RESOLUTION

of the

ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS

regarding

AN OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO BE HEARD BEFORE COUNTY ADVISORY BOARDS, COMMISSIONS, AND COMMITTEES

Resolution No. 2013-M-4

WHEREAS, in 2013 the Florida Legislature passed and the Governor signed Chapter 2013-227, Laws of Florida, which, effective October 1, 2013, requires that members of the public be given a reasonable opportunity to be heard on a proposition before a Sunshine board or commission; and

WHEREAS, Chapter 2013-227, Laws of Florida, codified at section 286.0114, Florida Statutes, provides that the opportunity to be heard on such a proposition shall be subject to certain rules and policies adopted by the board or commission; and

WHEREAS, the Orange County Board of County Commissioners ("Board") finds it is advisable to adopt its own rules and policies applicable to County advisory boards, commissions and committees in conformity with the scope and limitations allowed in Section 286.0114, Florida Statutes, to be used by all boards, commissions, and committees under its authority (hereafter called "Sunshine Boards").

BE IT RESOLVED BY THE ORANGE COUNTY BOARD OF COUNTY COMMISSIONERS:

Section 1. Proposition. For purposes of the rules and policies provided in section 2, herein, the term "proposition" shall have the same meaning as a proposition described under section 286.0114, Florida Statutes, but shall not include any of the enumerated items set forth in subsection 286.0114(3), Florida Statutes.

Section 2. Opportunity to be Heard. As provided in subsection 286.0114(5), Florida Statutes, the Board does hereby adopt the following rules and policies governing the opportunity
for members of the public to be heard on a proposition before all Sunshine Boards that are under the Board’s authority:

(a) Each published agenda for a Sunshine Board meeting shall include a period at the beginning of each meeting for public comment to afford citizens the opportunity to speak before the Sunshine Board on a proposition before the board.

(b) Pursuant to subsection 286.0114(3), Florida Statutes, the requirements of subsection 2(a), above, 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 public comment requirement 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 286.011, Florida Statutes; or

4. a meeting during which the Sunshine Board is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(c) Prior to speaking, each individual desiring to address the Sunshine Board on a proposition shall fill out a speaker’s card provided by staff for this purpose.

(d) Each individual desiring to address the Sunshine Board on a proposition may have up to three minutes to speak.

(e) An individual desiring to address the Sunshine Board on a proposition may designate a representative to speak for the individual on the speaker’s card.
(f) When an individual is present and designates a representative to speak for him/her, the representative speaker will be allowed an additional one minute of time in which to speak for each person present for whom he/she is speaking.

Section 3. Nonagenda Item. A nonagenda item shall be defined as any item that is not on the printed agenda or any printed supplemental agenda. Nonagenda items shall be introduced only when deemed by the Sunshine Board Chairperson or another Sunshine Board member to require urgent attention.

(a) Adequate information shall be given to all Sunshine Board members on nonagenda items that are being requested.

(b) The procedures for the public's right to be heard, described in Section 2, above, shall be followed prior to the Sunshine Board taking action on a nonagenda item, unless compliance with Section 2, above, would cause an unreasonable delay in the ability of the Sunshine Board to act in a situation affecting the public health, welfare or safety.

(c) A vote of a supermajority of Sunshine Board members shall be required to pass a nonagenda item. (For example, a supermajority of a seven member Sunshine Board is five members, and a supermajority of a nine member Sunshine Board is six members.)

Section 4. The rules and procedures provided in this resolution are supplemental to the rules and procedures adopted by each Sunshine Board for the conduct of its meetings, as required by subsection 2-208(4)d, Orange County Code.

Section 5. This resolution shall take effect on October 1, 2013.
ADOPTED THIS 24th DAY OF SEPTEMBER, 2013.

ORANGE COUNTY, FLORIDA
By: Board of County Commissioners

By: Teresa Jacobs, County Mayor

ATTEST: Martha O. Haynie, County Comptroller
As Clerk of the Board of County Commissioners

By: [Signature]
Deputy Clerk