and the city attorney shall have the right to take part in discussion but may not vote.
- (b) *Written communications by others.* Any person may address the commission concerning items on the agenda by submitting written communications. Such communications shall be received by the presiding officer and entered into the record of the meeting by the City Clerk.
- (c) *Oral communication by others.* After first securing permission from the presiding officer, any person may address the commission orally on specific matters, at the appropriate times where oral communication is permitted, as provided in Sec. 2-29(a).
  - (1) *Manner of addressing the commission; time limit.* Each person recognized by the presiding officer and granted leave to address the commission shall: (i) step up to the microphone; (ii) shall provide the city clerk with his name and address for the record; and (iii) unless further time is granted by majority vote of the commission, shall limit his address to three (3) minutes. All remarks shall be addressed to the commission as a body and not to any individual member thereof. No person, other than the commission and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the commission, without the permission of the presiding officer. No question shall be asked by a commission member. No person from the audience shall address the commission.
  - (2) *Decorum generally.*
    - a. By commission members. While the commission is in session, the members must preserve order and decorum, and a member shall not, by conversation or otherwise, delay or interrupt the proceedings or the peace of the commission, or disturb any member while speaking or refuse to obey the orders of the commission or its presiding officer, except as otherwise provided in this article.
    - b. By all persons. Any person making personal, impertinent, slanderous, obscene, profane, inflammatory, irrelevant or immaterial remarks, or who shall become boisterous while in the commission chambers, or shall incite violence or fighting, whether or not addressing the commission, shall be declared by the presiding officer to be out of order. Any person who refuses to obey an order of the presiding officer in relation to preserving order and decorum shall be banned from further attendance at the meeting in question, unless permission to remain is granted by a majority vote of the commission. No heckling or verbal outbursts in support or opposition to a speaker or his remarks shall be permitted.

(3) Enforcement of decorum. The chief of police, or such member of the police department as he may designate, shall be sergeant-at-arms of the commission meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the commission meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, or his designee, to place any person who violates the order and decorum of the meeting under arrest, and cause him to be prosecuted under the provisions of this Code, the complaint to be signed by the presiding officer.

**Section 3.** All ordinances or parts of ordinances in conflict herewith are and the same shall be repealed and shall be of no further force or effect whatsoever.

**Section 4.** This ordinance is and the same shall become effective immediately upon final passage.

**APPROVED AS TO FORM AND CORRECTNESS:**

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Robert V. Schwerer, Esq.  
CITY ATTORNEY

(STATE OF FLORIDA)  
(ST. LUCIE COUNTY)<sup>SS</sup>

WE, THE UNDERSIGNED, Mayor Commissioner and the City Clerk of the City of Fort Pierce, Florida, do hereby certify that the foregoing and above Ordinance No. 14-006 was duly advertised by title only in the St. Lucie News Tribune on February 8, 2014; copy of said ordinance was made available at the office of the City Clerk to the public upon request; said ordinance was duly introduced, read by title only, and passed on first reading by the City Commission of the city of Fort Pierce, Florida, on February 18, 2014; and was duly introduced, read by title only, and passed on second and final reading on March 3, 2014 by the City Commission of the City of Fort Pierce, Florida.

In witness herewith, we hereunto set our hands and affix the Official Seal of the City of Fort Pierce, Florida, this the 3rd day of March, 2014.

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MAYOR COMMISSIONER

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CITY CLERK

(CITY SEAL)